

# PLANNING COMMITTEE



**3 DECEMBER 2015 - 1:00PM**

**PRESENT:** Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor M G Bucknor, Councillor M Cornwell, Councillor A Hay, Councillor Miss S Hoy, Councillor D Laws, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton, Councillor Mrs V M Bucknor(Substitute), Councillor M Davis(Substitute), Councillor D Hodgson(Substitute).

**APOLOGIES:** Councillor D W Connor was present at the meeting but stood down from the committee due to the fact that he was representing the Wimblington/Doddington District and speaking in objection to the application.

Officers in attendance: N Harding (Head of Planning), Shanna Jackson (Development Officer), R McKenna (Senior Solicitor), Mrs J Webb (Member Services & Governance Supervisor)

**P51/15**

**F/YR15/0489/F**

**WIMBLINGTON - LAND EAST OF FENGRAIN, HOOK LANE  
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**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minutes P19/04 refers)) during its deliberations.

Officers presented the application Members and informed them that an update had been received consisting of a further letter of representation from 'Wimblington Against Anaerobic Digester' Action Group, a letter from a local resident, an additional 5 letters of objection from neighbours, and comments from Manea Parish Council as per the document circulated (attached).

Members received a presentation in accordance with the public participation procedure, from Councillor Connor, as a District Councillor.

Councillor Connor stated he was a District Councillor but more importantly a local resident and the people of the community have come out in force today to urge Members to refuse the application. It is hard for the general public to take part in the planning process, it takes time and effort to write letters, to investigate and highlight their concerns and to take part in public meetings; this is about the whole community coming together to oppose a development which will ruin their lives. Whilst the government and this council are asking everyone to tighten their belts, how can it be justified to sanction a project that will soak up millions in subsidies which are designed to stop waste going to landfill and not feel the Fenland landscape with crops that will be used as waste in this digester. This application is not about farming but about the manipulation of government policies, targeting renewable energy and the massive subsidies which are ultimately paid for by the communities. There are many reasons as to why this application should be refused and he stated he would use the Local Plan to highlight them. Firstly LP1 the presumption in favour of sustainable development - this development is not sustainable without subsidies; a couple of weeks ago the

Secretary of State for Climate Change made a speech and stated that there had been a mass deployment of all renewable energies and these technologies must have the potential to compete in a local global market without subsidy and stated the way forward was to be tough on subsidies. LP1 talks about the benefits to all sectors of the community but the only benefit here is to Fengrain. LP2 Facilitating Health and Wellbeing - this is causing so much worry to so many of the community - this is close to Hook, Romford Park and Eastwood End and following Members' site visit he hoped that Members were now aware of how close the nearest resident was who was an elderly resident who has had significant pressure from the applicant, does not want to give up her home which lies right next to the proposed site. An open field will be replaced by a 3m acoustic fence, massive 14m storage tanks, a lagoon and 7m high clamps which at times will have heavy machinery over 3m tall driving on top of them; this will be overbearing and result in a loss of outlook, privacy and daylight from her property. The 3m acoustic fence is supposed to limit noise but how can it stop noise from 7m or 10m high? This is on top of the extra noise and pollution that so many lorries and tractors will bring. The odour assessments states that the resident will be subject to an increase in smell, in fact Condition 20 states that it is acceptable that the resident is exposed to three times the level of odour than any other resident. This application has caused the resident much stress and anxiety and he would not want to live next door to such a place. The well-used byway will also become dark and unwelcoming remaining wet for most of the year; this will affect the whole of The Hook, Eastwood, Romford Park and the wider community. He reminded Members that when the last application was before them that Councillor Sutton had said that even he was not convinced that there would be no noise or smell and he also stated that he would not like it outside his backdoor. Regarding LP6, Para 112 of the NPPF - it seems acceptable to the officers to take this small area of 3.6 hectares of productive land however compare this to thousands of acres of the most productive land in the country which will be diverted from growing high quality food to producing waste for this plant; how can the council support that. Even the National Farmers Union had highlighted concerns the UK self-sufficiency in food production is falling too fast; productive land should produce food and not waste. Where was the evidence of any significant investment in the local area, he suggested there was none and questioned whether any new jobs would be created. There would be an enormous impact on the character and appearance of the surrounding countryside and farmland so this application goes against LP12 - the scale and location is not in keeping with the area, it doubles the Fengrain footprint, extends the site towards a large chicken farm and this results in a ribboning effect; this clearly harms the wide open character of the Fens. Although Fengrain carried out a residents' consultation on the previous application, over 18 months ago, it seemed to him that people did not realise how much this would affect their lives. Fengrain stated they have only received four comments but it is quite clear from the packed audience of public meetings and all the letters received that if this exercise was carried out now then it would be a very different response. Not only is there an overwhelming objection from the people of Wimlington and their parish council but also the parish councils of Doddington and Manea, the British Horse Society and MP Steve Barclay. LP14 states that renewable proposals will directly benefit a local community and target residents experiencing fuel poverty will be specifically supported but it is those that experience fuel poverty who will suffer most by paying through this plant more levies on their fuel bills to fund these subsidies. There will be no benefit to the local community; residential and visual amenity will be severely damaged. LP15 - helping to support a more sustainable transport network; more vehicles, more pollution, no thought for the people on foot, bike or horse; only more provisions for lorries and traffic. The plant will work 24 hours a day, 365 days a year, so residents will see, hear and smell this all the time plus experience the enormous increase in traffic, noise and pollution. No doubt everyone has experienced the massive burden that the maize harvest causes on the Fen roads, you cannot travel in any direction without being stuck behind many tractors and trailers, can the busy A141 cope with any more vehicles, the experts seem to think so but he thought there would be more traffic chaos and more potential accidents. Members may have heard the problems that the people of Murrow are having with their AD, despite being assured during the planning process, residents complain of so many HGVs, tractors and the awful state of the roads but also the terrible smell from the digestate being spread; Mrs Sally Gunner stated that she warned anyone living in the vicinity of these so-called redevelopments - your lives will never be the

same again. Fengrain say that local farmers want this, though he could not see much evidence of that, but what if farmers do grow the crops for it then local farmers will use local roads and come through the very hearts of our villages. Did Members believe that the development would make a positive contribution to the local distinctiveness and character because LP16 states it should? Development should not adversely impact the design or scale of the landscape and character of the surrounding area. The application will damage the village and have a negative effect on the character and local setting; the scale is massive, it will be seen through the open landscape of the Fens and have an overwhelming impact on the surrounding community. Despite mitigation an increase in noise, smell, light and pollution will occur. Think about living next door to an open field or living next door to this enormous, overbearing industrial site - it does not fit into the local landscape as it has high fences, massive storage tanks and clamps and even doubles the size of the Fengrain site. He stated he did not think that this application satisfied LP1, LP2, LP6, LP12, LP14, LP16 and plenty more. This application has no thought for the protected species living adjacent to the site and no thought whatsoever for the community who feel very strongly oppose this development. Members have read the reports, the recommendations, policies and comments of so many local people but asked them to ask themselves if this was fair on the community. He stated that Councillor Murphy had reminded them at the first application to let common sense prevail over commercial greed. If Members refuse this application, farmers will still farm with many continuing to grow sugar beet and other forms of sustainable energy will continue in Fenland. He did not believe that the local economy of Fenland would suffer and Members would have protected the people of Fenland from this inappropriate development which will ruin Wimblington and are surrounding districts.

Questions were asked of Councillor Connor as follows:

- Councillor Laws thanked Councillor Connor for his very good presentation and thank you for opening up the comments.

Members received a presentation in accordance with the public participation procedure, from Councillor Mrs Davis, Wimblington Parish Councillor.

