

Application Number: F/YR15/0489/F
Major
Parish/Ward: Doddington/Wimblington

Applicant: Mr P Randle
Agent: Mr C Smith, GP Planning

Proposal: Erection of an anaerobic digester plant with associated 3 x silage clamps with 2.63m perimeter grass seeded bund, 3m high acoustic fencing , site office, car parking area, formation of a surface water lagoon, weighbridge and formation and improvement of an access track

Location: Land East Of Fengrain Hook Lane Wimblington Cambridgeshire

Site Area/Density: 3.66ha

Reason before Committee: Due to the number of objections received

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of an anaerobic digester plant with associated clamps, bund, fencing, site office, car park, lagoon and weighbridge. The application also includes the improvement of an access track. A similar application was refused by the Planning Committee in February 2015 on the grounds of visual impact only. Therefore all other matters, including highway safety, noise and odour impact, have already been agreed as acceptable. This is reflected in the comments received from professional consultees.

This application seeks to overcome the previous reason for refusal by including additional fencing and landscaping and by relocation the equipment towards the rear of the site, away from residential occupiers. It is considered that these amendments have overcome the previous reason for refusal primarily due to the equipment being predominantly obscured by the proposed boundary treatments from a public viewpoint.

By satisfying the previous reason for refusal the proposal has now demonstrated compliance with policies of the Development Plan. The granting of planning permission is recommended accordingly.

2. HISTORY

Of relevance to this proposal is:

2.1

REF. NO	DESCRIPTION	DECISION	DATE
F/YR14/0653/F	Erection of an anaerobic digester plant with 3 x silage clamps, construction of earth bunding surrounding an alligator tank for liquid storage and the formation of a lagoon	REFUSE	09.02.2015
F/YR14/0364/SC	Screening Opinion:- Erection of a Anaerobic Digestion Facility	FNREQ	03.06.2014
13/0229/PREAPP	Proposed development		16.10.13
F/YR12/0532/F	Erection of 2.0m high palisade fencing and gates to perimeter of existing business site (retrospective)	Grant	11.09.2012
F/YR06/1360/F	Stationing of mobile office buildings, storage containers and toilets and erection of 2.4 metre high steel palisade fencing and use of land for storage of plant and materials	Grant	14.03.2007

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

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Paragraph 19: Significant weight should be placed on economic growth.

Paragraph 21: Investment in business should not be over-burdened by the combined requirements of planning policy expectations.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

Paragraph 100: Directing development into areas of lower flood risk.

Paragraph 123: 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.

3.2 National Planning Policy Guidance (NPPG)

3.2 Fenland Local Plan 2014:

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Settlement Hierarchy

LP6: Employment, Tourism, Community Facilities and Retail

LP14: Responding to climate change and managing the risk of flooding in Fenland

4. CONSULTATIONS

4.1 Wimblington Parish Council

Comments as follows:

- The Localism Act 2011 places significantly more influence in planning decisions in the hands of local people. This application is in the wrong place and would have a detrimental effect on the lives of people who live and work in the area;
- Significant increase in traffic at an already congested junction, the road network is incapable of taking such an increase in traffic;
- The plant will smell which will be a constant issue to local residents;
- Extra noise will emanate from the site and will be carried further than estimated;
- There are protected species only 40m away from the site;
- Only two jobs will be created and no S106 money gained therefore it is of no benefit to Wimblington;
- The development is too close to housing, below the distance set by the government for small scale digesters;
- Adjacent to a public footpath and rights of way, there is no segregation of traffic and pedestrians or warning signs for drivers and users of Fengrain to alert them to the footpath;
- The development will not benefit local farmers;
- The plant will not be run by Fengrain;
- Fengrain has not previously adhered to planning conditions;
- Challenge points within the planning statement

4.2 Doddington Parish Council

Aware that the application is strongly opposed by residents of Wimblington and Wimblington Parish Council. Doddington Parish Council oppose the development on the grounds that there will be a significant increase in the amount of farm traffic travelling along country and village roads. Concerned that there will be an increase in traffic within Doddington, where the village roads are already heavily congested with traffic. The digester will compound the problem.

4.3 CCC Highways

The information submitted in support of the application is in line with what was submitted in support of the original application and it therefore meets all the requirements of the Local Highway Authority. As such no objection to the proposed development.

Given the concerns of the local residents as set out by the Parish Council suggest that, in addition to conditions recommended on the previous application, a condition is added requiring the submission of a traffic management plan to manage the number and times of the trips associated with the proposed development as well as setting out the routes that should be used to access the proposed development. The plan should cover the operational phase as well as the construction.

4.4 **Cambs Constabulary Architectural Liaison Officer**

No comments to make in respect of crime prevention and fear of crime. Crime levels within the area are low.

4.5 **CCC Archaeology**

No objections or requirements for this development.

4.6 **FDC Environmental Protection**

Noise and odours will not be significant or likely to cause complaints at nearby residential or commercial properties. The modelling for the site states that noise and odour levels are within the levels acceptable in guidance.

No objection in principle to this application.

The application should be conditioned to state prior to development a noise management and odour management plan is in place and agreed with the Local Planning Authority.

The application should be conditioned to restrict the types of material being stored on site and processed by the anaerobic digester plant to those stated in the application.

The application should be conditioned to restrict noise by limiting vehicle movements on site to those stated in the planning application.

The application should be conditioned to limit the times, durations or conditions the clamps are opened and the digester is fed, dry/liquid digestate is handled or lagoons are agitated to those in line with the application.

There is no need for further modelling in relation to the lagoon. Management of any potential odour can be dealt with by an odour management plan secured by a planning condition.

4.7 **National Farmers Union**

It is the NFU's stated aspiration that every farmer and grower should be able to diversify their business and create 'green' jobs by supplying renewable energy services.

Sugar beet growers are facing a significant period of market volatility. The removal of current market regulatory structures in 2017 will bring increased competition to the UK sugar market as all European processors are able to increase their sales of sugar in Europe without restriction.

Increasing competition for the crop will help ensure a sustainable future for beet on farm allowing farmers to continue to include sugar beet as part of their diversified rotation, bringing environmental and agronomic benefits to the rest of their cropping cycle.

The NFU therefore supports the current planning application for the Fengrain project.

4.8 **FDC Housing**

No comments received.

4.9 **CCC Lead Local Flood Authority**

No comments to make on the application. The Middle Level Commissioners should be consulted and satisfied with the proposed development in relation to surface water flood risk.

4.10 **The Ramblers Association**

No comments received.

4.11 **CCC Countryside Access Team**

Public Byway No.12 Wimblington runs around the edge of the proposed application site. The proposal doesn't have any significant impacts so no objections. However the applicant needs to be aware of this byway and ensure that the application works to not encroach onto any part of the Public Right of Way.

