

APPLICATION NO: _____

SITE LOCATION: Land East of Fengrain, Hook Lane, Wimblington

UPDATES

A further letter of representation has been received from 'Wimblington Against Anaerobic Digester' action group. The comments can be summarised as follows:

- 1. Concerns with the wording in the Executive Summary contained within the committee report and that it does not confirm the location and new equipment within the plant.**

These comments are noted however the nature of an executive summary is such that it is not the intention to discuss aspects of the document in detail, but rather to provide an overall synopsis of the report.

- 2. FDC Environmental Protection requests a condition to restrict the types of material being stored on site however condition 28 refers only to plant material.**

The restriction is to plant material, ie organic material which is obtained from plants, and does not allow for waste. Therefore the comments from Environmental Protection have been satisfied.

- 3. DEFRA comments should be included in the consultation responses**

The DEFRA comments have been summarised and included within the residents objections section of the report as they were in response to specific questions raised by a local resident. For the avoidance of doubt, the comments received from DEFRA are summarised as follows:

DEFRA cannot comment on issues in relation to planning applications. Planning consents and applications must be determined in accordance with the development plan for the area.

The Government shares reservations about biomass where it only uses crops as a feedstock and does not wish to see a significant growth in such plants. Believe that the primary use of agricultural land should be food production but recognise that there are risks as well as benefits associated with bioenergy. There are some low risk options which include biogas and biomethane from waste which is why we are keen to see the use of more waste to create renewable energy.

Aware that farmers are worried about the effects of biogas plants on rental prices for growing maize. DEFRA are continuing to monitor the position with the Department of Energy and Climate Change to ensure that the aim of supporting waste-based Anaerobic Digestion is achieved.

There is no provision for a specific energy crops scheme under the current Rural Development Programme for England although there are provisions for growers to use these types of crops as they wish.

4. *The number of residents objections should be from individuals, not from households*

The Scheme of Delegation as set out in the Councils Constitution states that representations from residents are to be considered from separate sources.

5. *The petition carried out by Stephen Barclay titled 'Are you for or against Fenrain's plans for an Anaerobic digester' should be included in the residents comments*

This was not received by the Local Planning Authority.

6. *The report states that the maximum height of goods stored in the clamps is 5m high whereas the Design and Access Statement stipulates the goods will be 7m high*

There is a discrepancy between the two documents and the 5m height is taken from the submitted drawings which will form part of the approved documents should planning permission be granted. The Design and Access Statement does not constitute an approved document. For the avoidance of doubt and to protect visual amenities, a condition restricting the height of the stored goods at 5m will be applied.

7. *Conditions within the report to the 16th September 2015 Planning Committee specified the use of sugar beet, rye, barley, grass and maize however the current conditions specify plant material*

These comments are noted. The application submission states that sugar beet, rye, barely, grass, maize as well as other unnamed plant material will be used as feedstock hence we have used the term plant material. As per point 2 above they fall under the definition of plant material. Condition 28 does not allow for waste to be used.

Wimblington Against Anaerobic Digester action group have also provided comments in respect of the committee report. Their comments are summarised as follows:

8. *Concerns raised with regards to the wording in the Executive Summary*

This has already been discussed in point 1 above.

9. *What about the users of Woodman's Way*

As per the Highways section of the committee report, it is considered that there will be no detrimental impact in terms of highway safety.

10. *This is a new application with an extra storage tank, larger site and different access. It was confirmed that this is a new application, not an amendment to the original one.*

The application is new and there are differences between it and the previous refused scheme.

11. The height of the tractors above the clamps should also be considered

The tractors will be not be permanent fixtures.

12. Whole crop rye will be harvested in July meaning it would be delivered to Fengrain at the same time as the main grain harvest

Deliveries to the site are proposed to be controlled by condition as is the maximum tonnage of feedstock.

13. Can plant material be clarified? Does this allow for the use of waste vegetables?

This has already been addressed in points 2 and 7 above.

14. It was previously stated that a permit was required and this will be dealt with by the Environment Agency. Why has this now changed?

As per the 'Process' section on page 5 of the agenda.

15. It is estimated that the soil resulting from cleaning the products will be 2100 tonnes of topsoil which would produce 72 vehicular movements.

These movements can be accommodated within the returning vehicles set out in condition 24.

16. Biogas contains approximately 50% carbon dioxide and 50% methane

Noted.

17. Why does condition 28 refer to 'plant material'?

This has already been addressed in points 2 and 7 above.

18. There is no condition to limit the times, durations or conditions the clamps are opened and the digester fed, dry/liquid digestate is handled or lagoons agitated

This will be covered by the odour management plant set out in condition 16.

19. Woodmans Way is a tourist attraction and is not well screened and should be referred to as such

The comments with regards to the disused railway line (Woodmans Way) are verbatim comments taken from a consultee.

20. An email from Origin Transport states that a constraint on the western side of the road means that this arm cannot be widened further due to land constraints

The comments are noted however what can be achieved in terms of road widening is acceptable to the Local Highway Authority.

21. Access to the proposed site will be gained via the access from Eastwood End used during grain harvest

Noted.

22. The comments from DEFRA have not been included in the committee report

This has been addressed in point 3 above.

23. The applicant is neither a farmer nor grower

Noted however this is not a material planning consideration in the determination of the application.