Councillor Mrs Davis stated she was the Chairman of Wimblington Parish Council and asked Members to consider some text from DEFRA's Anaerobic Digestion Strategy and Action Plan 2011: "It is not the government's policy to encourage solely purpose grown crop based AD systems particularly when these are grown to the exclusion of food producing crops or where growth of these crops may adversely affect bio-diversity or deter optimal use of waste materials", this plan updated in 2015 goes on to state that they encourage the use of crop residues and waste as feed stock for ADs but would deter the use of feedstock and practices which are less environmentally friendly. The digester would have a major impact on the whole of Wimblington but the homes in Eastwood End and Hook Lane would be by far the most affected. Residents already suffer noise from the grain store at harvest time and now they are to be subjected to that noise and more for 365 days of the year. Most residents nearby will tell you how they have to close their windows during harvest time to omit the noise and dust and now they are expected to keep them closed permanently. We are told that there will be little or no noise but GP Planning's report makes it clear that this is conjecture and that true noise levels will not be known until the plant is operational. Add this to the noise that is already emanated by Fengrain then it is going to be a lot higher. All these cannot align with LP2 of the Local Plan, or indeed and in particular, e and l of LP16; when and who will police the conditions attached to the application, for example Condition 24 relating to traffic movement, who is going to police which of the many lorries, tractors and trailers carrying grain to the store and which are carrying sugar beet to the digester. Conditions 22 and 25 relate to noise and Condition 16 relating to odour is being left to the operator to monitor. We are all aware that the Council has limited resources when it comes to enforcement and this should be taken into account when reviewing applications. There is little point in attaching conditions that the Council and the applicant does not have the manpower to enforce. The transport statements states that the plan shows that two vehicles can pass one another along most

parts of the access road, including two HGVs; roughed up verges, knocked down bollards and bent signs prove otherwise. Widening the entrance to the industrial estate does not deal with these down Hook Lane nor the amount of lorries using Woodmans Way, a much loved local walk and one advertised as a Fenland Tourist attraction by Cambridgeshire County Council, the Council even produces leaflets about the walk - would the Council really want to continue spending tax payers money advertising Woodmans Way as a local attraction when it can often look like a lorry park. Section 8 of the NPPF says that the planning system has an important role in promoting healthy inclusive communities; in paragraph 75 it states "Planning policy should protect and enhance public rights of way and access". Another concern is highways view that Fengrain has sufficient capacity to safely accommodate the number of lorries and tractors; sadly they don't now during harvest time, let alone an additional 78 per day and that is always assuming that there is no backlog of lorries arriving and leaving. Residents are concerned about traffic through the village and approval of this application will mean that more parents and children walking to Thomas Eaton Primary School, on a road that will undoubtedly see far more HGV tractor traffic which does not have the benefit of proper footpaths on many parts of it; pedestrians have to criss-cross the road at certain parts to have the benefit of a footpath or they are forced to walk along the grass verges. Many local residents are concerned about smell from the digester, there is no question that rotting sugar beet stinks, we have reports that say none or little smell and others that imply there will be smell - how does this all fit with LP2 of the Local Plan. The Planning department are recommending that the application for approval on the basis that this is partly on an existing light industrial estate, seemingly the view taken is what difference is an extra 78 large vehicles a day going to make; we say there is not the infrastructure there to cope with it and light industry becomes heavy industry in a small country lane. The residents deserve to have the same recognition as Fengrain; we live here, we know the area; we have experience of the road system and the traffic. None of us are against digesters in the right surroundings, this is not a suitable place to build a digester of this size and type; this digester is not so much about renewable energy as subsidies and asked Members to consider how sustainable this plant would be if these subsidies are withdrawn, highly unlikely given that many such schemes are proving not to be reducing the carbon footprint nor to be as green as once thought. The current government has already reduced subsidies, sustainability is at the heart of LP1 of the Local Plan - are we looking at a possible 'white elephant', a plant that will not survive without subsidies, a plant which could end up closed and derelict, or with a request to change of use to being a waste digester as most of them are in the area. It is worth noting that material change in order to operate this digester are mainly focussed on waste digesters and indeed the digester that the committee visited in Bury St Edmunds, after only 16 months has already applied to increase its size and to take waste. She also asked Members to take into account the digester they visited was on a farm and not surrounded by residential property; these are the concerns of local residents. She asked Members to remember the statement made by Eric Pickles during his time as Secretary of State for Communities and Local Government; he said that meeting Britain's energy needs should not be used to justify the wrong development in the wrong location. With regard to the paragraph on bio-diversity in the officers' report, paragraph 109 of the NPPF, states that impact on bio-diversity should be minimised. Works to the access where it enters the site have been included as condition 7, the work is identified within the consultation responses from Peterborough City Council Wildlife Officer; he says that it is clear the scheme has been amended and may now have an impact on the perimeter ditches. The ditches were not previously surveyed as they were judged to be unaffected, however that may no longer be the case and if affected the survey work should be done in advance of any planning decision to ensure the true effect on water voles or any other protected species are known and have been fully considered as part of the decision making process. It is understood that these ditches may provide potential habitat to water voles, no survey work has been carried out to understand whether this is the case or the potential size of any population or identification of any places of shelter or protection is present. The water vole is fully protected under a schedule of the Wildlife Countryside Act 1981 and is a prioritised conservation species; the presence of a protected species on the site is a material consideration for planning purposes, Natural England or the Environment Agency should be consulted on applications which may affect protected species. It is not clear in the officers' report that Natural

England has been consulted and the Environment Agency's comments do not address protected species. Without this survey information being available as part of the decision making process, there is a question as to whether all potential impacts of the proposal are known and are able to properly be taken into account. I have concerns that it could be argued that not having this information available now and simply relying on a planning condition that Fenland District Council is not fulfilling its duty under the Natural Environment and Rural Communities Act 2006. The NPPF makes it clear that where protected species may be present that full ecological reports should be included with the planning application; other planning authorities have moved away from simply imposing conditions requiring surveys. The same issue arises with the gas pipeline whilst I am aware of the provision of the pipeline constitutes permitted development, it is unknown what impact the consideration of the route could have on biodiversity; the submitted ecological reports suggest the habitat along the route could support protected species including great crested newts and it is not clear what level of impact there could be on the habitat of protected species. With regards to the pipeline, some planning permissions for renewable energy proposals impose a condition restricting the operation of the facility until the grid connection has been made; this does not necessarily need to restrict the construction and commissioning. There is the potential risk that if the gas pipeline cannot go ahead then one of the main reasons for the application cannot be realised. Finally there is another species within the immediate vicinity of the site of this application, homosapiens; sometimes called humans and collectively called the people; please take them into account.

Members received a presentation in accordance with the public participation procedure, from Arthur Lamb, a local resident and a representative for Wimblington Against Anaerobic Digester.

Mr Lamb stated he wished to speak to Members about the duty of care; should a lady of 79 years of age, who lives in Ivy Cottage, which is less than 5m from the proposed site, be subjected to the noise, odour and light pollution that is inevitable if this application is approved. What about the 100 or so workers at the Chapel Cottage Plant who work in the open for most of the year and who will only be a few metres away from the storage tanks. There are many other families like me who live so very close to the site, over 60 families will suffer, smells, increased noise, increased traffic, pollution and the fear of living next to such a plant when there have been so many accidents at other AD sites. Whilst we understand that this may not be a planning matter, that a neighbour would lose money on the value of their house because of this development that the unacceptable effect is, in this case, increased fuel poverty is an unacceptable effect because the applicant will sell gas at more than three times the market value plus putting up gas bills, subsidies for all of us to pay. The Local Plan LP3 states that development in the open countryside elsewhere will be restricted to that which is essential to the effective operation of local agriculture, when support comes from farmers in different counties, when Fen Grain are a grain marketing and storage company and material change are a waste management company; how will this support local agriculture. There is no doubt that approving this application would represent one of the greatest transfers of wealth from the poor to the rich in Fenland's modern history; at the end of the day what do we as a community get from this AD - absolutely nothing. Finally, will you honour the council's duty of care to the people in our village and wider Fenland or will you approve the greed for public subsidies by the applicant, its co-operative and the few farmers supporting it that will grow the waste crops; for the sake of our village and community that are represented here today, I urge you to refuse this application.

Members received a presentation in accordance with the public participation procedure, from Shelly Fowler, local resident.