Some Complaints have been received about heavy good vehicles trying to access the Byway on Hook Lane. Some concerns over significant heavy vehicle movements. Request that signage is placed at the entrance to Hook Lane saying that the byway is unsuitable for heavy vehicles.

If Hook Lane is to be used by heavy vehicles then a reconsultation is requested.

Informatives including the byway remaining unobstructed and there being no alterations to its surface are required.

4.12 **Middle Level Commissioners**

No comments received.

4.13 **Anglian Water Services**

No comments received.

4.14 **Environment Agency**

Consider that planning permission could be granted for the proposed development subject to a condition in relation to the submission of a scheme for the prevention of pollution and disposal of foul and surface water drainage.

No objections to the proposed development in respect of flood risk. It is within the remit of the Middle Level Commissioners to give final approval of the drawing design.

The proposal fails to evaluate what Sustainable Drainage System could be used at the site although acknowledge that the proposed design will restrict the runoff rate to the Greenfield run off rate.

The operation will require an Environmental Permit from the Environment Agency. This is irrespective of planning approval.

No further comments to add in relation to the bund.

4.15 **Department of Communities and Local Government**

The proposal is considered to be Schedule 2 development and is not likely to have significant effects on the environment. The proposal is not EIA development.

4.16 **Department for Environment Food and Rural Affairs**

No comments received.

4.17 **Health and Safety Executive**

No comments received.

4.18 **British Horse Society**

Object to the application for the following reasons:

- The site access must not use Hook Lane. The frequent use of Hook Lane by HGV's already caused problems for horse riders and concerns are raised relating to the development increasing HGV usage on the byway;
- The surface of Hook Lane is being damaged by HGV usage which presents a danger to horse riders;
- Increased traffic to the digester will make crossing the bypass more dangerous for horse riders. A safe crossing should be incorporated into the design;
- Safe access to and from the byway for horses and riders needs to be available throughout the construction period and when the project is completed;
- No machinery or equipment which is likely to frighten a horse should be placed close to the byway boundary.

4.19 **FDC Arboricultural Officer**

The proposed development ensures the retention of existing trees/vegetation and the submitted drawings show that the root protection areas of these trees have been taken into account in the layout.

Substantial new planting is proposed that will contribute to the biodiversity of the area. It is noted from the schedule that trees in generally poor condition are recommended for retention for wildlife value. Tree planting/protection can form part of conditions.

4.20 **Stephen Barclay MP**

Comments as follows:

- Request that objection as a Member of Parliament is notified to the Planning Committee;
- Dismayed that the scheme is being recommended by officers, it defies common sense;
- The application is strongly opposed by the majority of residents, the Parish Council, the District Councillor, the County Councillor and the MP;
- Surprising that CCC Highways consider that two lorries can pass safely on the road, surprising that District Officers accept this without any questioning;
- Concerns have been made known to the Leader of the Council;
- Explained to residents that there is little the MP can do to stop a bad decision from being made.

4.5 **Local Residents:**

Representations have been received from 102 individual addresses objecting to the proposal on the following grounds:

- Access;
- Design/appearance;
- Devaluation of property;
- Environmental concerns;
- Light pollution;
- Local schools and services unable to cope;
- Loss of view and outlook;
- Noise;
- Out of keeping with character of area;
- Proximity to property;
- Smell;
- Traffic and highways;
- Visual impact;
- Waste and litter;
- Wildlife concerns;
- Fensgrain own land elsewhere;
- The proposal will only employ 2 – 3 people;
- The proposal is an eyesore;
- Highway safety;
- The Localism Act 2011 places more influence in planning decision in the hands of local people;
- Inconsistencies in planning statement;
- It is not needed to process the grain products;
- Cannot be guaranteed that the products will be sourced locally;
- No assurances as to which crops will be delivered at which times;
- It will affect the whole of the village;
- Unfair to use the EU sugar quota cuts as an argument to support the AD plant;
- Why is it not being run by local farmers?
- Agricultural land;
- Flooding;
- Vermin;
- No guarantee of spillages;
- Contamination from the lagoon;
- Density/overdevelopment;
- Neighbouring land contains evidence of archaeological interest;
- What plans are there to prevent creep?
- Crop should be used for food production;
- Exportation of hazardous materials;
- The facility will not provide the village with free or cheap gas;
- The acoustic hedge will be a receptacle for debris;
- Planning issues have previously been ignored on this site;
- Drainage;
- There is a fertilizer manufacturing plant next door;
- Damage to the road;
- It would result in a reduction of quality food crops;
- There are already a large number of renewable energy plants within the area, therefore what is the need for another?
- Protected species close to the site;
- The Hook is unfit for children;

- Anti social behaviour;
- Parking arrangements;
- Wrong location;
- Potential for pollution into the nearby watercourse;
- Soil erosion given main crop is maize;
- Possibility of explosion;
- There is no application for the pipeline;
- No benefit to the local community;
- Fengrain has not worked with the local community;
- There has been an increase in residential development in the immediate area, this is not joined up planning;
- Risking the country's Food Security;
- Residents have been victimised by the Planning Committee given the poorly placed bypass;
- The community view has not changed since the previous application;
- Fengrain has accused the community of scaremongering;
- The proposal is commercially driven;
- Goes against planning policies;
- There is an SSSI nearby;
- The development is in a predominantly residential area;
- Existing AD plants have been prosecuted for causing pollution;
- Fengrain does not support the local community;
- The evidence base for the application has been collated at the wrong time of year;
- The site is too cramped for an AD plant;
- The legislation states that 'the storage, physical treatment and composting of waste must be at least 200m away from the nearest sensitive receptor';
- Adjacent to a riding and rambling area;
- The AD plant size has increased;
- The technology has not been sufficiently designed and tested to alleviate environmental disasters;
- The comments of support from Farmers are not local;
- What feedstock is to be used?
- Similar facilities have recently exploded;
- The children's outdoor play area is near the A141;
- The relocation of the equipment makes it worse for Laws Fertilisers;
- There will be a large compensation bill to Local Authorities should the warnings be ignored;
- Additional fencing and 4 parking spaces will not make any difference;
- There will be additional costs for maintaining narrow feeder roads and verges which will be destroyed by passing lorries;
- Fengrain will not be running the site;
- Fengrain currently park vehicles on the byway;
- The new application does not overcome previous concerns;
- Fengrain are not good neighbours;

Representations have been received from 39 individual addresses (including a petition with 10 signatures) supporting the proposal on the following grounds:

