

F/YR15/0489/F

Applicant: Mr P Randle

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GP Planning Ltd**

Land East Of Fengrain, Hook Lane, Wimblington, Cambridgeshire

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, at Land East of Fengrain Hook Lane Wimblington Cambridgeshire.

This application is a major application.

Reason for Committee: Due to the number of objections received

1 EXECUTIVE SUMMARY

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 previous application for an anaerobic digester plant was refused by the Planning Committee in February 2015 on the grounds of visual impact which would be to the detriment of neighbouring residential amenities.

This application seeks to overcome the previous reason for refusal by revising the development to include additional fencing and landscaping and by relocating the plant and equipment further northwards, away from neighbouring residents. The closest piece of equipment is now 80m from the nearest residential property compared to 20m in the previous application. The current proposal includes three silage clamps surrounded by a bund, 3m high acoustic fencing around the southern section of the site, a site office located to the north west of the site along with a parking area and weighbridge, and a surface water lagoon positioned towards the west of the site. The proposal also includes the formation of an access track, and improvement of an existing access track, both located within the site boundaries.

The access and highways situation has been reconsidered and it remains that the proposal will result in no detrimental impact on highway safety. The submission demonstrates that, subject to improvement works, there is sufficient space for HGVs to pass. A condition requiring the engineering details for the road widening works has been recommended as well as the requirement for the widening works to be carried out prior to the commencement of development. It is not proposed to use the nearby public byway for traffic and as such no concerns are raised with regards to the impact on users of the byway.

The proposal includes additional landscaping and conditions have been recommended to ensure that the landscaping is implemented and maintained. The proposed landscaping, with particular reference to the planting of wild flowers, is considered to result in benefit to the character of the area in terms of improved visual amenities and enhanced opportunities for biodiversity.

The layout of the site has been revised from the previous application and now includes a drainage balancing pond. As a result the flood risk and drainage issues for the site have been reconsidered. The conclusion drawn from the surface water drainage consultee is that the solution is considered to be a betterment of the current situation in terms of flood risk. Nonetheless a condition to secure the details is proposed.

As a result of comments received from local residents the ecology report has been further considered and a consultation with PCC Ecology has been carried out. It has been recommended that a series of conditions are imposed to ensure that no protected species are harmed as a result of the proposal.

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 SITE DESCRIPTION

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 dwelling positioned to the immediate east. The Eastwood End Industrial Estate is located towards the east of the site, approximately 300m from the application site boundary.

The northern boundary of the site 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 site area is 3.66ha and the land in question is currently in agricultural use.

3 PROPOSAL

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 an area for cleaning sugar beet.

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 plant including, amongst others, gas equipment, dry digestate storage area and a feed hopper.

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. A gated access is provided between the application site and the existing Fengrain site to allow for emergency access. It is not intended for regular use.

The application includes improvements to the existing access track. The applicant has agreed to widen part of the roadway between Hook Lane and Eastwood End. The proposal also includes the installation of a weighbridge to the immediate south of the site office which will monitor the goods arriving on site.

Process

The proposed anaerobic digester plant will process 45,000 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. It is not proposed to process any waste products and as such the plant does not require a permit from the Environment Agency under SR2010 No15.

The anaerobic digester will deliver 400 standard cubic meters per hour of gas into the mains. It is envisaged that the liquid and dry digestate by-product will be spread onto local farmland.

Beet will be stored for up to two weeks off site before being transported to the application site. This will allow for the soil to dry and be brushed off at the storage area before arriving at the site. Once on site it will be transported straight into the clamp. When the beet is needed for feeding the AD it will be washed and cleaned further in a large tank within the sugar beet clean up area. The water used for this process will be constantly recycled, the soil which remains will be transported from the site via one of the returning lorries. The 'washing' water will be fed into the surface water lagoon.

The feedstock will be fed into the Digester and Secondary Digester where it will be broken down by bacteria in a similar manner to a cow's stomach. This process will generate methane. The gas is filtered through a series of membranes before it is fed into the grid.

The liquid from the digestate will be pressed out and stored in sealed tanks until it is required by farmers for use on their crops. The dry digestate will be stored on site before taken to land for spreading. It will be handled in a similar manner to farmyard manures.

4 SITE PLANNING HISTORY

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 an Anaerobic Digestion facility – Further details not required 03.06.2014

F/YR12/0532/F – Erection of 2.0m high palisade fencing and gates to perimeter of existing business site (retrospective) – Grant 11.09.2012

5 CONSULTATIONS

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 Fenegrain to alert them to the footpath;
- The development will not benefit local farmers;
- The plant will not be run by Fenegrain;
- Fenegrain has not previously adhered to planning conditions;
- Challenge points within the planning statement

Doddington Parish Council

Aware that the application is strongly opposed by residents of Wimblington and Wimblington Parish Council. Doddington Parish Council opposes 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.

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.

Environmental Protection comments relating to planning statement submitted by residents are as follows:

After careful consideration of the various comments regarding noise and odour it is concluded that the conditions recommended during the original consultation response, to control noise and odour holistically on the site, are appropriate to address the concerns raised in the planning statement.

There are some matters which fall beyond the scope of FDC Environmental Protection, such as health and safety matters on the site and neighbouring industries. These will be regulated by the Health and Safety Executive.

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.

The proposed site will be screened from the south and southeast both by the existing tree belt (to be reinforced with additional planting), and the existing agricultural buildings/silos. To the west, the site is screened from the A141 by roadside vegetation and tree belts along a disused railway line (running south to north from the A141). The site is visible from the southern end of March looking southeast from the area of Lambs Hill Drove and Wimblington Road (B1101). There is likely to be limited visibility to the site from the east due to the presence of existing agricultural buildings and trees/hedges.

The proposed landscaping should contribute to screening the proposed development once the trees/hedges become established. The use of trees in groups to the north boundary may help break up the outlines of the plant rather than trying to create a solid belt. The use of a number of semi-mature stock would provide instant screening but would require a robust maintenance schedule is in place to ensure establishment. The use of an automated irrigation system would ensure the trees/plants receive adequate water.

Species should be selected to provide adequate year round screening and contribute to the biodiversity of the area.

A suitable landscape proposal would provide satisfactory screening and the details of species selection and numbers/locations can be dealt with as part of conditions.