Ms Fowler stated that 73% of the public comments and letters of objections were sent in from local residents. The benefits to the community stated as renewable energy production but this will come at too greater cost due to size, scale and nature - this development would see Fen Grain dominate the whole of Eastwood End and the visual impact would be contrary to Policies LP2, LP12 and LP16 of the Fenland Local Plan and paragraphs 14, 17, 58 and 123 of the NPPF. This

new application proposed by Fengrain has been made bigger and now includes three storage tanks, each four times the diameter and almost as tall as the grain silos and three clamps which are each a similar length and width to the grain sheds. By surrounding two sides of the existing Fengrain site with the AD plant, the visual impact from the A141, Wimblington Road, Wimblington Way, March and surrounding countryside have been made worse. The visual impact from the south is not improved as the largest pieces of the plant, storage tanks and clamps remain in this location. The domed roofs and hemispherical form of the three storage tanks will not appear as typical agricultural buildings and will stand out from the grain store which itself is not screened by existing landscaping. The landscape and visual impact of this AD plant covering 9 acres is unacceptable and the cumulative effect along with the industrial estate, grain store and ribboning to Chapel Cottage plants will establish a 55 acre industrial complex in a prominent position. It has been stated that the proposed landscaping will provide suitable screening and mitigate visual impact however the FDC agricultural officer who made this statement has misunderstood the size and scale of the proposals stating that the proposed development is generally low level, the tallest element being 9m in height and the storage tank with a ridge height of 7.7m whereas the tallest elements are actually 14m high. Regarding screening at appeal for another AD the Inspector determined that the time taken for landscaping to be effective, quoted 12 years to be sufficient as a substantial part of the year the trees would not be leaved and would not be sufficient to overcome the harm to the visual amenity. In summary this new application is even bigger, visually worse, still in the wrong place, still too close to homes and cannot be sufficiently screened and I would ask the planning committee to once again refuse planning permission.

Questions asked of Ms Fowler as follows:

- Councillor Owen stated that Ms Fowler had mentioned visual impact, smell and noise amongst other things; which of those things mostly concerned her to which Ms Fowler replied stating she did not speak about noise and smell personally but for her it would be visual impact but she could not speak for everyone else.

Members received a presentation in accordance with the public participation procedure, from Ray Kilsby, Independent Planning Consultant.

Mr Kilsby stated he was a professional planner and it was self-evident that this was a complex application; one that was riddled with insufficiencies and shortcomings and he would look at three matters briefly. Highways - Conditions 24 and 27 as recommended will permit the locality to accommodate 23,700 vehicle movements per annum on a two-way basis that 47,400 movements in a year and as previous speakers had commented, how would reconcile that Local Planning Policy LP2. In terms of conditions, there are six relevant tests for the imposition of planning conditions, one of which and the most important one, as mentioned previously is enforceability. He asked Members to look very carefully at the practical implications of seeking to enforce a number of the recommended conditions, particularly those relating to vehicle movement, vehicle numbers and the planned through-put at the plant itself. There are now 32 conditions in total recommended, 18 of which require further information, details and analysis; some of which highly specialised and highly technical. Unless and until Members have that further information then how could they be satisfied that all the matters they report to have dealt with can be dealt with. He suggested that the system needs reversing to give every safeguard when dealing with this application properly. In terms of Local Planning Policies, the February 2015 refusal identified the breach of three Local Planning Policies and he asked Members to consider the degree to which this application overcomes these, including the much debated policy LP12. He stated he could not deal with LP12 in the time available to him today but suggested that the interpretation being urged upon Members was somewhat perverse when the objective of LP12 is looked at to serve the interest of the localism.

Members received a presentation in accordance with the public participation procedure, from Mark Laws, Representative for Businesses in Eastwood End.

Mr Laws stated he was Master of Science, owner and manager of Law Fertilisers Ltd who had been trading for over 30 years and stated he was most surprised to find himself in this position nine months after the fundamentally insane application was unanimously rejected by this committee. His first objection was traffic and access; as farming equipment gets larger, there will be an increase in forms of traffic on the county's roads and considering the AD traffic would mainly be tractors and trailers, up to 78 a day, this will lead to even more disruption. The access is inadequate as the road was only meant to feed just a few industrial units and over the last four years has been dominated by Fengrain rerouting over 100,000 tonnes of grain into their site and who have blocked his only factory entrance every year. The access is full to capacity at harvest time, especially in the mornings and this is contrary to LP2, LP6, LP15 and LP16. His second objection was safety and that the new application was a lot worse than the first in that it re-sites the methane and propane stores, including the exposed flame stack next to his own fence to his main fertilising unit, which may have up to 3,000 tonnes of ammonium nitrate at any one time. He reminded Members that 25kg of ammonium nitrate detonated would destroy a ten storey high office block. In light of the recent events in Paris you just do not put a methane production plant next to a fertiliser factory; this is the wrong site and contrary to LP2 and LP16. Remember that National Planning Guideline 123 under 23 "Businesses should not have unreasonable restrictions put upon them because of changes by nearby land users". Thirdly the unit is not of economic benefit, subsidies have been talked about, regarding the employment; the industrial estate employs 140 people whose working environment will be affected and the two jobs mentioned are insignificant. Law Fertilisers Ltd themselves are recruiting two people themselves next year; this is contrary to LP1, LP2 and LP16. He suggested that the excessive number of conditions attached to the recommendation will be extremely difficult to monitor and enforce as previously mentioned. There are several key agencies yet to be consulted and the application should be refused because of these reasons.

Questions were asked of Mr Laws as follows:

- Councillor Owen stated that at the previous application and again today, had referred to the storage of dangerous gases as a safety risk to which Mr Laws stated that they mitigated all those risks themselves but this is increased by the neighbouring activities because methane is highly flammable while its being charged and an exposed flame, as from time to time as mentioned, gets discharges of chaff and dust onto their site as well as the local residents; if that picks up some of the flame from the exposed burning propane, that could potentially blow into their site. The site meets all the current standards and is fully compliant with all the regulations but it exposes them to an increased risk from the gases next to them. Councillor Owen stated that at the previous application this had concerned and therefore asked him how safe his facility as they were not going to get just char or anything else from the existing premises and the stuff that was likely to be going in there would be damp to which Mr Laws stated that if he had seen the tractors and trailers pouring the waste silage or maize silage around the roads, they are blowing organic material into the atmosphere which would be wind-blown deposits and they did not have gases but granules but ammonium nitrate was an oxidising agent. Councillor Owen asked if Mr Laws was happy that his site was secure should this application go ahead to which Mr Laws stated as he had mentioned, there were several key organisations that have not been consulted, the Fire Brigade and no comments have been received from the Health and Safety Executive about the compatibility of the two businesses. As per the situation in Paris; their dead-end road, he regularly has to turf suspicious people from the end of the road at the weekends and you do not really want to open this up to potential sabotage.

Members received a presentation in accordance with the public participation procedure, from Duncan Boughton, Local farmer and supporter.

Mr Boughton stated he had been asked to inform Members why he as a farmer would support this

application and that he had farmed in Doddington for all his working life, nearly 55 years and produces many tonnes of sugar beet. He stated he would inform Members of why this would benefit his business and others in the area - the beet stocks for this plant will be sugar beet and rye with the possibility of small additions of other things which from time to time may be necessary due to the poor production of any crops. If this plant had been designed to consume maize then he would not be sat here supporting it and would probably be objecting. He stated he believed it to be entirely different with the production of sugar beet and rye for this plant. Sugar beet is a very important crop in this area and has been for many years and is the back-bone of many farms. Regarding the state of the industry at the moment; in 2017 the end of any support that is given to the industry will disappear, any quotas will disappear and there will be a completely free market in sugar. At the moment, the world price of sugar is on the floor and with the unlimited production in Europe is likely to remain very low for some time; the effect of this is that in time British Sugar are reducing the amount of product they will process over the years and in fact they, themselves are turning sugar into energy themselves. We all know of the campaign against obesity and talk of a sugar tax and this will further reduce, in his view, the consumption of sugar. We are all concerned about the future requirements of British Sugar and what it will do to businesses therefore they have supported this plant as it will provide another outlet and enable farmers to continue farming at the same rate. Over the years he stated he used to supply British Sugar with 4,600 tonnes of sugar beet but his quota had now been reduced to 3,000 tonnes and his intention was to put 1,500 tonnes into the Wimblington grain store and Wimblington AD Plant. The result of that is that 53 loads that he would have sent previously to Wittington would not only travel to Wimblington and that would save 58 miles of road traffic there and back; that would save a lot of CO2 omissions and nitrous oxide omissions into the atmosphere; multiply this by 1,250 loads that would go into Wimblington instead of Wittington with an average of 10 miles (instead of 30 miles), 40 miles would be saved on a return journey and over the period of a year, that would result in 50,000 less lorry miles from sugar beet in this area. Sugar beet relies heavily on contractors and because of the reduction in growing area, many of these are now feeling the pinch and there are likely to be job losses in the industry and some businesses going out of business. The cost of a sugar beet harvester these days is over £300,000 so there is a lot of investment tied up in the crops and we feel we want to maintain the present level of production; if we cannot put it through an AD plant then we may well have to grow something else less profitably. To farmers, digestate is something they look forward to having, it gives back valuable potash and phosphate and nitrogen to the land; it would condition the land to a much greater extent than can be done at the moment as farmers do not have the resources to manure and the supermarkets have banned farmers from putting sewage on the land and therefore they have nothing much to condition the land and the use of digestate would be of great benefit in fertilising and soil conditioning; it is also an organic fertiliser and will not require the energy to produce it. He stated he did not know much about rye but he did about black grass. Black grass is a weed that is becoming an extreme problem to farmers, it smothers crops and it reduces yield and is becoming more resistant to weed killers as it is very good at adapting to resistance so we are left with very little to control it apart from rotational and organic means and as such rye would be of an extreme benefit to farmers to grow because it is harvested in July before black grass seeds therefore the rye and all the black grass would go to the AD plant in those months. To finish he stated he would quote from a letter he wrote to Members in support of this application - From the true farmer's perspective, one who has lived in Fenland for all of his life and one who cares deeply for the area, who supports British agriculture and one who wants to work with other farmers profitably for the benefit of all farmers and agricultural communities and one that needs to continue to invest and diversify his business. He stated he would like to make two final points - Fenland is an agricultural heartland and needs the infrastructure to support production. Farming is a particularly volatile business and farmers need to diversify. Farmers working together through a co-operative like Fengrain can achieve more than by working alone. The price of wheat is £100 per tonne less than it was two years ago so it is essential to have avenues to explore to extract the best value for all crops. I trust that the planning committee will see common sense and take advice of the planning officer and fully back the proposal.