- An opportunity for another outlet for sugar beet crop;
- Help the local economy;
- Protects existing jobs and creates new jobs;
- Limited impact on the local community;
- Constant investment is required for agricultural and food production;
- The proposal is for renewable energy;
- Supports local farmers and British Agriculture;
- Support of the NFU;
- Fengrain are a financially stable business;
- Bring investment to the area;
- Sustain sugar beet growing in the Fens;
- Crop will be sourced locally;
- The site already has the necessary infrastructure;
- The agricultural store was in place before many of the houses in the Hook were built;
- Will not adversely affect neighbours;
- No negative visual impact;
- The bridle path will be wide enough for walkers and horse riders;
- It will be state of the art and managed professionally;
- It is a long term sustainable plan that will benefit the local economy;
- Understand all of the planning requirements have been met;
- Sited within Fengrains existing site;
- No smell impact;
- Benefit to national target for renewable energy;
- Fengrain have addressed complaints from previous application;
- Haulage distances will be reduced;
- Set a precedent;
- The AD plant at Fenmarc doesn't smell;
- Right location;
- Energy beet yields 20% more than sugar beet;
- September deliveries mean a minority of mud onto the highway;
- Early drilling of wheat maintaining high production levels;
- Competition in the market place;
- Collaboration of farmers;
- AD renewables are not as unsightly as wind turbines and solar panels are not always apt;
- Preferable to nuclear power;
- Nimbyism is not an option;
- On the designated footprint of an industrial estate;
- The AD plant will complement Fengrain's existing wheat storage;
- It will use waste materials;
- Suggest a roundabout at the turning into Fengrain from the Wimblington bypass;
- The bridleways and footpaths will remain;
- Help reduce fossil fuels;
- Professionally managed;

5. SITE DESCRIPTION

- 5.1 The application site is located to the north of Hook Lane, east of the existing business known as Fengrain. The site is within a predominantly rural location with some residential development located to the south and an existing solitary dwelling positioned to the immediate east. The northern boundary is open, there is landscaping on the eastern and southern boundaries which screens the site

from a public view point and there is 2m high palisade fencing on the western boundary. A public byway runs along the southern side of the site and up past part of the eastern boundary. The land in question is currently in agricultural use.

6. PROPOSAL

- 6.1 This application seeks full planning permission for an anaerobic digester plant. The proposal includes the installation of 3 x silage clamps which will be surrounded by a 2.63m high grass seeded bund and positioned within the eastern section of the site.

The southern section of the site will be enclosed by 3m high acoustic fencing to the east and south boundaries and additional landscaping and thickening of existing landscaping is proposed on the north, east and south boundaries. This section will include 2 storage tanks (13m high), a surface water lagoon and a sugar beet clean up area.

The north section of the site includes 3 clamps, which will be 2.6m high above ground level. They will be surrounded by a 2.63m high grass seeded bund around their perimeter. The product storage within the clamps is proposed at a maximum height of 5m.

The west section of the site includes a storage tank and the digester tank. These will be 13m and 10m high respectively and will be located to the immediate north of an existing Fengrain building. Within the west section of the site there is also a site office and associated parking as well as other structures associated with the anaerobic digester plan including, amongst others, gas equipment, dry digestate storage area and a feed hopper.

The application includes improvements to the existing access track which involves the widening of part of the roadway between Hook Lane and Eastwood End and the installation of a weighbridge to the immediate south of the site office.

The proposed anaerobic digester facility will process 45,00 tonnes of sugar beet, rye and maize per annum in order to produce gas which will be fed into the local grid system via an underground gas pipeline. The long term aim of the proposal, once the anaerobic digester is established, is that it will be used to power the dryers at Fengrain.

Access to the site will be through the Eastwood Farm Industrial Estate and via a track along the northern boundary of the grain store site. The crops will be delivered outside of the main grain harvest months and will be stored and sealed in outside storage clamps until such time as they are ready to be used. The crops will be provided by Fengrain's co-operative farmer members.

The anaerobic digester will deliver 400scm/hr of gas into the mains. It is envisaged that the liquid and dry digestate by-product will be spread onto local farmland.

7. BACKGROUND

- 7.1 Members will recall a similar application being placed before the February 2015 planning committee. Members resolved to refuse the application for the following single reason:

'By reasons of the scale and the proximity of the development to the neighbouring residential properties, the proposal would appear visually intrusive and would result in an overbearing impact which would be to the detriment of the residential amenities of dwellings within the area and to the character and visual amenities of the locality. The application is therefore contrary to policies LP2, LP12, LP16 of the Fenland Local Plan 2014 and paragraphs 14, 17, 58 and 123 of the National Planning Policy Framework.'

In view of the above, the key consideration for this application is how the current proposal has overcome the previous reason for refusal ie the impact of the development on neighbouring residential properties in terms of visual intrusion and overbearing impact. Other matters, including highway safety, noise and odour have already been deemed acceptable by Members as they did not form part of the previous refusal.

This report will therefore focus on the visual aspect of the proposal in relation to the neighbouring dwellings.

Further clarification

On 11 March 2014 an Inspector concluded that, under appealed planning permission F/YR13/0422/F, Eastwood End does not constitute an established settlement for the purposes of the Development Plan. With this in mind policy LP12 is not relevant to the proposal as it refers to development within villages.

8. PLANNING ASSESSMENT

8.1 Key issues

- **Principle of Development**
- **Visual impact**
- **Design and layout**
- **Landscaping**
- **Access and highways**
- **Flooding and drainage**
- **Noise and odour**
- **Health and wellbeing**
- **Economic Growth**
- **Other matters**

8.2 Principle of development

The application site is located outside of any established settlement as set out in policy LP3, the settlement hierarchy, of the Fenland Local Plan. In such locations there is strict control over new development and it is generally restricted to that which is essential to the efficient operation of agriculture, horticulture, outdoor recreation and limited other uses specified within the Local Plan.

Policy LP14 of the Fenland Local Plan 2014 considers that renewable energy proposals will be supported and considered in the context of sustainable development and climate change. Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of the surrounding landscape, residential and visual amenity, noise, highway safety, biodiversity conditions and high quality agricultural land.

The production of renewable energy is a sustainable form of development which complies with the aspirations of the Fenland Local Plan and the NPPF. The principle of the development is therefore acceptable in accordance with policies LP3 and LP14 of the Fenland Local Plan 2014.

8.3 **Visual impact**

Policy LP2 requires new development to promote high levels of residential amenity. Policy LP16 seeks to ensure that new development does not adversely impact on the amenity of neighbouring residents.

Members considered that due to the scale of the development and its proximity to neighbouring dwellings, the proposal would appear visually intrusive and would have an overbearing impact. This was considered to be to the detriment of the amenities of residential dwellings within the area and to the character and visual amenities of the locality.