PCC Sustainable Drainage Manager (in relation to surface water drainage)

The discharge rate for this site at 2.7l/s is acceptable and the amount of storage calculated at 1073m³ is adequate. As such it is not considered that the proposed development will increase surface water flood risk to the surrounding area.

Note that local residents have raised issues regarding the existing field flooding. Once developed, due to the site having a positive drainage system which stores water and releases it in a controlled manner, this should provide some type of betterment to the current regime.

Recommend that a condition is imposed requiring the design, implementation, maintenance and management of the drainage scheme.

PCC Wildlife Officer

None of the ditches surrounding the site were surveyed as part of the Ecology Report as it was assumed that the marginal habitats would remain unaffected by the development proposal. However since the Ecology Report was carried out it appears that the scheme has been altered and now includes a proposed new access road across one of the ditches along the western boundary of the site. Recommend that a water vole survey of the affected section of the ditch is carried out to determine whether water voles will be directly affected by the development. Should any burrows be found in the section of ditch where the road is proposed request the crossing point is modified or a Natural England licence applied for to displace/move them from the affected area.

Request that the above requirements to protect water voles and their burrows be secured via a suitably worded condition. The inspections and mitigation measures should be completed prior to commencement of any site clearance or construction activities.

A small breeding population of great crested newts has been identified approximately 40m east of the application site. Accept the conclusion of the Ecology Report that given that the development site does not consist of suitable great crested newts terrestrial habitat, no adverse effects to great crested newts are likely. Nevertheless a precautionary approach is recommended and request that a condition is imposed requiring the installation of temporary amphibian-proof barrier fencing along the length of the eastern and southern development site boundaries during the construction period is imposed. This should be carried out under direct ecological supervision and then removed upon completion of the construction phase.

The application site is likely to support ground nesting birds such as skylark during the nesting season (1st March to 31st August). Recommend a condition requiring the avoidance of site clearance works during this period or that a qualified ecologist first carries out a survey to establish that nesting birds are not present or that works do not disturb any nesting birds.

The preferred pipeline route, as shown on the proposed site layout drawing number 19000/200 E dated 11.08.2015, may impact on protected species therefore recommend a walk-over survey is carried out in advance of any commencement of construction works along the route of the pipeline.

Recommend that the detailed landscaping of the overall site includes sowing of wild-flower seed mix to enhance overall biodiversity. Recommend the provision of features to support farmland song birds such as grassland field margins and nectar to be secured via a condition.

Subject to the conditions recommended there will be no net loss to biodiversity as such no objection to the granting of planning permission.

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.

Highways comments relating to planning statement submitted by residents are as follows:

The Transport Assessment was based on a first principles approach with the information included being based on an operational assessment at similar facilities. It is not the role of the County Council to question this. The trip assessment was based on a representative day as calculations based on the maximum number of movements everyday would result in an significant over calculation thereby rendering the assessment inaccurate.

A condition has been recommended to limit the number of trips that can occur on any day and a traffic management plan to control when the trips are distributed across the day and the route to be used in accessing the proposed development.

The applicant has demonstrated that there is land available either side of the access road to carry out improvements to widen and to make the access suitable for two way vehicle flow. A condition requiring details of the revised access and road arrangement has been recommended.

The swept path plans demonstrate that in principle an acceptable access intersection can be provided that allows two heavy commercial vehicles (HCV's) to pass at the intersection with Eastwood End. A condition requiring engineering details of the access has been recommended.

The comments raised by local residents regarding the traffic along Hook Lane is an existing problem relating to the grain store operation. The vehicle movements relating to the proposal use a completely separate site access and will therefore not affect the existing grain store traffic. The applicant mentions an aspiration in

the future to create a one system through the site however this does not form part of this proposal and would be subject to separate planning application.

Any part of the public highway which becomes defective to the point of requiring intervention under CCC Highways intervention policy is a matter for CCC Highway Maintenance to resolve. It is the Local Highway Authority's responsibility to maintain the fabric of the public highway to a safe and fit for purpose standard. In transportation terms it is not for a development to better or improve existing highway problems unless it can be proven that development is going to result in 'severe' harm (NPPF Para. 32).

The details submitted demonstrate a workable access for two way HGV flow and conditions are recommended to secure these details. A condition is also required to secure full details of kerbing, drainage and full geometric details with topographic survey information.

Issues relating to the stacking and waiting area and the proposed transport roads within the site relate to the internal site layout and therefore the public highway will not be affected. The wheel cleaning area is to be secured via a condition.

Cambus Constabulary Architectural Liaison Officer

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

CCC Archaeology

No objections or requirements for this development.

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.

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.

Middle Level Commissioners

Previous stages of this proposal have been the subject of pre-application discussions. The Board's prior consent under Section 23 of the Land Drainage Act is required for the formation of access culverts, pipelines and other works within private watercourses.

The Board will expect the applicant to provide, and reserve the right under their byelaws to themselves require, adequate details and test results where appropriate to prove that the proposed surface water/treated effluent disposal system will work efficiently in this location.

Any works affecting the Board's systems will require an Environmental Statement and Risk Impact Assessment to be submitted to the Middle Level Commissioners.

Further information from the applicant relating to detailed engineering plans, calculations and risk assessments of the associated water level/flood risk management system will be required to be submitted to the Board when seeking its consent.

The principles relating to surface water drainage in the previous submission were considered acceptable, subject to the provision of further supporting information. It is suggested that the use of conditions relating to SuDs would be prudent. In addition to planning conditions the applicant has a duty under the Land Drainage Act 1991 and the Board's Bylaws.

The provision of an operational surface water management scheme before the existing balancing pond is removed would avoid issues with there being no appropriate surface water management on site. This scheme should be submitted to the Local Planning Authority for approval.

Anglian Water Services

The surface water disposal is not relevant and the foul disposal would not have a significant impact on infrastructure.

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.

No further comments to add in relation to the bund.

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.

Department for Environment Food and Rural Affairs

No comments received.

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.

Health and Safety Executive

No comments received.

The Ramblers Association

No comments received.

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.

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.