Questions were asked of Mr Boughton as follows:

- Councillor Mrs Newell asked which route he would take from his farm to the AD plant to which he explained he would go up to Sisco garage and turn right onto the bypass, coming through Doddington village as he does now.
- Councillor Cornwell stated the comment Mr Boughton had made seemed at odds with DEFRA's current policy which states that the government shares reservations about bio mass where it only uses crops as feed stock and does not wish to see a significant growth in such plants; believes that the primary use of agricultural land should be food production but recognises that there are risks as well as benefits associated with bio energy. There are some low risk options which include bio gas and bio methane from waste which is why we are keen to see the use of more waste to create renewable energy. Where the farmers are worried about the effects on rental prices for growing maize DEFRA are considering to etc. Councillor Cornwell asked that as a farmer, Mr Boughton was at odds with DEFRA on this issue to which he agreed and stated he looked at this from a long term perspective that we are producing a lot of food in this country, 30% of which is wasted and as such, he felt that there is enough food produced within Europe to satisfy the population as it stands at the moment; that means, as farmers, with the increase in yields that they can produce with technology, especially in the sugar field, they will have to seek other outlets and energy was a prime way of doing that. He did not want to see 'wall to wall' maize grown in this country, as in some parts of Europe, and that's why he thought a change to some of the sugar beet crops into an AD plant would be beneficial without causing any additional land use. Councillor Cornwell asked if he was supporting this application because it is essential or that you prefer something like this because you do not want to go down the alternative crop route to which Mr Boughton stated that they would still farm but not as profitable as they would with sugar beet.
- Councillor Mrs Laws commented stating that she was surprised Mr Boughton had stated that there was enough food to satisfy the current population as that seems at odds with what is reported within the media and therefore she questioned that statement and she also questioned that Mr Boughton's presentation sounded like a business plan. Mr Boughton responded stating he understood Councillor Mrs Laws' point but if that was the case then food prices would be a lot higher than they are at the moment as they are at the moment. Councillor Mrs Laws asked if he was worried he would lose his sugar beet quota to which he replied there was no doubt that farmers would lose sugar beet quota in the long term as they had done already. Councillor Mrs Laws stated that Mr Boughton had clearly stated that if he was in the position of the opposition with maize only being considered she questioned that it depended on what side of the business plan he was as to what fence he was on. Mr Boughton responded stating that personally he did not want to see the amount of maize that was being grown at the moment as he thought it was causing too much environmental damage at that time of year on the roads and everywhere else to be sustainable; he would prefer to see sugar beet used as this would be better all round.
- Councillor Owen asked which production cost on equipment, materials and crops was the cheapest, maize or sugar beet to which Mr Boughton responded stating that maize was by far the cheapest but that you would get a lot more energy out of sugar beet than you would from maize but maize was a very cheap crop to grow.

Members received a presentation in accordance with the public participation procedure, from Paul Randle, from Fengrain.

Mr Randle stated he wanted to remind the committee of some facts about Fengrain and this application. Fenland is the heart of UK crop production and where the co-operative was born over forty years ago, it was created by local farmers wanting to do a better job of marketing their grain than they could themselves. We are still independent, British, farmer owned and very proud of our heritage. We store around 120,000 tonnes of members' grain, we are not a large corporate business, we survive on about a 3% share of the UK market so we have to invest and diversify to

ensure we remain competitive. Fengrain's core objective is to return the best value for our Members' crops, arable farming is high risk and the market extremely volatile we aim to provide stability and a good home for their grain, Fengrain offers this and more. This project started almost three years ago when Members approached us to see if we could jointly develop an anaerobic digester that could use sugar beet that had been grown in the Fens for years and local farmers are geared up with expensive plant machinery and are brilliant at growing it. The trouble is that there is only one customer, sugar, which has the monopoly over local supply. You will notice from recent press reports that the consumption of the amounts of sugar is falling and there is over-capacity throughout the world, in fact local beet quotas have been cut and the price paid to farmers has dropped significantly. European legislation enforces UK farmers to grow three crops in rotation and in 2017 import restrictions will be lifted so there is a genuine threat that sugar beet could be replaced on the Fens forcing local farmers to grow more complicated and less profitable crops. Our proposed facility will use 35,000 tonnes of locally grown beet, a crop that is already being grown and potentially not being used by British Sugar and around 10,000 tonnes of rye, a crop that helps reduce a weed called black grass. Both of these crops will be harvested and delivered outside of our traditional wheat harvest. We have applied to use maize as a contingency, maize is an enemy of Fengrain, it is grown on primary land and can affect the future suitability of the soil. In fact our customers have told us that they are not happy to accept anything that has been grown on land previously used for maize. The operation will be placed right in the middle of a growing area, on an industrial estate, so road miles will be reduced as most of the crop will be delivered from within 10 miles as opposed to a 30 mile journey to a beet factory. 78 lorries a day will be the maximum and will not be 78 lorries every single day. Digestate, the by-product of the process will be returned to farmers and used as a natural organic fertiliser, replacing expensive manufactured chemicals. The plant is not intended to be used for food waste, objectors are wrong in any assumptions that this is the case; we are a farming business and not a food waste producer. After the result of the last meeting we wanted to check to see if members still supported this application and we received 75 letters confirming they did, we also listened very carefully to comments raised since the previous hearing and have already completed work to resolve these issues, the equipment has been ordered and over £100,000 has been committed to help with further improvements.

Questions were asked of Mr Randle as follows:

- Councillor Cornwell asked if during the process the top of the beet was chopped off as it is presently to which Mr Randle responded stating it would predominantly be the core of the beet that would be used but that they can use the green top; presently the top is taken off but at the AD plant the top would stay on and it would be sliced into chunks. Councillor Cornwell asked if it was sliced on the premises at Fengrain to which Mr Randle explained that from the field it is put into the clamps and sealed (oxygen free), when the clamp is opened then the beet will be chopped just before it goes into the digester meaning that it is actually stored whole. Mr Randle stated he had visited four or five locations in Germany where they chop beet and store it in the lagoon and also where they used whole beet.
- Councillor Mrs Laws stated she fully appreciated that business has to move on and that business has to look at both investment and diversifying; she stated she had heard all about the issues that he had addressed from before and that people's comments had been taken on board and now heard about the benefit to farmers; could Mr Randle honestly, in his considered opinion, answer as to how this would benefit the community. Mr Randle explained there were a number of reasons; Fengrain employ 34 people, approximately 5 of those from Wimblington and others from March and Chatteris, these are generally people who have worked with Fengrain for a long time; bringing in this sort of process will allow additional revenue and this revenue will be used for two different things - used to maintain our low cost base and to ensure that this continues therefore it helps people with the security of their employment and we will be bringing in at least one new job, in fact we have a consultant working for us who has recently moved to March so there is also additional employment there too. We also employ local contractors who have small local businesses,

we do not contract out. The plant will be built by local contractors but to German design therefore this is an awful lot of benefit to the community; we spend about £7million on local contractors a year and if you add hauliers to that then it is even higher.