In order to overcome this reason for refusal, the equipment has been reconfigured within the site and additional landscaping has been provided. Where the closest piece of equipment was 20m from the nearest residential property, known as Ivy House, it has now been moved back so that the closest piece of equipment is approximately 80m from Ivy House.

The existing landscaping towards the south-west corner of the site has been substantially improved by increasing the depth of the landscaping belt to between 15 and 18m. This is in the location where the site is at its closest with Ivy House. Additional landscaping has also been proposed to the east and north boundaries of the site, surrounding the proposal where it meets the open countryside.

The enhancement of the existing landscaping, the proposed landscaping and the location of the anaerobic digester equipment is such that the proposal is not considered to have a detrimental impact on the visual amenities of the locality or have a negative impact on the amenities of neighbouring residents. This is due to the landscaping providing some screening of the structures which will provide visual relief. The location of the equipment further back within the site, and closer in line with the existing Fengrain buildings is such that the structures will not appear as prominent features.

In view of the above it is considered that the proposal will appear visually acceptable and would have no harmful overbearing impact on neighbouring residential amenities or the character or visual amenities of the area. It is considered that the proposal complies with policies LP2 and LP16 of the Fenland Local Plan 2014, thereby overcoming the previous reason for refusal.

8.4 **Design and layout**

The design of the scheme is what can be typically expected for an anaerobic digester plant of this nature. As per the 'Visual impact' section of this report the layout of the development is considered to be an improvement on the original submission and will result in there being no detrimental impact on neighbouring residential amenities or the visual amenities and character of the area. The application therefore complies with policy LP16 of the Fenland Local Plan 2014.

8.5 **Landscaping**

As per the 'Visual impact' section of this report, the proposal provides an

enhancement to the existing landscaping which assists in reducing the harmful visual appearance of the proposal.

FDC Arboricultural Officer notes that there is substantial new planting and that this will contribute to the biodiversity of the area. It is submitted that existing trees and vegetation will be retained. In the interests of protecting the existing landscaping and securing the additional landscaping for visual amenity benefit, it is considered that a condition should be imposed on any permission granted. Subject to an appropriately worded landscaping condition, it is considered that the proposal complies with policy LP16 of the Fenland Local Plan 2014.

8.6 Access and highways

There have been no material changes to the site, the surroundings or to the proposal since the previous application was refused. The previous application did not include access and highway safety as a reason for refusal. As such it has already been accepted that the situation relating to the access and vehicular movements is acceptable.

CCC Highways have raised no objections to the proposal and have recommended that the same conditions previously reported to the committee are appended to any permission granted on this site. They have noted the concerns received in respect of the application and therefore also suggest a condition to secure a traffic management plan for the construction and operational phase of the development.

The comments raised by CCC Countryside Access Team have been noted. The proposal will not use the byway for access and as such no concerns are raised with regards to encroachment onto the byway. Given that the byway is not to be used for the development it would not be reasonable to impose the suggested condition relating to the requirement of a sign to advise that the byway is unsuitable for heavy vehicles.

It remains that the proposal is acceptable in highway safety terms in accordance with policy LP15 of the Fenland Local Plan 2014.

8.7 Flooding and drainage

The site lies within flood zone 1 and as such no concerns are raised in respect of flood risk.

The Environment Agency considers that planning permission could be granted for the development subject to a condition relating to the submission of a scheme for the prevention of pollution and disposal of foul and surface water drainage. Comments have yet to be received from the Middle Level Commissioners in respect of drainage however it is noted that the proposal will not increase the surface water run off over and above the Greenfield run off rate.

An evaluation of the what Sustainable Drainage System could be used has now been provided however it remains that the proposal will not increase water run off over and above the Greenfield rate.

It is considered that the application complies with policy LP14 in respect of flood risk and drainage.

8.8 Noise and odour

There have been no material changes to the site, the surroundings or to the

proposal since the previous application was refused. The previous application did not include noise or odour as a reason for refusal. As such it has already been accepted that there will be no harmful impacts in terms of noise and odour nuisance generated by the proposal.

FDC Environmental Protection raises no objection in principle to the application as the noise and odours will be not be significant. The submission confirms that the noise and odour levels are within the levels acceptable in guidance. In order to secure this position a series of conditions should be imposed including a noise and odour management plan, a restriction on the types of materials being stored on site and processed by the anaerobic digester plant, a restriction on vehicular movements and restrictions on the times, durations and conditions the clamps are opened and the digester is fed and digestate is handled.

It remains that the proposal is acceptable in terms of noise and odour in accordance with policy LP16 of Fenland Local Plan 2014.

8.9 **Health and wellbeing**

The 'Visual impact' section of this report details how the proposal is acceptable in terms of health and wellbeing, thereby satisfying the previous reason for refusal.

The site includes operations within 250m of a dwelling house and as such, does not constitute permitted development as per 'SR2010No15 Anaerobic digestion facility including use of resultant biogas' – which are the standard rules issued by the Environment Agency. The proposal therefore requires an Environmental Permit, which will need to be applied for separately and be issued by the Environment Agency. This is irrespective of planning approval.

The Environmental Permit will add another layer of protection to the neighbouring residential amenities, thereby further satisfying the requirements of health and wellbeing in accordance with policy LP2 of the Fenland Local Plan 2014.

8.10 **Economic Growth**

The proposed development constitutes an extension to an existing business. It is submitted that the proposal has been derived as a result of Fengrain's cooperative farmers identifying an alternative use for sugar beet.

The diversification of the use of the sugar beet will support existing jobs by providing security for Fengrain's cooperative farmers. The proposal will also provide an additional two jobs and will result in a significant amount of investment into the local area.

The land is grade 3 agricultural land which falls within land which is most flexible, productive and efficient in response to inputs and which can best deliver crops. Paragraph 112 of the NPPF stipulates that local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality where significant development of agricultural land is proposed.

The requirements of the NPPF have been noted, however as the amount of land in question – 3.66ha is relatively small, it is considered that the proposal would not result in the loss of a substantial amount of land when viewed in the context of the surroundings. In addition, the only other land in Fenland which is of a lower agricultural grade is located within the established market towns, away from business the plant intends to feed. Since there is little scope for the proposal to be delivered elsewhere it is considered that the small loss of agricultural land is

justified in this instance.

It is considered that the proposal supports economic growth as set out in policies LP6 of the Fenland Local Plan 2014.

8.11 **Other matters**

The comments received from residents and interested parties have been noted. Many of the issues, particularly relating to noise, smell, visual amenity and traffic and highway safety have already been addressed within the body of this report.

Comments relating to Localism have been noted. The response given by the Secretary of State in relation to Localism is as follows:

'Any decision-maker must determine planning applications on planning grounds in accordance with the development plan unless material considerations indicate otherwise. Decisions should not be made solely on the basis of the number of representations or signatures on a petition, whether they are for or against a proposal. The Localism Act has not changed this. Nor has it changed the advice, namely that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning Reasons'.