Residents objections:

Representations have been received from 110 individual addresses objecting to the proposal on the following grounds:

- Highway safety including access, traffic, parking;
- Design/appearance;

- Devaluation of property;
- Environmental concerns including noise, odour, flooding, drainage, light pollution, harmful fumes from the digester;
- Local schools and services unable to cope;
- Loss of view and outlook;
- Out of keeping with character of area;
- Proximity to property;
- Visual impact;
- Waste and litter;
- Wildlife concerns;
- Fengrain own land elsewhere;
- The proposal will only employ 2 – 3 people;
- The proposal is an eyesore;
- 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?
- Loss of agricultural land;
- 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;
- 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;
- 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 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;
- 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;
- No changes since the previous application;
- DEFRA shares concerns about biomass when it only uses crops as feedstock;
- DEFRA believes that the primary use for agricultural land should be for food production;
- DEFRA recognises that there are risks as well as benefits associated with bioenergy;
- Is there a need given proximity to other anaerobic digester plants?
- A village is not the place to build a digester;
- The lagoon will create a health hazard with flies;
- Concerns with dust and debris from Fengrain which will be worsened by the anaerobic digester plant;
- Access to the byway is continuously blocked by heavy goods vehicles;
- The applicant has omitted to show the use of the public byway by vehicles.
- The application should have been subjected to a new screening opinion taking into account the additional storage tank and large lagoon;
- The harvest period for Whole Crop Rye is July, contrary to the submission statements;
- How will the amount of material/predicted traffic figures be enforced?
- Questions the accuracy of the Transport Statement;
- Two HGVs will not be able to pass safely at the entrance;
- If LP12 is not relevant to the application then it should be considered as 'elsewhere' and as such should be shelved immediately;
- If the maximum annual vehicular movements are exceeded what will happen for the rest of the time?
- Questions turning areas and exit points;

- Why do existing businesses have to revisit legislation due to Fengrain's proposal?
- The plant may be unsustainable if the subsidies are removed;
- The development is not essential to the efficient operation of agriculture, horticulture or outdoor recreation and is therefore not acceptable in accordance with policy LP3;
- Why does Fengrain need job security for existing employees?
- Concerns with ecology and the balancing pond;
- How many times can the application be revised adding more complex documents to be considered by the public?
- How many planning conditions are acceptable before it is considered untenable for the application in the first place?
- Eastwood End is part of Wimblington village and therefore policy LP12 is relevant.

In addition a statement has been prepared by Local Residents in response to the application. A copy of which has also been sent to Members of the Planning Committee. The document disputes individual points raised within the application submission. The headlines of the planning statement are as follows:

- Appendix 1: The Planning Statement, Traffic Generation and associated issues (consultants report), Transport Report, Traffic Survey, Heavy Traffic Cumulation Report;
- Appendix 2: Comments on Traffic Generation (consultants report), Design and Access Report;
- Appendix 3: Noise and Odour Report, Visual Impact;
- Appendix 4: Farmers Report, Pie Chart – Objections/Support;
- Appendix 5: Commentary on Submitted Application (consultants report), Report on Safety and Chemicals (consultants report), Mismanagement of Current Activities;
- Appendix 6: Basis of Previous Refusal of Planning Permission and Local Plan Policies and Provisions (consultants report), Fenland Local Plan – Highlighting Residents Views.

There are no issues raised within the residents planning statement which have not already been summarised above.

Representations have been received from 57 individual addresses (including a petition with 10 signatures) supporting the proposal on the following grounds:

Residents support:

- 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;

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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.

National Planning Policy Guidance (NPPG)

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

LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments

LP19: The Natural Environment

Resource Use and Renewable Energy Supplementary Planning Document 2014

B1: Surrounding landscape, townscape and heritage assets

B2: Residential and visual amenity

B3: Noise impact

B4: Highway safety, designated nature conservation and biodiversity considerations

B5: High quality agricultural land

7 KEY ISSUES

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

8 BACKGROUND

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 i.e. 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 did not form part of the previous refusal reason.

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

Further clarification

Notwithstanding the previous reason for refusal policy LP12 should not have been referred to as Eastwood End is not considered to be part of Wimblington. Policy LP12 sets out what constitutes the developed footprint of a settlement which is as follows:

"The developed footprint of the village is defined as 'the continuous built form of the settlement' and excludes:

- (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;*
- (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement;*
- (c) agricultural buildings and associated land on the edge of the settlement;*
- (d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement."*

The buildings comprising Eastwood End are clearly detached from the main part of Wimblington which is where the majority of development is provided including key services such as shops, pub, doctor's surgery, primary school, church and other community facilities. Moreover, Eastwood End is not defined as a separate settlement in the Settlement Hierarchy under Policy LP3, but rather is considered to be "Elsewhere" (i.e. in the countryside and not within a defined settlement).

This approach has been supported recently by two different Inspectors at Appeal both in connection with separate planning applications for a proposed dwelling and garage at Land South of 32 Eastwood End, Wimblington.

For F/YR13/0422/F (APP/D0515/A/13/2206869) the Inspector advised in March 2014:

"Taken as a whole, Eastwood End is a small settlement which, based on the evidence before me and on my observations when visiting the site, has very few services. The nearest settlement is Wimblington to the southwest of Eastwood End, beyond the heavily trafficked A141. Eastwood End is located some distance away from the A141 and I observed that there are no footpaths along the roads that link the village to this 'A' Road. Therefore, Eastwood End does not amount to a sustainable community with any significant services and, other than via use of private motor vehicles, it has relatively poor access to services and facilities elsewhere."

For F/YR13/0755/F (APP/D0515/A/14/2218739) the Inspector advised in August 2014:

"Furthermore I do not agree that the appeal site is within a 3 minute easy walking distance from Wimblington and its services, facilities and transport links. The site is located at the

eastern fringe of Eastwood End and it forms part of an outlying group of houses that is located well beyond the built up area of Wimblington, across the busy A141 road and with areas of agricultural land between. I observed that there are no footpaths that link the site to the A road. It is therefore clear to me that the remoteness of the appeal site from Wimblington would be a strong disincentive to occupiers of the proposed dwelling using non-car means of transport to access services and facilities in Wimblington or the larger settlements beyond.

I therefore conclude that most journeys to and from the appeal development would use the private car. This would be an inherently unsustainable situation and would be contrary to the Framework's (NPPF) support for use of sustainable modes of transport (paragraph 30), contrary to the requirement in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and contrary to the aim of moving to a low carbon economy, as described in paragraph 7 of the Framework. Consequently, the appeal proposal would not meet the Framework's environmental expectations for sustainability or the settlement hierarchy in Policy LP3."