- Councillor Owen stated he was interested in the response that Mr Randle had given to Councillor Cornwell and asked if this would produce the same smell or odour that had been produced by beet factories in Kings Lynn years ago as it was not cooking but a similar process. Mr Randle stated this was a completely different process, the beet that goes into Whittington is cooked and produces steam and as Members may be aware there will be a large AD plant development on that site. He explained that when the beet is stored in the clamp, it is their intention to cover that with an anaerobic seal so that oxygen cannot penetrate because anaerobic means without oxygen, the only time that this will be exposed to the atmosphere and into the air is when it is transferred from the clamp into the feed hopper, where its chopped. Everything else is sealed, the digester plant itself is sealed along with the two storage clamps and no oxygen can get in; so the smell cannot escape if the oxygen cannot get in. When the vehicles are loaded with digestate there is a proper seal on the vehicle that goes into the tanker and taken offsite within two or three days. If the site is managed badly and liquid is allowed to drain off the clamps and left lying around then obviously it has been badly managed but he explained they had a condition with their contractor about how the site is managed, what product is used along with many other conditions therefore Fengrain would control that and it would be managed to their standards. Fengrain is a grain store, air is pumped into the grain to cool it, if this is happening whilst there are obnoxious smells around the site then these would go into the grain and there is no chance of selling it and grain is a precious commodity, last year it was £240 per tonne and this year it is £20 less and they would not allow the core business to be put at risk because of this. Councillor Owen stated moving from sugar beet to maize and asked when maize comes along the road to various other ADs it does not seem to be covered and secured and asked what Fengrain could do to ensure that their suppliers keep their maize covered and secured in transit. Mr Randle explained that first Fengrain were in control of the contractor therefore they would be telling the contractor what can and cannot be done; when the crop is ready then it has to be cut and there will be a rule that all vehicles coming into Fengrain will have to be sheeted, there will always be a farmer that has a physical disability that cannot physically sheet a vehicle and in that case he will be made to use a lower trailer therefore it is a rule already that vehicles are sheeted and Fengrain will impose that rule and he agreed with Councillor Owen that what was happening with maize was disgraceful but that is not the Fengrain issue, that is for someone else, it is not on the same site, their proposed site is well off the road, there will be vehicle washing facilities to stop mud from transferring to the roads; it is not in Fengrain's interest to cause any problems for their neighbours.
- Councillor Cornwell stated that Mr Randle had mentioned both solid and liquid waste, are these kept in separate tanks to which Mr Randle stated they were kept in the same tank until it is ready for despatch. Councillor Cornwell asked what happens to the air in the tank that is being displaced when the liquid was pumped out into a tanker to be taken away to which Mr Randle explained it would come from a vent the same as any type of tanker.
- Councillor Mrs Hay asked what currently was the busiest time of year for Fengrain to which Mr Randle stated the 12th of August; Councillor Mrs Hay asked for the range of months. Mr Randle explained this did vary as the harvest starts when the grain is dry and the farmers begin harvesting, last year this begun on 14 July and this year it started on 1 August; the farmers prefer to cut the grain when it is dry as this means that the grain does not need to be dried after as this is a cost to the farmer. On 1 and 2 August this year Fengrain took in about 2,000 tonnes of grain and on the 3 August approximately 5,300 tonnes of grain; which is approximately 250 vehicles; Fengrain cannot take in much more than 5,000 tonnes of grain. One of the reasons that Fengrain put in the new road was to ensure that the vehicles were able to get off the bypass away from the village as this had previously been a problem; Fengrain have tried to create a one way system around the site. In addition vehicles are having to park on the byway and therefore Fengrain are trying to put

in a long term project to be able to contain all the traffic coming into Fengrain actually onsite. 5,000 tonnes of grain is a busy period but what people do not realise is that grain also has to be taken out of Fengrain and because of the late harvest this year and because of customer demand it meant that crop had to be stored through the harvest therefore Fengrain were delivering out at the same time, which is easily 50 or 60 vehicles a day, most of that is contained and handled well but the traffic uses exactly the same route on the way in. With the AD plant the window for rye is from the end of May and can be clamped on field and generally helps with the reduction of black grass so in June and July when the rye is ready, Fengrain will be in control of bringing that in which will be limited to 78 vehicles a day (he did not think Fengrain would get anywhere near 78) and this would be spread from Monday to Saturday between 7am and 7pm with a maximum intake of 1,000 tonnes of rye a day which would mean a maximum of 30 vehicles a day. Councillor Mrs Hay asked if she would be right in saying that sugar beet would be in July as previously stated by Mr Boughton. Mr Randle stated that wheat would be in July and August and sugar beet would be very late September into October and no rye or sugar beet will hit the site in July and confirmed that the crops will not overlap because of the wheat harvest carried over into September then the actual harvest would be rubbish anyway. Councillor Mrs Hay stated she could not tie this in with the information provided by Mr Boughton as she was sure he had stated July to which Mr Randle explained that the facts were that the rye harvest would start mid-June and finish by mid-July and the wheat harvest starts at the very earliest in mid-July ending in the September and then sugar beet will start in October and November to which Councillor Mrs Hay commented that Mr Randle had stated that they had wheat harvest as early as 4 July to which Mr Randle stated they had 4 loads in on 4 July and records would show that the earliest harvest is rape that is received around 25/26 July.

- Councillor Miss Hoy commented that Mr Randle had stated that there would be a maximum of 78 vehicles a day yet he had stated a high of 250 vehicles a day to which Mr Randle explained that the current business did receive a high of 250 vehicles a day.

Members received a presentation in accordance with the public participation procedure, from Mr Raybrook, from Material Change.

Mr Raybrook stated he was a project manager representing Material Change Ltd. We are working together with Fengrain in response to their Members' request to build and operate the proposed AD plant and to work closely with the local community. Material Change is part of a group of companies working in renewable energy and recycling, not waste; our group has strong agricultural roots so we understand the industry's need for development and diversification. We have been operating AD plants for five years and our partners and technology suppliers we work with are among the most experienced international developers with over 100 AD sites working across Europe and the plant will benefit from the latest technology afforded in an already established industry with strict adherence to all health and safety. Material Change will build and then operate the plant in a professional and responsible manner and with a duty of care adhering to all principles of operating such a site, taking into account all the necessary precautions and guidelines required by various public bodies and authorities who dictate the policies; we are heavily and regularly audited by many different agencies and local authorities. He stated he had a couple of responses to some of the questions that had been raised; firstly on the odour front he gave an analogy of two pieces of steak on a kitchen counter, one wrapped in cling film and the other left open. The one in cling film is not exposed to the air and will not rot but after a week, the one that is exposed to the air will probably smell and the one in cling film probably will not and this gives Members an idea, why the beet will be wrapped in effectively what is cling film so the air is taken out of the clamp so there is no air to rot the beet. With regard to traffic and vehicle movements, the weighbridge will count vehicles in and out and this is heavily regulated, monitored and audited so the council would be able to look at these to ensure the vehicles are adhering to it. We will continue to work closely with the Council and mitigate any potential issues which may arise and we are committed to developing and generating sustainable energy as unobtrusively as possible.

Questions were asked of Mr Raybrook as follows:

- Councillor Mrs Newell stated Mr Randle had stated how many of these plants had been brought into use but had not mentioned how many had been decommissioned like some in Germany that had been operating for years and were now decommissioned. Mr Raybrook explained that planning will often only allow the plants to remain standing for a period of up to 25 years, some only 20 years but generally plants have been built and running for in excess of 30 years so the ones that have been decommissioned are probably the ones that have come to the end of their regulated lifespan. Councillor Mrs Newell stated this was not the information that she had as she had been told that because they have not proved to be successful they have been decommissioned.
- Councillor Cornwell stated that when Members had visited a plant to understand how it worked he had asked a question concerning how the product was used and he believed that at the plant they had visited, the product was electricity; gas was being produced and it was running generators that were producing electricity; he believed the plan with this application was to produce gas and for it to be moved into the gas main and when he had asked why, he had been told that it was because the National Grid in this area did not want any more electricity being produced and therefore the plant was going to produce gas and yet somewhere in the documentation he had seen that Fengrain itself is having problems with its electricity supply and would be considering at some stage using the output to power its own electricity plant so there is a slight divergence of opinion; is it fact that the National Grid does not want electricity in this area? Mr Raybrook responded stating that there was no capacity within the grid in this area, the only thing they can offer is a regulated flexible type of arrangement but with AD it cannot be shut on and off like it can be with solar or wind, with an AD plant it is 365 days a year and the issue of electricity for Fengrain is slightly different. Councillor Miscandlon stated this question should have been addressed to Mr Randle who was the Fengrain representative.