The material considerations raised by the residents have been noted however none are considered to outweigh the compliance with the development plan.

The application is taken as submitted and there is no evidence to suggest that the planning statement or evidence is incorrect. The source location of the crop or running of the plant is not a material planning consideration neither is the drive behind submitting the application.

The lagoon is for surface water and will therefore not be contaminated. The likelihood of additional vermin is therefore limited. However this can be controlled under Environmental Protection legislation as can spillages and debris.

The reduction in price of the gas for the village is not a material planning consideration neither is devaluation of neighbouring properties.

The fertilizer plant next door is subject to its own health and safety legislation and as such it should be protected by its own means to prevent explosions.

The existing landscaping will remain on site and as such there are no concerns in respect of biodiversity. There is no provision for S106 contributions for this type of development however the benefit for the community is that it will result in renewable energy production.

The boundary fencing and landscaping, as well as other design features, are considered sufficient to protect users of the byway, including horses, from noise.

9. **CONCLUSION**

9.1 The proposal is for the development of a renewable energy source in the form of an anaerobic digester plant. The principle of the development is supported by policies LP3 and LP14 of the Fenland Local Plan 2014.

It is acknowledged that there is a significant amount of local opposition to the proposal however the submission demonstrates how the application has overcome the previous reason for refusal – visual impact. As this was the only reason for refusal all other matters including highway safety, noise and odour

were deemed to be acceptable. It would therefore be unreasonable to introduce them as reasons for refusal at this stage particularly given there have been no material alterations to the site, the surroundings or to the proposal itself.

It is considered that the proposal complies with policies of the development plan and it is therefore recommended that planning permission is granted.

10. **RECOMMENDATION**

10.1 F/YR15/0489/F – Grant

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of development a facility to clean wheels for all vehicles exiting the site shall be installed on site and shall thereafter be retained and maintained during the operation of the anaerobic digester plant.

Reason

To allow for wheel cleaning to prevent disruption to the local highway network resulting from debris and soil from the site, in accordance with policy LP15 of the Fenland Local Plan 2014.

3. Notwithstanding the submitted plans, full details showing the revised access road arrangements including widths, kerb radii and surface finish in the form of a large scale plan, shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved details and retained for the duration of the proposed use.

Reason- In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

4. Prior to commencement of the proposed use, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority, and such a scheme shall include, levels, forms of construction and surface water drainage.

Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with policy LP15 of the Fenland Local Plan.

5. Prior to commencement of the proposed use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:

1. enter, turn and leave the site in forward gear;
2. park clear of the public highway;

and shall be levelled, hard surfaced and sealed and drained away from the highway and thereafter retained for no other purpose in perpetuity.

Reason - In the interests of satisfactory development and highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

6. No development shall take place including any works or demolition until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicle of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of mud being carried onto highway
 - pedestrian and cyclist protection
 - any proposed temporary traffic restrictions and proposals for associated safety Signage

Reason: In the interests of safe operation of the highway in accordance with policy LP15 of the Fenland Local Plan 2014.

7. Unless otherwise agreed by the Local Planning Authority no more than a maximum of 78 2-way vehicle movements shall enter and leave the site in any one day (07.00 - 19.00). A daily record of all vehicles movements, including details of internal and external road movements, shall be maintained at the site and made available within one week of a written request by the Local Planning Authority.

Reason: In the interests of amenity and to comply with policy LP16 of the Fenland Local Plan.

8. No development shall take place until a traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The traffic management plan shall include both the construction and operational phase of the development. The plan shall be adopted and adhered to by users of the site as approved.

Reason: In the interests of amenity and to comply with policy LP16 of the Fenland Local Plan.

9. Noise from the development, including from all plant and machinery, shall be controlled to ensure that noise levels, expressed as a Rating Level in accordance with BS 4142:1997, when measured at the boundary of the nearest residential premises do not exceed the following:

- Closest Dwelling to South East (Ivy House) – 42 dB LAeq, 5 minute
- Dwellings on Hook Lane – 35 dB LAeq, 5 minute
- Dwelling to North – 35 dB LAeq, 5 minute
- Dwelling to South – 35 dB LAeq, 5 minute

The noise levels shall be determined by a freefield measurement at the boundary of the nearest residential premises, unless an alternative methodology is agreed in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

10. Monitoring shall be undertaken to validate noise levels, the results of which shall be submitted to the Local Planning Authority for validation within 1 week of the monitoring having been carried out. The monitoring shall take place as follows:
- The measurements shall be carried out one month after the site becomes fully operational and repeated quarterly for 12 months.
 - At least one of the noise measurements shall be carried out during the harvest period.
 - The local authority shall be notified when monitoring will be undertaken.
 - After 12 months, a programme for monitoring noise will be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

11. Prior to operation of the development a Noise Management Plan shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter. The Noise Management Plan shall include: Noise sources; the time, duration, and frequency of noise occurrences; noise control measures; noise levels to be achieved at the boundary of the site; methods to monitor noise and report the findings; reports of mitigation measures undertaken on site; procedures to accept, investigate and resolve noise complaints.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

12. After the first 12 months of operating, and within the first 15 months, the operator will evaluate the impact of noise sources on site and the effectiveness of the Noise Management Plan. The evaluation shall be submitted to the Local Planning Authority. In light of the evaluation any amendments to the Noise Management Plan shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

13. Prior to operation, a 3 meter acoustic grade fence shall be installed on the perimeter in the location as shown on drawing 19000/200 rev E dated 11 August 2015. Prior to installation the design and structure of the fence shall be agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

14. Prior to operation, acoustic enclosures and screening shall be installed on fans, condensers, gas clean up equipment, CHP fans and associated pipework. Prior to installation the design and structure of the enclosures and screens shall be agreed in writing with the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

15. Deliveries and Collections shall be restricted to 7:00am to 19:00pm, Monday to Saturday only. No deliveries or collections shall occur on Sundays or Bank Holidays.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

16. Odour from the development, including from all plant, lagoons, drainage, clamps and handling, shall be controlled to ensure that odour levels, expressed as an Environment Assessment Level as the 98th percentile of a hourly average, in accordance with the Institute for Air Quality Management Guidance, when measured at the boundary of the nearest residential premises do not exceed the following:

Name	Receptor No.	Process Contribution (OU _E m ⁻³)	IAQM Significance Criterion	Process Contribution (% Environment Agency EAL)
Ivy House	1	~1.5	Slight	~100%
Hook House	2	~0.1	Negligible	~9%
Stone Cross House	3	~0.1	Negligible	~10%
Oaktree House	4	~0.3	Negligible	~17%
Rhonda Park	5	~0.1	Negligible	~6%
Eastwood End	6	~0.04	Negligible	~3%
Bridge Lane	7	~0.02	Negligible	~1%
Golf Driving Range	8	~0.01	Negligible	~0.4%
Caravan Site	9	~0.01	Negligible	~0.3%
Eastwood Hall	10	~0.004	Negligible	~0.3%
Commercial Premises	11	~0.1	Negligible	~4%

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue odour emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

17. Monitoring shall be undertaken to validate odour levels, the results of which shall be submitted to the Local Planning Authority for validation within 1 week of the monitoring having been carried out. The monitoring shall take place as follows:
- Measurements shall be carried out one month after the site becomes fully operational and repeated quarterly for 12 months.
 - The local authority shall be notified when monitoring will be undertaken.
 - After 12 months, a programme for monitoring odour shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue odour emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

18. Prior to the commencement of the use hereby approved, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue odour emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

19. After the first 12 months of operating, and within the first 15 months, the operator will evaluate the impact of odour sources on site and the effectiveness of the Odour Management Plan. The evaluation shall be submitted to the Local Planning Authority. In light of the evaluation any amendments to the Odour Management Plan shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue odour emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

20. The process shall be restricted to use sugar beet, rye, barley, grass and maize. No other material shall be stored or processed on site.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue odour emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

21. The site shall be restricted to process no more than 45,000 tonnes of sugar beet, rye, barley, grass and maize material per annum.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise and odour emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

22. Biogas shall not be released into the atmosphere. Flares shall be used as part of emergency procedures only.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise and odour emission and/or unacceptable disturbance in accordance with policy LP16 of the Fenland Local Plan 2014.

23. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- Existing trees, hedges or other soft features to be retained;
- Planting plans, including specifications of species, sizes, planting centres number and percentage mix;
- Management and maintenance details.

Reason

The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with policy LP16 of the Fenland Local Plan 2014.

24. The development hereby permitted shall not be commenced until such time as a scheme for the prevention of pollution and disposal of foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority, the scheme shall be implemented as approved,

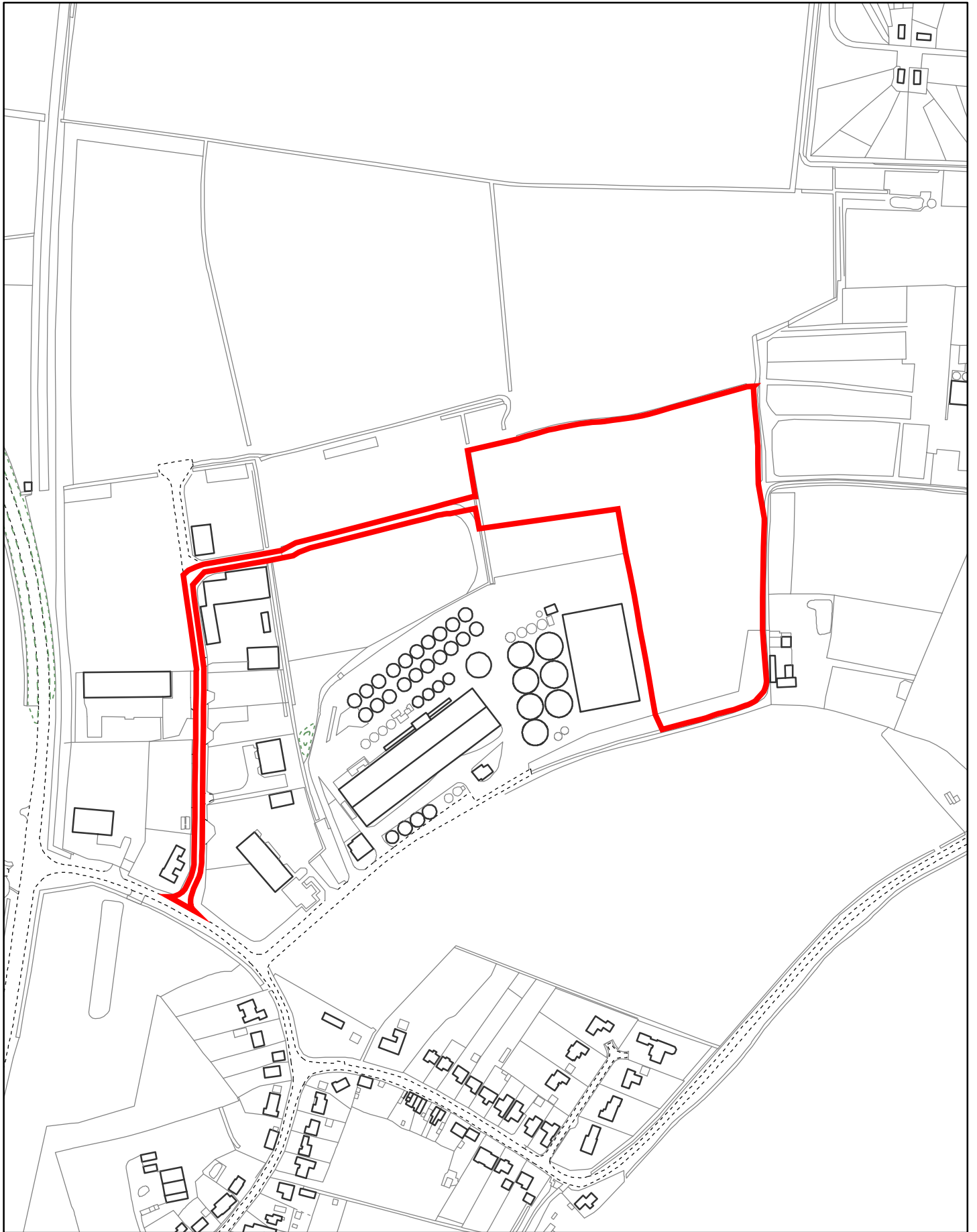
Reason

To prevent pollution in line with National Planning Policy Framework paragraphs 109, 120 and 121.

25. Approved plans

The following informatives are also required:

1. Public Byway No.12, Wimblington must remain open and unobstructed at all times, including during site construction. Building materials must not be stored on the footpath and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public right of way).
2. No alteration to the byway surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
3. Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
4. The granting of planning permission does not entitle a developer to obstruct a public right of way.