LP12 is clear that the need for a pre-application consultation exercise and community support for a scheme only applies in instances where the proposal is in, or on the edge, of a village. As Eastwood End is separated from the main part of Wimblington - and in policy terms is effectively in the countryside – the location of the application site falls outside of the scope of policy LP12 and so none of the criteria apply and a pre-application exercise for any new development in Eastwood End is not required.

9 ASSESSMENT

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.

Visual impact

Policy LP16 seeks to ensure that new development does not adversely impact on the amenity of neighbouring residents. Policy B1 (a), of the Resource Use and Renewable Energy SPD, stipulates that development which would result in adverse impacts upon the landscape or on the character of the area should be avoided. Policy B2 lists a series of considerations which, where applicable, should be adhered to in order that no harm is caused to residential and visual amenities. The criterion includes, amongst others, the provision of screening, cumulative impact, impact on sensitive receptors and odour control.

With regards to the previous refused scheme 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 and hence planning permission was refused.

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 15m 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.

FDC Arboricultural Officer notes that a suitable landscaping proposal would provide satisfactory screening of the development. It is recommended that conditions are imposed requiring details of the landscaping to be submitted to help protect the visual amenities of the area.

In view of the above it is considered that the proposal 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 and policies B1 and B2 of the Resource Use and Renewable Energy Supplementary Planning Document 2014, thereby overcoming the previous reason for refusal.

Design and layout

The design of the scheme is what can be typically expected for an anaerobic digester plant of this nature.

The main digester tank and the majority of the ancillary buildings will be located in the north western section of the site. When viewed in the context of the overall development, the ancillary buildings, which include gas clean up equipment, a chiller, a site office and separation unit, will appear as minor elements within the overall plant.

The digester tank will be cylindrical in shape with a flat roof reaching approximately 10m high. There will be three domed storage tanks, one positioned next to the digester – immediately north of the existing Fengrain

buildings, and the other two positioned towards the southern section of the site, to the east of the existing Fengrain buildings. These will have a maximum height of approximately 13m.

The three clamps will be positioned in the north eastern section of the site and will be enclosed by 2.63m high grass seeded bunding which will be marginally higher than the clamp walls which are 2.6m high. It is proposed that the maximum height of goods stored in the clamps is 5m high therefore at capacity approximately 2.4m of goods, covered in sheeting, will be visible above the bunding.

The layout is such that the structures and equipment will be concentrated towards the northern section of the site, leaving an open area towards the south where the site is at its closest to Ivy House, the nearest sensitive receptor. The distance between Ivy House and the closest piece of equipment (a storage tank) will be approximately 80m this is considered to be a significant improvement on the previous application where the distance between the equipment and Ivy House was 20m.

It is considered that the layout of the site is acceptable, with the structures being located, and therefore read, in conjunction with the existing Fengrain buildings. With this in mind it is considered that no harm will be caused to the character of the area. The separation distance between Ivy House and the nearest piece of equipment is such that it is considered that occupiers of this dwelling will not suffer from reduced residential amenities resulting from an overbearing impact. In view of the above it is considered that the application complies with policy LP16 of the Fenland Local Plan 2014.

Landscaping

As per the 'Visual impact' section of this report, the proposal includes enhancements to the existing landscaping as well as additional landscaping which assist in softening the appearance of the proposal and thereby reducing the harmful visual appearance of the development.

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.

Access and highways

Access to the site will be via the existing private access track from Eastwood End. It is not proposed to use the public byway which runs along the south of the site.

The application site is located at the end of the existing access track. Upgrade works to widen the access track, where it bends at 90 degrees and at the point of access with the application site are proposed in order that the track is wide enough to allow for two HGVs to pass. This will avoid the need for vehicles to back up on the public highway.

In addition to the above the private access, where it meets Eastwood End, is required to be widened as well as a small localised section of Eastwood End

opposite the application site. These widening works will also allow for two HGVs to pass thereby allowing the continual free flow of traffic on the public highway.

Conditions securing the highway and access track works, as recommended by CCC Highways, are considered reasonable and necessary in order that the free flow of traffic and highway safety is protected.

Having considered the submitted Transport Assessment CCC Highways are satisfied that the local highway network is capable, subject to the widening works, of accommodating the increase in traffic generated by the proposal. In order to protect highway safety a condition restricting the number of trips to the site is recommended.

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.

The comments raised by local residents with regards to access and highway safety have been noted. As above, it has been recommended by CCC Highways that a series of conditions are imposed to secure highway and access widening works and to restrict the number of vehicular trips to the site. These conditions should help to alleviate concerns with regards to the obstruction of the highway and highway safety in general.

It remains that the proposal is acceptable in highway safety terms in accordance with policy LP15 of the Fenland Local Plan 2014 and policy B4 of the Resource Use and Renewable Energy Supplementary Planning Document 2014.

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 been made by the Middle Level Commissioners which raise no objection to the principles of the scheme. They note that further information is required in relating to surface water drainage however this can be secured under their own bylaws.

The PCC Sustainable Drainage Manager has reviewed the submission and considers that the proposal will not increase surface water flood risk to the surrounding area. In addition, given that the proposal includes a positive drainage system which stores water, releasing it in a controlled manor, the proposal should result in an improvement to the existing situation.

The comments raised by local residents with regard to flooding and drainage have been noted. As per the consultation response from PCC Sustainable Drainage Manager the proposed drainage system should improve the current situation with regards to drainage. The drainage system will take into account the loss of the existing balancing pond therefore there should be no detrimental

impact on the local flood and drainage situation as a result of the loss of the pond. It is recommended that conditions, including submission of details of foul and surface water drainage and precise drainage management systems, as suggested by the Environment Agency and PCC Sustainable Drainage Manager, are imposed to control the drainage of the site and to help alleviate residents concerns.

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

Noise and odour

FDC Environmental Protection raises no objection in principle to the application as the noise and odours will not be significant. It is important to note that the goods delivered to site will be covered as soon as they are stored in the clamps and will then be transferred into the Digester and various other sealed units. A significant part of the process will be taking place under a sealed cover thereby reducing the opportunity for odour release.

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 will be imposed including noise and odour levels, management plans and attenuation measures.

The proposal no longer requires an environmental permit from the Environment Agency, whereas the previous application did. It is therefore necessary to secure the noise and odour protection measures through a series of conditions, rather than rely on the measures imposed by the permit.

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.

The concerns raised by local residents with regard to noise and odour have been noted. As per comments received from FDC Environmental Protection a series of conditions are recommended requiring detailed noise and odour management plans, additional acoustic enclosures and restrictions on noise and odour output. It is considered that these additional measures of protection will help to alleviate concerns with regards to odour and noise nuisance.