Members received a presentation in accordance with the public participation procedure, from Christian Smith, from GP Planning on behalf of the applicant.

Mr Smith thanked Fenland's planning officers for presenting a thorough report, which again recommends to Members that planning permission be granted. It is clear from reading the report that this has been intensively scrutinised by all parties. He hoped that Members could see that in the redesign of this proposal that the scheme has overcome the single issue of concern identified in the refusal for the original application by siting much the plan and equipment away from Ivy House and onto land within Fengrain's existing industrial land. Members will note that from reading the committee report that there is a compelling need to increase the amount of energy from renewable and low carbon technologies; the UK has an obligation to ensure that 15% of its total energy consumption is met by renewable sources by 2020 and a recent review by the government shows that the UK remains well short of this target. This issue has been in the headlines this week at a summit where 150 world leaders have agreed a legally binding and universal agreement to slow down climate change. This proposal therefore represents an opportunity for the Council to meet its own policy of increasing the production of renewable energy and reducing climate change; in this case the proposal will provide an indigenous supply of gas to the National Grid, meeting the needs of around 3,000 homes and offsetting 4,000 tonnes of carbon emissions, it will create jobs and boost the local economy and as the case officer's report acknowledges the production of renewable energy is a matter to which significant weight should be attached in the planning balance. Set against that backdrop, we need to consider harm; we have demonstrated through rigorous environmental assessment work that the proposed AD facility will not be a blight on acceptable impact and can be controlled satisfactorily by the imposition of planning conditions. All statutory technical consultees such as the Highway Authority, the Environmental Health and the Environment Agency agree with this conclusion therefore he did not feel it necessary to go through these points in detail as it was set out in the report. They are

committed to resolving issues as they arise by working with the local community and this could be established formally through a local liaison committee and in his experience it was a very effective way for discussing and resolving issues. On balance, given that he had identified significant benefits to be brought about by this proposal and that there is limited harm he respectfully requested that Members support the proposal in line with officers' recommendations.

No questions were asked of Mr Smith.

Councillor Miscandlon advised that a short break of 15 minutes would be taken.

Members asked questions of the Highways officers as follows:

- Councillor Miss Hoy stated that vehicle movements had been mentioned within the Highways report and she was aware that there was a home for people with disabilities with the upstairs also used as an office with cars coming and going throughout the day and asked if that had been factored into the vehicle movement numbers as they use Eastwood End. The officer replied stating the transport assessment was based on observed count data therefore the trips that exist would have been counted.
- Councillor Mrs Laws stated then when you come out onto the t-junction, the close board fencing is on the right and there will be an improved area on the left and she understood from yesterday from the Officers' comments that directly opposite that the verge would be taken and she noticed with the widening of the road that there is a drainage ditch there, would this be piped, did that land belong to County Council, Fenland or privately owned and what was the depth being talked about. The Highways officer pointed out on the plan the highway boundary and then on another plan SK5, shows that even with the widening there is still quite a distance between the highway boundary and the proposed widening and if as a result of the widening there needs to be some localised culverting of that drainage ditch then this would be looked into at the detailed design stage. Councillor Mrs Laws stated that there did not look to be very much space there and did not think much would be gained from it. The Highways Officer stated these were detailed design issues and could be overcome; at this stage we are purely looking at the principle as to whether the access improvements can be delivered on the applicant's land or within the public highway which they can be.
- Councillor Mrs Laws stated that whilst on the site bus the previous day, they were parked at the t-junction and they witnessed an HGV travelling down there and a car having to avoid it and drive into the verge. She commented that the reports state there will be width for two HGV vehicles but she had concerns that even with the widening this would not be an effective route for transport. The Highways Officer stated that the applicant has clearly demonstrated that two HGVs can pass each other with mitigation measures that the applicant has offered.
- Councillor Mrs Hay stated that Mrs Laws' comment tied in with her question, on page 9 it mentions an acceptable access intersection can be provided to allow two HGVs to pass at the intersection at Eastwood End but does not mention anything about the rest of the road which clearly not able to accommodate two HGVs side by side without them going onto the verges. The Highways Officers stated that another plan SK7, showed the widening just past the data shredding access and at that point the applicant has detailed that the road width would be at 5.8m which is sufficient width for two HGVs 2.5m wide to pass as it was reasonable to expect 0.5m offset between the two therefore there should be sufficient distance. Councillor Mrs Hay stated that an HGV was 2.5m wide but did that include the mirrors on the side to which the Highways Officer confirmed that it did.
- Councillor Miss Hoy asked if Highways physically measured these roads or go on what they have been told to which the Highways Officer stated he had visited the site and measured the carriageway at that point and there was sufficient carriageway to show that 5.8m was realistic but this is after the applicant would have put in his mitigation measures and the widening. You would need to see the widening in effect to see it in operation and how it works as all he could do was assess the evidence that was in front of them and the

applicant has provided a swept past plan that demonstrates that two HGVs passing works. Planning Officers added that Condition number 7 secures details of the widening of Eastwood End which would allow two way vehicular movement.

- Councillor Cornwell stated he was concerned about the Eastwood junction with the A141, the accident record there is not brilliant and he believed there had been two deaths there over the last few years therefore is there a need to somehow make that a better junction as the speed on the A141 was 60mph so if traffic is travelling at a reasonable rate of knots to then be confronted by slow moving traffic coming out is not particularly easy; were Highways 100% satisfied with the state of that junction. The Highways Officer stated that as far as he was aware there had only been one recorded accident there in the last five years at that junction and he showed a slide from Crashmap (which as an insurance based software website that would should show any fatals) that showed only one serious incident in the last five years and that is all that can be considered which is one incident at the northern Eastwood End junction; it was the southern one that had the fatality on it. For Highways to consider a junction to be unsafe there needs to be at least five accidents in one year in order for it to be considered a cluster site. Councillor Cornwell stated that if there is an increase in the amount of traffic as a result of this application then surely that could be modelled in and surely the risk increases as the traffic increases and it is known that the traffic will be increased. The Highways Officer explained that it would have to demonstrate that accident statistics at that junction would have to become significantly worse as a result of the development and there is no evidence that this would be the case. Councillor Cornwell stated he was seeking as to whether he was absolutely satisfied that if that application was approved there would be no increased risk at that junction as a result of the extra traffic. The Highways Officer stated, yes, because if there is an increased volume in traffic through any intersection, junction or whatever it is then you will always increase the risk of incidents occurring no matter where it is but that the increase in risk would only be slight.
- Councillor Mrs Laws stated that Highways Officers had consented to this therefore it would be very difficult to challenge but she would like to ask a couple of questions; vehicle sizes have changed over the last ten years and in her opinion this was still a very narrow road that leads onto an extremely busy road and her concern was the queuing on the main road to get into that junction therefore are we confident that with the changing of vehicle size and design and obviously people wanting larger capacities to go in on one journey to reduce the carbon footprint, that this will be robust enough to stand up in ten years' time to which the Highways officer confirmed that it was. Councillor Mrs Laws also asked what details Highways had on road traffic accidents, apart from serious injury and fatalities, did they show any other accidents, are these just reported accidents or insurance claims; what were the categories to which the Highways Officer replied stating that it was only the serious and fatality accidents that hold any water at appeal and the ones showing orange on the slide were slight accidents and the others were serious and fatal accidents which are reported.