24. It is wrong to count addresses rather than individual residents

This has already been addressed in point 4 above.

25. Should the comments in support of the application be from 'residents' not 'local residents' given that the majority live 10 miles away from Fengrain. It should be noted that some of these were duplicate letters.

Noted however these have been logged in the same way as the objections which were received. Any letters from the public are considered despite their location in respect of the application site. Noted that some letters were duplicates.

26. Discussion relating to policy LP12

This has been addressed on pages 18 and 19 of the Committee report.

27. Policy LP3 has been misquoted. The proposal is not acceptable as it is not 'demonstrably' essential to the effective operation of 'local' agriculture.

This proposal is a 'utility' type facility as referred to in the policy.

28. The report implies that there was only one reason for refusal.

Officers can confirm that there was only one reason for refusal on the previous application. The previous refusal reason is quoted on page 17 of the agenda.

29. 'The structures will not appear as prominent features' is planning officer opinion and should be for the Committee to determine

Noted. This is a recommendation to the Committee.

30. The goods stored in the clamps will be 7m high and therefore 4.4m of goods will be visible above the bunding

The height of the storage has already been addressed in point 6 above.

31. Position of the site in relation to Ivy House

Noted, this has been addressed in the 'Visual Impact' section of the report.

32. How will the goods be covered as soon as they are stored in the clamps as it will take time to fill the clamps before they are covered? Will the goods be transferred in sealed units?

The clamps will be covered at the earliest appropriate opportunity in accordance with odour control requirements. The goods will be transferred in unsealed units however time to transfer the goods will be minimal.

33. What is plant material?

This has been discussed in points 2 and 7 above.

34. The size of the equipment has increased to include another storage tank and the arrangement of the site has been changed, moving some of the plant to the north of the existing Fengrain buildings.

The proposal has been explained in the committee report and during the committee site visit.

35. The previous application did not include noise or odour as a reason for refusal and 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. As previously raised it was confirmed this was a new application

This is a new application which should be considered on its merits. However the previous application and the decision on it is a material consideration.

36. The health and wellbeing aspects have already been disputed

Noted.

37. Condition 28 refers to plant material, can this be clarified? Does this allow for waste to be fed into the digester? The planning statement refers to the input of waste by saying that there will be the opportunity for the AD plant to take wheat and other grains that are stored within the grainstore which are not fit for sale.

Plant material has already been discussed in points 2 and 7 above. The wheat and other grains referred to in the planning statement relate to surplus as opposed to waste.

38. The proposal is not an extension to the existing business, the current business is a grainstore, the AD proposal is for a separate venture

Any planning permission for the development will run with the land not the company or individual. The proposal includes a CHP unit which the applicant indicates will serve the grain drier facility. Also the application implies that the Fengrain co-operative will be able to supply the anaerobic digester with feedstock.

39. The report states that the plant is approximately 240m from the neighbouring fertilizer plant however the planning statement stipulates the distance is approximately 100m

These comments are noted however notwithstanding the above and as per page 25 of the report, the fertilizer plant is not within a Control of Major Accident Hazards (COMAH) Zone and each site will be subject to their own specific risk assessment.

40. A new screening opinion has not been issued however it was confirmed that this is a new application and significant changes have been made.

As per point 34 above, there have been no material changes to the character of the development which would result in the requirement of a further screening opinion.

41. The application of LP3 has already been contested

Noted.

42. Visual impact was not the only reason for refusal

This has been addressed in point 28 above.

43. In relation to it being unreasonable to impose additional reasons for refusal, it was advised that this is a new application and not an amendment to the original application

This has been addressed in the response to point 35 above.

44. There is an Environmental Protection condition missing, the application should be conditioned to limit the times, durations and conditions the clamps are opened and the digester fed. The September report included hours of operation.

This has been addressed in point 18 above.

45. Why is the odour level at Ivy House three times higher than the level at any other receptor?

This allows for distance as odour disperses as it travels. If the odour levels were set at $1.5 \text{ ou}_E / \text{m}^3$ at any other receptor, they would result in higher levels at Ivy House as it is a closer receptor.

Members will also have received a letter from a local resident, who has previously written in objecting to the proposal. There have been no new issues raised which have not already been addressed in the committee report or above. The same objector has written in saying that the appeal decision reference 2218739 includes reference to policy LP12 and as such the interpretation of the Inspectors report is manipulation by omission.

An additional 5 letters of objection have been received from neighbours from five separate addresses, some of whom have already written in objecting to the proposal. No new issues have been raised which have not already been addressed in the committee report or above.

Comments have been received from Manea Parish Council as follows:

The Parish Council supports the community of Wimblington in its opposition to this proposal on the basis that the development would result in a significant increase in the amount of highway movement by agricultural-related traffic using local country and village roads.

Manea Parish Council is aware that Doddington Parish Council has leant its support to the opposition from the community of Wimblington and wishes to do likewise. Concerned about the adverse impact on the roads from increased use by heavy traffic.

RESOLUTION – Grant as per pages 27 to 35 of the agenda and with the following additional condition:

The materials stored within the clamps shall not exceed a height of 5m from the floor level of the clamp.

Reason

In order to control the visual impact of the development in accordance with policy LP16 of the Fenland Local Plan 2014.