It remains that the proposal is acceptable in terms of noise and odour in accordance with policy LP16 of Fenland Local Plan 2014 and policy B3 of the Resource Use and Renewable Energy Supplementary Planning Document 2014.

Biodiversity

Whilst it was initially considered that the site had little potential for protected species habitats, due to the consultation responses received from neighbouring residents, the submitted ecology report has been reconsidered. As a result of the consultation process it has been recommended by PCC Ecology that an amphibian fence is erected on site to prevent a nearby population of breeding newts from entering the site during the construction phase, that the site is only cleared outside of the ground nesting bird nesting season, that further survey works are carried out in relation to water voles and the anticipated position of the gas pipeline and that proposed landscaping is enhanced to promote wildlife.

The recommendations are considered to be necessary and reasonable in the interests of the welfare of protected species and as such should be imposed on any permission given. Subject to the conditions it is considered that the proposal complies with policy LP19 of the Fenland Local Plan 2014.

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.

No waste will be used to feed the digester and as such, even though there are operations within 250m of a dwelling house, an Environmental Permit under SR2010No15 (as issued by the Environment Agency) is not required. With this in mind matters of nuisance will fall under the jurisdiction of Fenland District Council and a series of conditions have been recommended by FDC Environmental Protection accordingly in order to mitigate against any such nuisance which may arise.

It is considered that the conditions will impose limitations on the operation of the proposal thereby seeking to protect the health and wellbeing of local residents in accordance with policy LP2 of the Fenland Local Plan 2014.

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 and policy BB5 of the Resource Use and Renewable Energy Supplementary Planning Document 2014 stipulate 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 policy LP6 of the Fenland Local Plan 2014 and policy B5 of the Resource Use and Renewable Energy Supplementary Planning Document 2014.

Other Considerations

The comments received from residents and interested parties have been noted. All of the issues, particularly relating to noise, odour, 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'. Secretary of State Decision 28th June 2012 Re: Waste management facility in Leicestershire.

The material considerations raised by the residents have been noted and taken into account 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 submitted with the application is incorrect. The source location of the crop, running of the plant or the motive behind submitting the application are not material planning considerations.

The lagoon is for the storage of surface water. Concerns relating to additional vermin, flies, spillages and debris are noted however this can mainly be controlled under Environmental Protection legislation.

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

Issues relating to the fertiliser plant adjacent are also noted. Neither the application site nor the neighbouring fertiliser plant is within a Control of Major Accident Hazards (COMAH) Zone. The distance between the two plants is approximately 240m and each site will be subject to their own site specific risk assessment whereby fire, explosion and gas leaks will be addressed.

The existing landscaping will remain on site and as such there are no concerns in respect of biodiversity. There is no requirement 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.

A new screening opinion for the site is not necessary as the application site boundaries have not been altered since the previous application the application site area remains the same. In addition there have been no alterations to the character of the development since the previous application.

Adherence to the conditions would be enforced by either the District Council or the Local Highway Authority dependent on the nature of the condition.

Planning legislation allows for applications to be amended from the point the application is received until it is determined provided that the nature of the application and the site area/boundaries remain the same as the original submission. There is no limit on the amount of conditions imposed on a planning permission. The conditions are imposed to ensure that the development causes no harm to the surroundings.

Comments with regards to there being archaeological interest on neighbouring land have been noted. A consultation response has been received from CCC Archaeology stating that there are no objections or requirements for this application. Therefore no concerns are raised with regards to the impact on archaeological interest.

It is noted that there are other renewable energy plants within the area however this does not constitute a reason to refuse the application as 'need' is not a material planning consideration.

The Cambs Constabulary Architectural Liaison Officer has noted that crime levels within the area are low as such no comments are made in respect of crime prevention and fear of crime. With this in mind no concerns are raised by officers in respect of anti social behaviour.

Comments have been raised relating to the potential for pollution into nearby watercourses and dust and debris have been noted and these issues, if they arise, would be dealt with under Environmental Health legislation.

There is no SSSI in close proximity to the application site. The nearest SSSIs within the District are around the Washes and at Bassenhally in Whittlesey.

The proposal will not process waste and as such does not require a permit from the Environment Agency in accordance with SR2010 No.15 despite the site being located within 200m of a sensitive receptor.

The comments with regard to the technology not having been properly tested and similar facilities exploding have been noted. A reason for refusal on these grounds could not be substantiated given that the site would be subject to its own health and safety requirements.

10 CONCLUSIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.

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 and the proposal is not contrary to other National or Local Planning policy.

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. This was the only reason for refusal and officers consider that all other matters including highway safety, noise and odour are deemed to be acceptable. In the absence of any new evidence officers believe it would be unreasonable to introduce them as reasons for refusal

at this stage given there have been no material alterations to the site, the surroundings or to the proposal itself.

11 RECOMMENDATION

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, details including drawings showing the nature and location of a facility to clean wheels for all vehicles exiting the site shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be installed in accordance with the approved drawings prior to any work commencing on site and thereafter retained, maintained and operated for the lifetime of the operation of the anaerobic digester plant so that the public highway network is kept free of debris which results in it being unsafe.

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. Prior to the commencement of development and notwithstanding the submitted details contained within the Transport Statement V7 dated 23 October 2015, full details showing the widening of the internal access road, from Eastwood End into the application site, shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall include widths, kerb radii and construction details. The works shall be carried out in accordance with the approved details, constructed and completed prior to any other construction work commencing on site.

Reason

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

4. Prior to the commencement of development and notwithstanding the submitted details contained within the Transport Statement V7 dated 23 October 2015, 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. The submitted plans shall include levels, forms of construction, surface water drainage and kerbing. The works shall be carried out in accordance with the approved details, constructed and completed prior to the commencement of any construction works on site other than those referred to in conditions 2, 3 and 7.

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. 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 vehicles of site operatives and visitors;
 - routes for construction traffic;
 - hours of deliveries and construction;
 - 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.

6. 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.

7. Prior to the commencement of development and notwithstanding the submitted details contained within the Transport Statement V7 dated 23 October 2015, details relating to the widening of Eastwood End, to accommodate two-way HGV movements at the access point, shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall include kerbing, drainage, methods of construction and full geometric details. The works shall be carried out in accordance with the approved details, constructed and completed prior to the commencement of any construction works on site other than those referred to in conditions 2, 3 and 4.