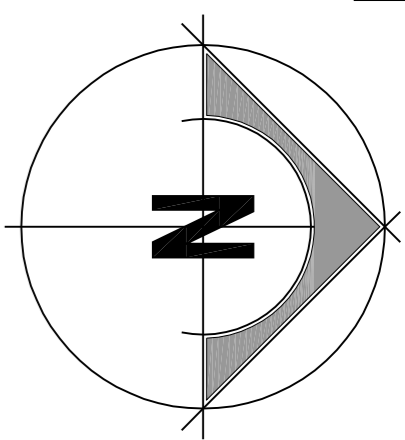
Created on: 22/06/2015

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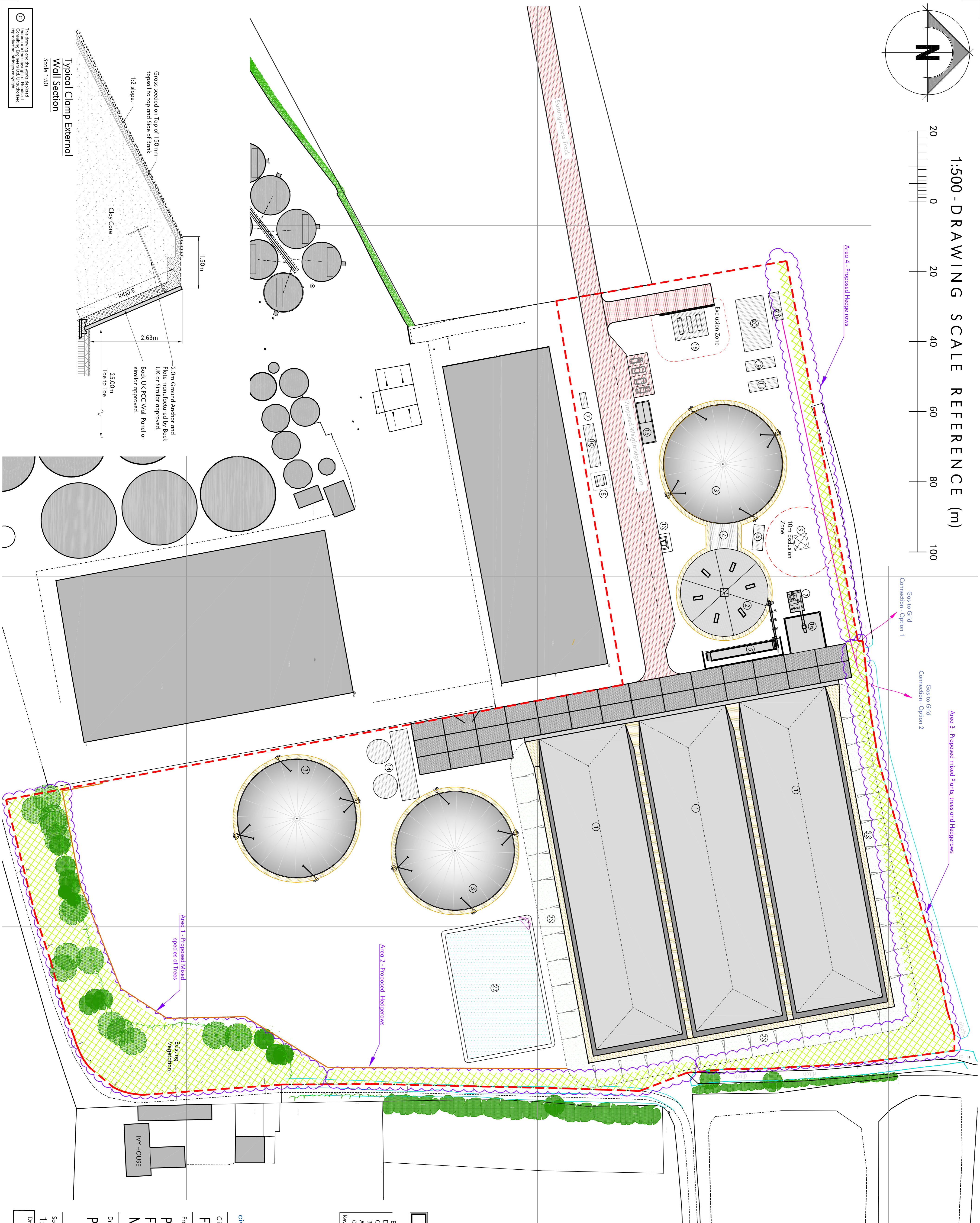
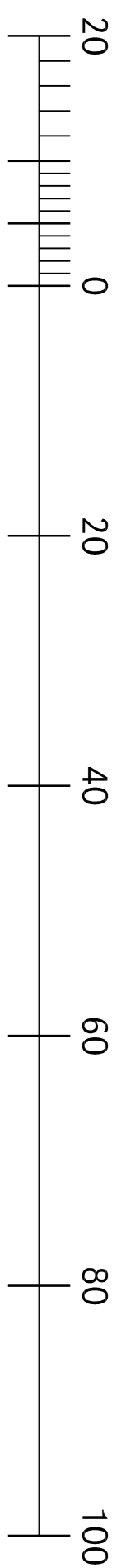
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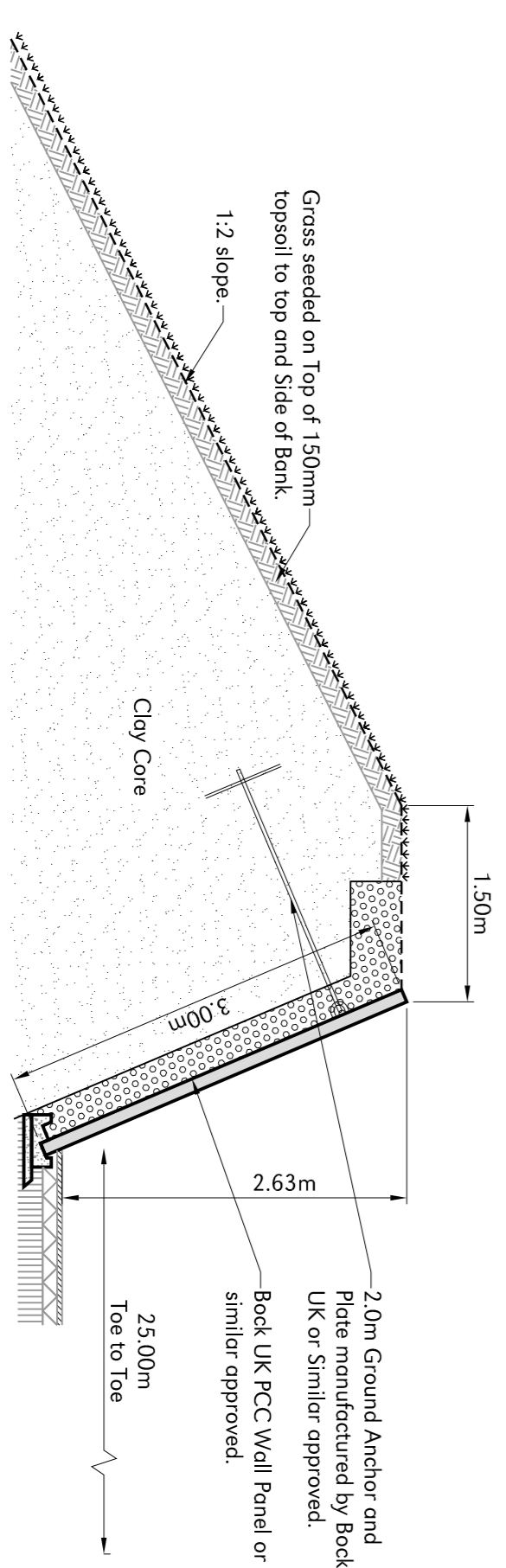