Questions were asked of the Environmental Health Officer as follows:

- Councillor Owen commented that the report had stated that Environmental Health had no concerns with noise and odour from this proposed plant and asked if the Officer had visited both Chittering and Mepal to see what happens at those plants. The Environmental Officer stated that she had not been to Chittering but had been to two other AD plants and looked at processes at plants from the development stage right through to the operational stage and have worked closely with the Environment Agency and different sort of AD plants all of which have different considerations, ie crop or waste fed or wet or dry digestate and as part of her role, as technology changes then she has to learn as much as she can. Councillor Owen commented that the Environmental Health Officer had no objections and the Officer explained that they had asked them to demonstrate that they could meet guidance; the guidance sets standards for both noise and odour and have requested that those conditions are also secured to give them absolutely limits for the site on both noise and order and if there are problems on the site then they have to participate by validating them, demonstrate

that they are meeting them and if there are issues then to be able to work with us to identify them. The Officer stated she could not say if there would be problems or not but in her experience there is a need to ensure systems are in place to deal with them should they occur. Councillor Owen asked that with what the Officer had seen, was she content to which she had replied that she had not been able to criticise their reports and she would have done that if it had been necessary, she met with the applicant and agent and had met with a noise consultant and had scrutinised what they had all done.

- Councillor Bucknor asked if the Officer had any concerns about the field workers in the adjacent fields to which the Officer explained that when the odour plan was carried out a map was produced showing the odour levels and distance from the site and the further away from the site then the odour levels lessen; on the most recent plan it is anticipated that there will be a slight odour on one corner of that area and when this was compared to the guidance that was available it falls under the limit of something that could be objected to as it considers that level to be acceptable. Councillor Bucknor asked if the Officer was concerned about particles in the odour that are of concern to which the officer responded stating there were no concerns regarding that.
- Councillor Mrs Newell stated that at Chittering there was a fatal accident and also a leakage of leachate into the ground and if leachate were to go into the ground in this area then it could cause serious problems to the watercourses. The Officer stated she could not comment as anything regarding water and waterways would come under the remit of the Environmental Agency therefore she would have to go back to their submitted comments.
- Councillor Mrs Laws stated that whilst on the site the previous day there was a very pungent smell, she was not sure if this was the grain store or the fertiliser company but had these been taken into account to which the Officer responded stating that they would not have asked the agency to assess any other odours in the area, she had not experienced this during her visit and they had no statutory odour complaints received for that area; therefore this application has to be assessed on its own merits. Councillor Mrs Laws stated it was a very pungent odour to which the Officer stated that she could have a look but in that vicinity was a grain store, which produces grain smells and also a chemicals factory that she had not visited. Councillor Mrs Laws stated that the agent and applicant would be asked to do an odour report but she thought it would have been good if an assessment had been done in the vicinity of the other bordering plots. The Officer explained this was not in their control to which Councillor Mrs Laws stated it was in the Officer's control; the Officer responded stating that if she had been pointed towards an odour issue she would have investigated; she had visited the site on a number of occasions and had not had an odour issue on this site but was happy to look again.
- Councillor Cornwell stated he was concerned about the lagoon, he understood that there was beet wash down first which he assumed drained into the lagoon, secondly, any liquid produced from the clamps themselves, would that also drain into the lagoon. He was not looking at this from necessarily any contamination to watercourses from the lagoon but from any obnoxiousness that could be produced from the lagoon, as the smell when visiting was awful and asked if there were any controls to stop waste from the process being handled in the lagoon itself. The Officer stated that this was a question for the operator but stated the leachate is put into a tank and not into the surface water and she considered the lagoon as a water runoff for surface water and rain water. Conditions are not listed against certain parts of the site, instead it is better to state that whatever activities are carried out on the whole site they are not allowed to exceed guidance and certain limits. The locations as to where the soundings are done from are the most sensitive receptors and therefore this would be residents homes to which Councillor Cornwell stated this would be where the records that are kept are monitored from to which the Officer confirmed it was; residents would be asked to undertake a series of monitoring or officers would use those very specific points.

The Chairman opened the meeting up for general discussion as follows:



- Councillor Mrs Laws asked for clarification of any further reports from both the Health and Safety and the Fire Service to which the Officer explained that the Health and Safety Executive had been consulted as part of the application and they did not provide any comments. Cambs Fire and Rescue were telephoned who gave informal comments stating that the site was not near a COMAH zone and that both plants would be subject to their own Health and Safety risk assessments and therefore raised no concerns.
- Councillor Cornwell stated he wished to go back to some of Fenland's policies as he was concerned about LP3 which is the hierarchy and Eastwood End is judged to be elsewhere. It very clearly states in Fenland's Local Plan that development elsewhere ie in an area not falling in one of the others, market towns, which will be restricted to that which is demonstrably essential for the effective operation of local agriculture/horticulture etc. Councillor Cornwell stated what mattered with this was "essential for effective operation of local agriculture" - the farmer that spoke earlier stated it was not essential, he deliberately asked him that question and he had said that this application was not essential for agriculture. In fact the planning application is not agriculture, it is the result of agriculture and is not agriculture itself and that is very clearly defined when you look at what agriculture means, it does not mean an AD plant. Councillor Cornwell stated that he thought this application did not comply in anyway with LP3. Officers replied stating that if Members looked at the update circulated by officers, point 27 confirms that this proposal is a 'utility' type facility as referred to in policy LP3 and the policy states; "development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and what Officers are stating is this is a utility service and therefore it complies with the policy. Councillor Cornwell stated he thought Officers were stretching it to the utter limit because it was not a utility service; which is supported by government policy that he had read out earlier from DEFRA as they do not actually support the use of this sort of product in this process as they state waste is a preferable use
- Councillor Mrs Newell asked how many letters of support had been received to which Officers stated that 57, these had come from inside and outside Fenland just as the objections had. Councillor Mrs Newell stated that from her information three quarters of these had been from out of the area to which Officers stated there was a mixture but could not quote a specific number at that time.
- Councillor Mrs Newell stated that under the Localism Act Members are supposed to listen to what the public think and she did not think she had seen this amount of objections from the local community before therefore there was something not quite right.
- Councillor Murphy stated he was surprised when he saw the papers because at the end of the last meeting in February, he had summed up the application and had refused planning permission on all the seven stated reasons; when this application came up again it stated that every one of these had been seen, looked into and done. In his opinion, as like last time, this application goes against the Local Plan of LP2, LP12, and LP16; it is not job creating, there is no 106 Agreements to benefit anybody in the local area, especially Wimblington, it will be adding more to the now congested A142 and A141. Already this year there have been hundreds of complaints about the tractor movements to and from the AD plant at Mepal and if another 78 movements of lorries coming in are added on top of what we get then we will not be able to go on that road at all as it is getting absolutely ridiculous; sometimes you can only drive at 30mph from Ely to Wisbech. Councillor Murphy stated to answer Councillor Mrs Newell's question regarding the letters from both objectors and supporters; as of yesterday, there was a 166 letters of objection with 154 of these were from Wimblington and only 12 from away; there were 58 letters of support with 21 from the local area, which included Cambridge, and 37 from away which included Braintree, Buntingford, Lutterworth, Hinkley, Daventry, Northampton, Bedford, Sudbury, Dun Mow and this is what is so bad about these things when they come in as these people will not have the plant next to them, they are nothing to do with this, this is Fenland. Councillor Murphy added that it was not all bad news; Members had visited an AD plant in Bury St Edmunds and it was very impressive, the best one that Members had seen but it was in the middle of

the countryside where these types of plants should be, not next to where people live. Standing at the top of the digester in Bury St Edmund, two houses could be seen but these were at least 2 miles away, not 80 or 90 houses therefore it was a perfect place and asked why could Fenland not have the same as there is plenty of room in Fenland. Councillor Murphy stated that he had never known an applicant to misjudge the situation of local people in his life; virtually all of Wimblington were opposed to this application and it was about time that Fenland started to take notice of the local residents when they are so united so they can live a normal life.

The Legal Officer stated that with regard to the issue raised about localism and there has been an Inspector's decision on this point, stating; "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 itself is not a ground for refusing or granting of a planning permission, it has to be founded on material planning considerations.

- Councillor Owen asked although this amounted to ignoring public opinion that Members did not have to ignore the effect on the local people; Councillor Miscandlon stated that the officer had stated that Councillor Owen was quite correct that Members did not have to ignore them, they have to be taken into consideration.
- Councillor Mrs Laws stated that officers were going to come back to Members regarding Councillor Mrs Davis' presentation regarding English Nature and the Environment Agency and the ecology reports to which Officers responded stating that the application site did not contain identified constraints which would trigger a consultation to Natural England. however, Officers were mindful of the ecology report which was submitted by the applicant and the presence of the newts next door and hence colleagues at Peterborough Ecology were consulted who then provided a really lengthy response which was detailed in the consultation part of the application.
- Councillor Mrs Laws stated that with regard to LP6 Employment and Tourism and opportunities for job growth and stated she could not see any opportunities for job growth by one future employee and asked if she was wrong in considering that to which the Chairman stated it was for her interpretation.