Reason

To ensure that the areas of widening can be delivered in engineering terms in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

8. 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;
 - Details of wild flower seed mix, grassland field margins and/or wild bird seed mixes to enhance biodiversity on site;
 - 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.

9. All landscaping works including any management and maintenance plan details, as set out in condition 08, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting season following the development first becoming operational, the completion of the development, or in agreed phases whichever is the sooner, and any 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy LP16 of the Fenland Local Plan 2014.

10. The development hereby permitted shall not be commenced, save for works associated with conditions 02, 03, 04 and 07 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 before the existing balancing pond is removed/infilled.

Reason

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

11. Prior to the commencement of development details of the design, implementation, maintenance and management of the drainage scheme shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include:
 1. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development) temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 2. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 3. Flood water exceedance routes, both on and off site;
 4. A timetable for its implementation, and
 5. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption to secure the operation of the drainage scheme throughout its lifetime.

The works shall be implemented, retained, managed and maintained in accordance with the approved details prior to the removal of the existing balancing pond and prior to the commencement to use of the site, whichever the sooner.

Reason

To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system in accordance with policy LP14 of the Fenland Local Plan 2014.

12. No development shall take place until a water vole survey is submitted to and approved in writing by the Local Planning Authority. The water vole survey shall be carried out by a suitably qualified ecologist and it shall cover the ditch along the western side of the site, where it is crossed by the access.

Mitigation measures shall be identified within the survey and they shall be implemented in accordance with the approved details prior to the commencement of any development on site.

Reason

To avoid any harmful impacts on protected species in accordance with policy LP19 of the Fenland Local Plan 2014.

13. No development shall take place until details of amphibian-proof barrier fencing and its location is submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed on site before any works commence on site and shall not be removed until construction works have been completed.

Reason

To avoid any harmful impacts on protected species in accordance with policy LP19 of the Fenland Local Plan 2014.

14. No development, save for works associated with conditions 02, 03, 04 and 07, shall take place until a walk-over survey of the proposed gas pipeline route options shown on drawing 19000/200 Rev E dated 11 August 2015 has been carried out by a suitably qualified ecologist. The details of the survey shall include any proposed mitigation measures.

No development shall take place until the methodology and results of the survey have been submitted to and approved in writing by the Local Planning Authority and any mitigation works carried out in accordance with the approved details before any works commence on site.

Reason

To avoid any harmful impacts on protected species in accordance with policy LP19 of the Fenland Local Plan 2014.

15. Prior to the commencement of development a noise management plan shall be submitted to and agreed in writing by the Local Planning Authority. The noise management plan shall include mitigation measures for the operation of the site and shall be adhered to from first commencement of use and in perpetuity thereafter.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

16. Prior to the commencement of development an odour management plan shall be submitted to and agreed in writing by the Local Planning Authority. The odour management plan shall include mitigation measures for the operation of the site and shall be adhered to from first commencement of use and in perpetuity thereafter.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

17. Prior to the commencement of development details of the design and structure of acoustic enclosures and screening for fans, condensers, gas clean up equipment, CHP fans and associated pipework. The acoustic enclosures shall be installed before the plant is operational in accordance with the approved details and retained and maintained in perpetuity.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

18. 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.

19. Prior to the commencement of use of the development hereby approved, a 3 metre high 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.

20. The site shall not exceed a 98th percentile hourly mean concentration of 1.5 ou_E /m³ at Ivy House and 0.5 ou_E /m³ at any other receptors. The odour level shall be measured and/or calculated in accordance with the IAQM Guidance on the assessment of odour for planning.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

21. Within 3 months of the first production of gas, an Odour Validation report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding the Odour Limits as specified in condition 20 of this decision notice.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

22. The rating level of noise emitted from the site shall not exceed the existing background noise level as stipulated in the 'Noise Assessment 2015' dated 03 June 2015 or 35dB(A), whichever is the higher. The noise levels shall be measured and/calculated at the boundary of any residential dwelling. The noise level shall be measured and/or calculated in accordance with BS4142.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

23. Within 3 months of the first production of gas, a Noise Validation report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding the Noise Limit as specified in condition 22 of this decision notice.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

24. 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 to the Local Planning Authority 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.

25. At the reasonable request of the Local Planning Authority the operator of the development hereby approved shall measure and assess the level of noise emissions from the development. The assessment shall be carried out in accordance with BS4142 and the results of which shall be submitted to and verified in writing by the Local Planning Authority.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

26. At the reasonable request of the Local Planning Authority the operator of the development hereby approved shall measure and assess the level of odour emissions from the development. Odour Monitoring (Impact Assessments) must be undertaken in line with the Environmental Agency Horizontal Guidance Note H4 and the results of which shall be submitted to and verified in writing by the Local Planning Authority.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

27. Deliveries and collections to the site 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.

28. Nothing other than plant material shall be accepted as feed stock for the digester unless a further Odour Impact Assessment has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

29. The site shall process no more than 45,000 tonnes of plant material per annum.

Reason

In the interests of the residential amenities of neighbouring dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

30. 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.

31. Approved plans

Reference	Title	Date stamped
	Application form	03/06/2015
02	Location Plan	03/06/2015
14/01	1:25000 Site Location Plan	03/06/2015
15/05	Site Context Plan	03/06/2015
19000/012	Lagoon Cross Sections	03/06/2015
19000/004	Proposed Elevations and Sections - Sheet 1	03/06/2015
19000/011	Proposed Floor Plans (revision B)	03/06/2015
19000/207	Proposed Site Layout, 3D Model Views (revision A)	03/06/2015
19000/005	Proposed Elevations and Sections - Sheet 2 (revision D)	03/06/2015
19000/010	Proposed Cross Sections/Views (revision J)	03/06/2015
19000/200	Site plan (revision E)	11/08/2015

The following informatives are also required:

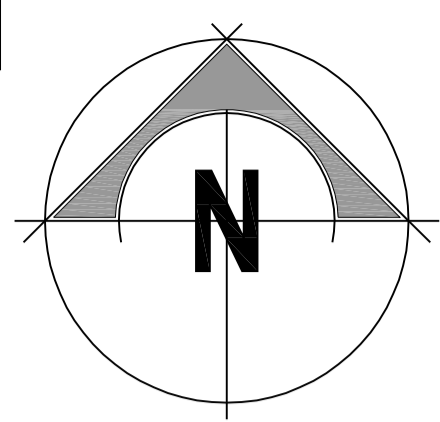
1. Compliance with S.I. 2012 No. 2274

The application has been approved as it broadly accords with the policies of the Development Plan. The policies themselves have been sufficiently explicit to guide the submitted application so that acceptable plans and information have been provided, and an approval has been forthcoming.