1:500 - DRAWING SCALE REFERENCE (m)



Typical Clamp External Wall Section
Scale 1:50



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PLANT KEY

- ① Clamp 90.00m x 25.00m
- ② Digester Tank
- ③ Storage Tank
- ④ Pump Room
- ⑤ Feed Hopper
- ⑥ Ebox
- ⑦ Emergency Generator
- ⑧ Transformer
- ⑨ Flare
- ⑩ CHP
- ⑪ Chiller
- ⑫ Digestate Removal Station
- ⑬ Sugar Beet Clean up Area
- ⑭ Site Office
- ⑮ Dry Digestate Storage Area
- ⑯ Separation Unit
- ⑰ Propana Tanks
- ⑱ Gas Clean up Equipment
- ⑲ Gas Upgrade Kit
- ⑰ Gas Entry Facility
- ⑳ SW Lagoon
- ㉓ Clamp Bund

FINISHED SURFACES KEY:

- Asphalt Surface
- Concrete Surface
- Gravel Pathways
- D.O.T Type 1 Surface
- Boundary
- Gas Route
- 3m High Acoustic Fence

TREE KEY:

- Existing Trees
- Existing Hedges
- Proposed Landscaping

FOR PLANNING

Rev	Date	Chkd	Description
E	03-06-15	AE	Clamp Detail Added
D	03-06-15	RW	Amended Following Comments
C	01-05-15	OAL	Logoon Moved
B	01-05-15	OAL	Additional Landscaping Details Added
A	01-05-15	OAL	Amended as Requested by Client
0	23-04-15	OAL	First Issue

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consulting engineers

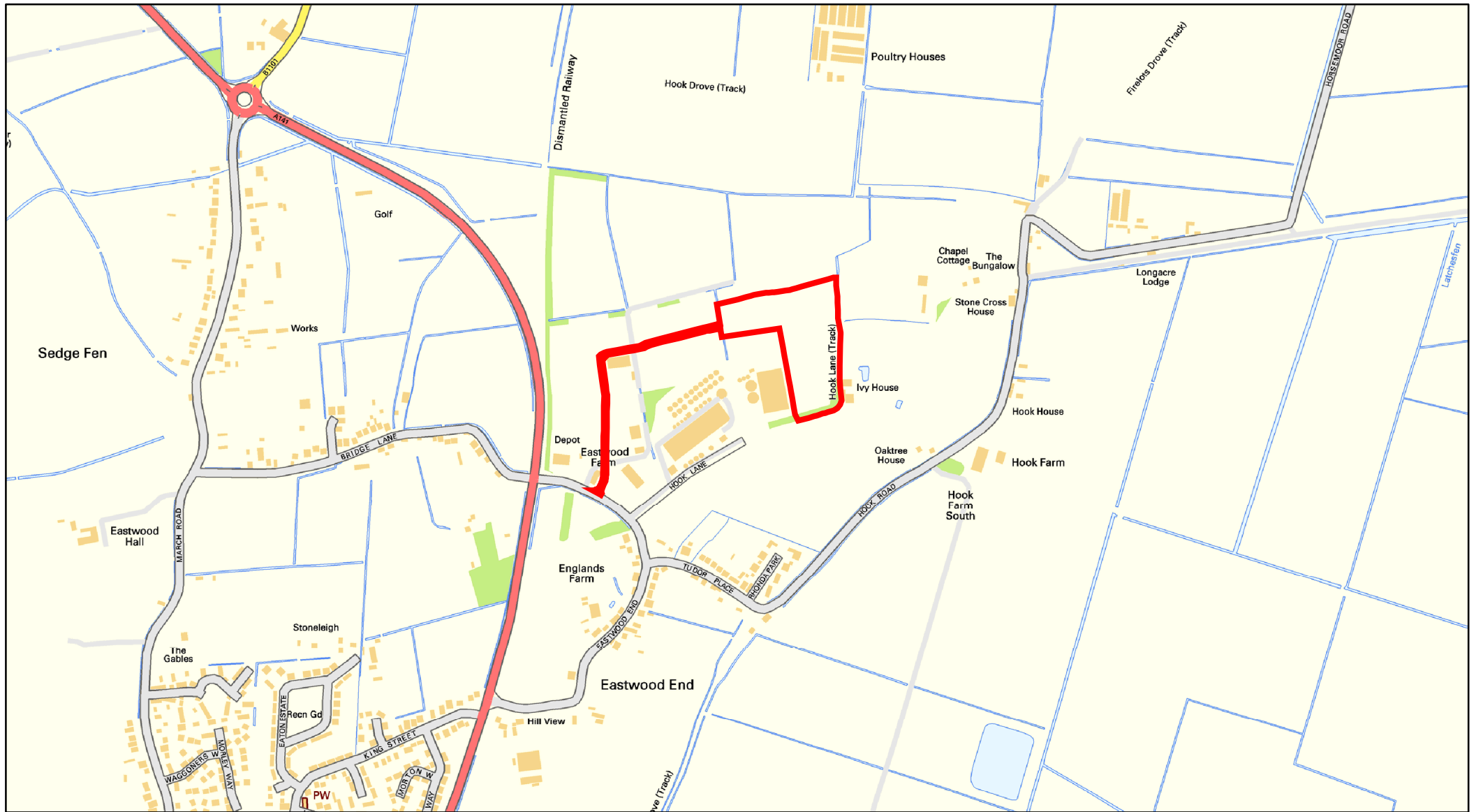
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Client
Fengrain

Project
**Proposed AD Plant
Fengrain Ltd, Hook Road,
March, Cambridgeshire**

Drawing Title
Proposed Site Layout

Scale	UNO	Date	Drawn By
1:500 (A1)	RW	April 2015	RW
Drawing No.	19000 / 200	Rev	E



Created on: 04/09/2015

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Scale = 1:10,000