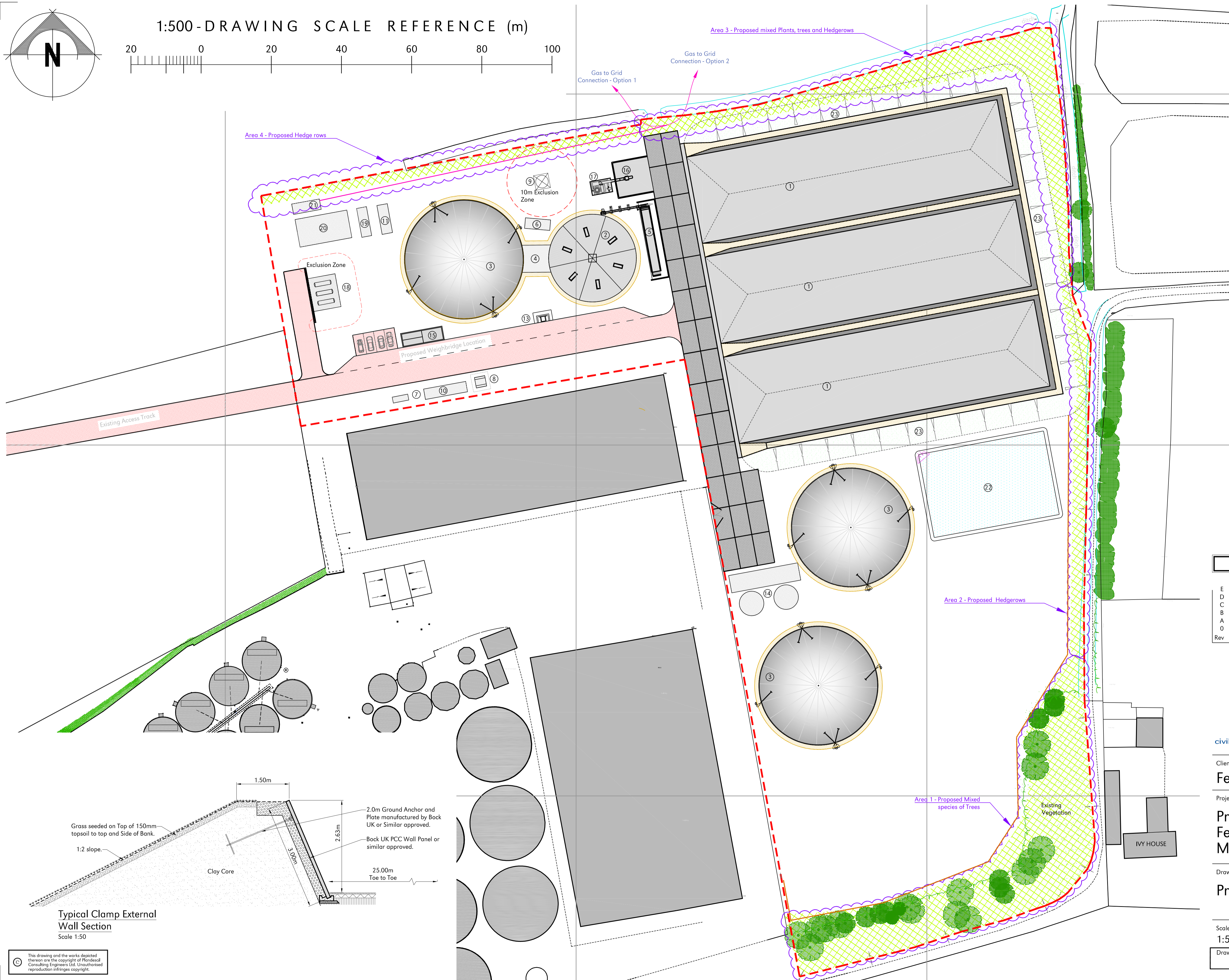
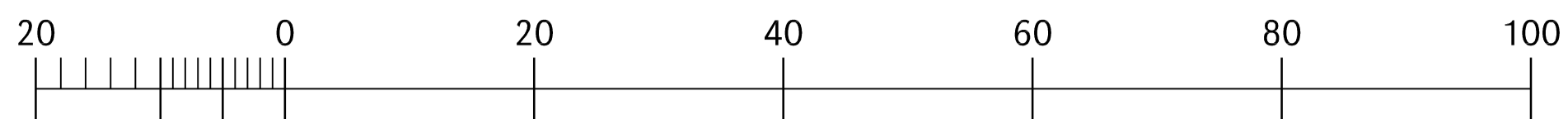
2. Public Byway No.12, Wimblington must remain open and unobstructed at all times, including during site construction. Building materials must not be stored on the footpath and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public right of way).
3. 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).
4. 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).
5. The granting of planning permission does not entitle a developer to obstruct a public right of way.
6. This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note it is the applicants responsibility to ensure that, in addition to the planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations the cost of which must be borne by the applicant.

7. All vegetation clearance at the site shall only take place outside the bird breeding season of 1st March to 31st August inclusive. To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with policy LP19 of the Fenland Local Plan 2014.



1:500 - DRAWING SCALE REFERENCE (m)



PLANT KEY

- ① Clamp 90.00m x 25.00m
- ② Digester Tank
- ③ Storage Tank
- ④ Pump Room
- ⑤ Feed Hopper
- ⑥ E-box
- ⑦ Emergency Generator
- ⑧ Transformer
- ⑨ Flare
- ⑩ CHP
- ⑪ Chiller
- ⑬ Digestate Removal Station
- ⑭ Sugar Beet Clean up Area
- ⑮ Site Office
- ⑯ Dry Digestate Storage Area
- ⑰ Separation Unit
- ⑱ Propane Tanks
- ⑲ Gas Clean up Equipment
- ⑳ Gas Upgrade Kit
- ㉑ Gas Entry Facility
- ㉒ 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	AF	Clamp Detail Added
D	03-06-15	RW	Amended Following Comments
C	01-05-15	OAJ	Lagoon Moved
B	01-05-15	OAJ	Additional Landscaping Details Added
A	01-05-15	OAJ	Amended as Requested by Client
O	23-04-15	OAJ	First Issue

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civil • structural • environmental • surveying

Client

Fengrain

Project

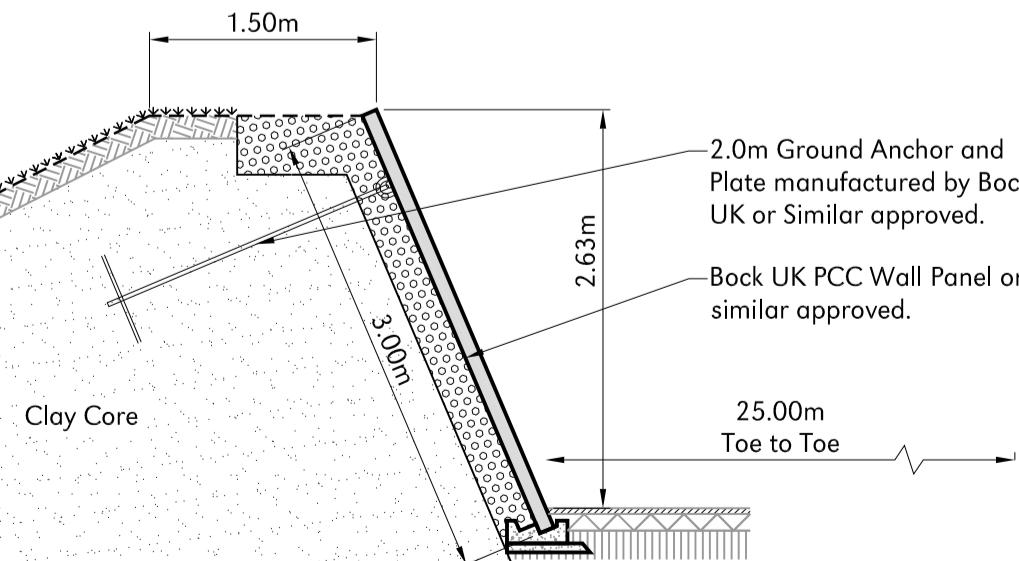
**Proposed AD Plant
Fengrain Ltd, Hook Road,
March, Cambridgeshire**

Drawing Title

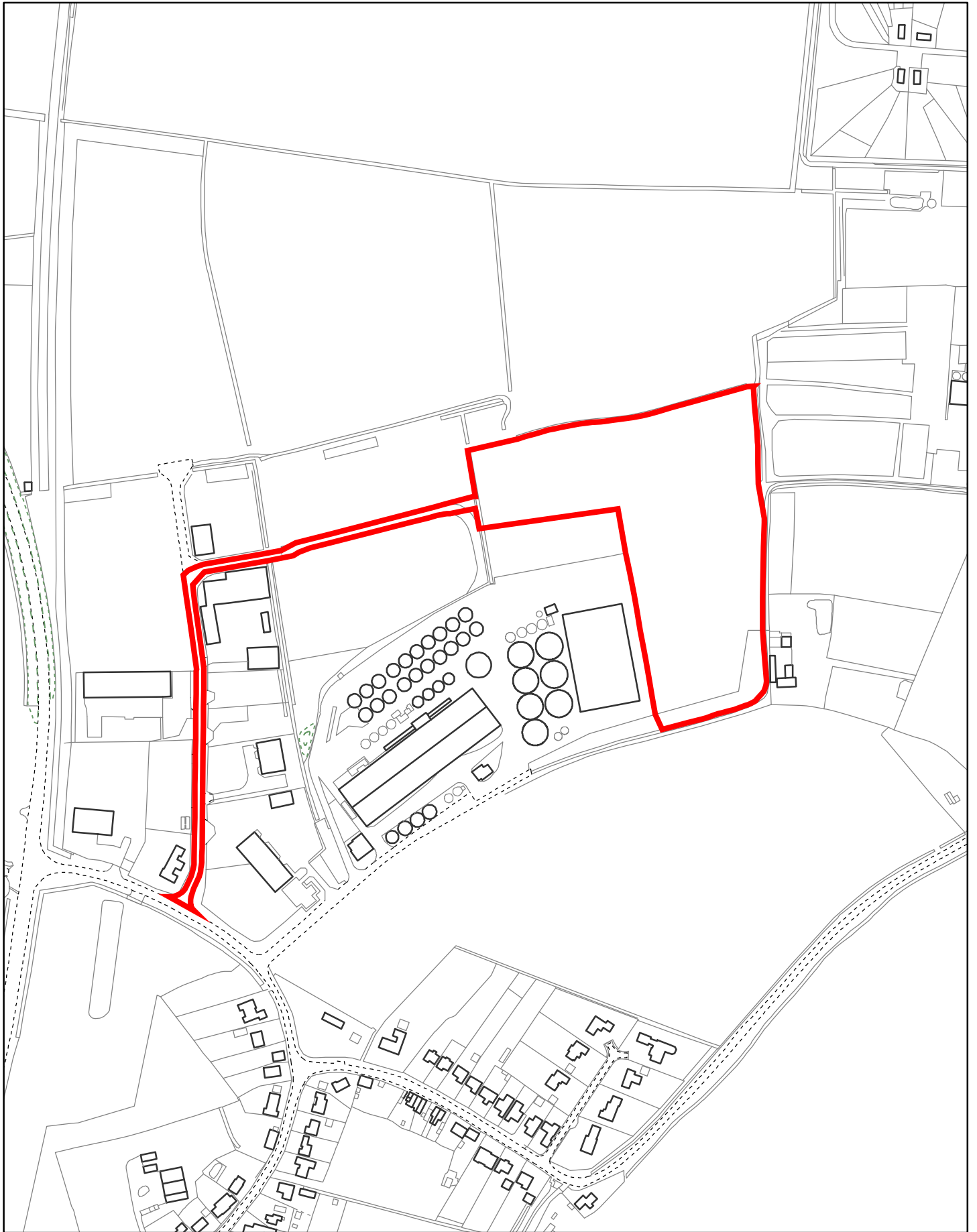
Proposed Site Layout

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

**Typical Clamp External
Wall Section**
Scale 1:50



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F/YR15/0489/F

Scale = 1:4,000