Nick Harding, Head of Planning, stated that the policies do not require developments to demonstrate that they will generate employment, what the policy is about is a number of things, the Council identifying areas of land which are suitable for employment development and indicating that those proposals which are going to perform positively should be supported by policies but not at the risk of compromising residential amenity but it is not incumbent on any development to have to generate additional jobs. However, in this particular case, on the matter of employment, as has been presented earlier on, this development proposal has the benefit of providing a market that does not currently exist for local growers to put their produce to and it has also been indicated that at least one additional employee will be taken on and it has also been mentioned that the likes of local haulage contractors, and maintenance people, will be utilised, as they are now, to service existing Fengrain facilities. So the proposal does have some positives surrounding it on the employment front.

- Councillor Miss Hoy stated she thought the application went against LP1 as it was not a sustainable development and especially not sustainable without any subsidies. When Members visited Bury St Edmunds she had asked many questions and it seemed nonsense to her that people would burn food to make energy and how was this possibly making money and she had been told it was subsidised so what happens when the subsidies were to; would we be left with an empty blot on the landscape. Councillor Miss Hoy added that she did not buy the point that it was within LP3 as she did not think it was but even if she were to accept that it was a utility, the definition also states that it needs to be essential and she stated she did not think that anything that had been demonstrated proves that it is

actually essential. She also thought that it went against LP2 Health and Wellbeing because although the noise and odour levels are within statutory levels that she thought everyone understood that people did not want to have to live with constant noise and odour as this would have an effect on your health and wellbeing. At the very beginning of the application Members were told about visual impact and how this was going to impact less on the landscape than the last proposal, Councillor Miss Hoy thought this was really subjective because what one person thinks is nice another person does not, for example, people may think that the Fenland landscape is boring and dull and other people might think it was wonderful and she thought there was a massive difference between an empty field and a field with loads of stores in it and therefore she thought it would have a massive impact.

- Councillor Mrs Hay stated that the NPPF states that the Local Planning Authority should approve applications if its impacts are or could be made acceptable unless material considerations indicate otherwise; and asked would not the proximity of Wimblington, including Eastwood End and Hook Lane and all the other houses in that area, be a material consideration. Head Of Planning responded stating that irrespective of what surrounds a particular development site, the outputs, whether they are positive or negative should be rightly taken into account in the determination of an application and many of those outputs are assessed through planning policy and if they are not, they are still material planning considerations. Councillor Mrs Hay stated she would be told that houses being so close are definitely a material consideration and she did not think that they had been given enough weight in this recommendation. Head of Planning responded stating that the proximity itself of a property to a development proposal is not a reason for approving or refusing an application, what Members have to focus on is what are the impacts of the development given the relative proximity. So if committee were to refuse this application then you would have to identify in the reasons for refusal which aspects you consider to be harmful.
- Councillor Mrs Laws stated that the site visit to Bury St Edmunds had been enlightening and Members had explored a lot of questions there; she did not think that anyone was against ADs but the problem was having now seen that site, it was certainly, in her mind, a lot more suitable in that location rather than a light industrial area. She stated that she agreed with Councillor Murphy, they had been to the top of the AD plant in Bury St Edmunds and houses could not be seen for miles, it was not going to upset anybody and it would possibly reduce vehicle activity because the crops were grown on that acreage of 3,000 acres and therefore would move from those fields directly to the site and not be on highways; therefore that was another issue to take into account.
- Councillor Owen stated that when he worked at a site in Eastwood End there were always problems with vehicles and in view of the figures that had been mentioned he anticipated that there would be even more problems of vehicles trying to get out onto the road or trying to get in, causing queuing and blockages and also taking a gamble and more accidents occurring. He visualised it as becoming a very tricky junction and traffic can be travelling at up to 68mph; he added that he knew the speed limit was 60mph but that traffic travelled at 68mph, therefore that needed to be taken into consideration and the effect of the visual impact on the people that live in the vicinity. When visiting the site the previous day, he had seen the new development on the northern side of Hook Lane that he had not noticed before and he had thought that if he lived there and looked out from his back lawn, would he want to see the movement there, the odours and smells or the noise and he would not want to and he thought that the effect on people living in particularly Wimblington, he did not care so much for those in Manea as they were a fair way away but he did expect that people would be affected by it in Wimblington and if they are affected by it then he was against it and if he was against it then he did not want to see it, for the sake of Fengrain and their farmer friends - they would have to build it somewhere else and to find a better site.
- Councillor Laws stated that she had taken a trip to look at an area that had been approved for development ten years ago to look at the landscaping and design of a buffer zone, where shrubs and trees had been planted to reduce noise, these were planted ten to twelve years ago and so far the shrubs have only probably got as high as 4.5ft, the trees have not bushed out and she thought it would be twenty years before that site is screened properly

so although there is a plan in place, she did not feel that you would see instant trees.

- Councillor Owen added that Whitemoor had been opened 18 plus years and it was not covered at all, it is still evident, still visible and can be clearly seen.
- Councillor Mrs Hay stated that the NPPF stated that planning policies should protect and enhance public rights of way and access and she could not see how this application did that.

Proposed by Councillor Owen to go against officers' recommendations and that the application be refused on the basis of:

- Impact on the adjoining nearby residents
- Prospective nearby traffic problems on nearby highways, junctions and roadways
- Prospective problems with noise and odours emitting from the site
- The general wellbeing of the residents in the area
- Non-compliance with LP3 , LP1

Seconded by Councillor Mrs Laws to go against officers' recommendation and to refuse the application.

Nick Harding, Head of Planning, commented that committee needed to be mindful of the previous application, what is different and what is common between the two applications and the decision Members arrived at in relation to the previous application. Councillor Mrs Newell stated this was a different application to which Nick Harding requested that he continued and stated that he respected the fact that Councillor Mrs Newell disagreed with the recommendation, but he now changed hats and his job now was to help Members arrive at a reason for refusal which is defensible at appeal should an appeal be lodged. Members have to be mindful of the previous application and Members' decision upon that application when determining this application. Yes Members were quite right, this was a brand new application and it does stand alone; however, Local Authorities need to be consistent in their decision making. For example, with the previous application and this one, the traffic impact is the same, the odour impact is the same, the noise impact is pretty much the same and therefore if Members are looking to refuse this application on those grounds, you are not being consistent with the previous decision. It does not strike me there are technical differences between the outputs of the previous application in relation to this one. He also stated that the committee has had the advice of the Highways Authority and Fenland's Environmental Health Officer on odour and noise and what Members need to consider was that if this decision is going to be refused then appealed, where are Members going to get their technical evidence from to support them at appeal. So if Committee are still minded to refuse this application on the grounds of noise, odour and highway impact then his recommendation to Members is to defer a decision and get a second opinion from third party organisations to provide Members with Highway advice, odour advice and noise advice. The reason why he was stating this was because without that the Council are at significant risk of an awarded costs against it.

The Legal Officer added that he totally endorsed what Nick Harding had stated and that the Planning Practice Guidance was very clear that if you fail to produce evidence to substantiate each reason for refusal on appeal, you will be liable for costs. He added that what Nick Harding had said, apart from the technical officers who have said that they cannot defend this on Highways or noise or odour and if Members went along with that and they do appeal; any reason that Members put forward has to be defensible on appeal and there will be evidence required to substantiate those reasons; Members have heard from the officers today and unless officers are able to find other officers that are prepared to defend; which is why it was suggested that it be deferred for officers to do that; therefore on the basis of protecting the Council from risks of costs.

Councillor Mrs Newell suggested that some people want to stand outside the Mepal one and see how many tractors go by there every morning; what used to be a twenty minute journey to go to

Ely is now one hour and fifteen minutes and the cars are covered in wheat that is coming off unprotected vehicles.

Councillor Cornwell stated the he had not been at the first application but he would have given exactly the same level of investigation as he had done this one; he believed that he was perfectly justified in moving no to this application on the basis of Policy LP3, he was not worried about the rest of it because he actually thought that something like odour and noise which seems to be a concern for the officers is in fact wrapped up under Wellbeing which was not used last time and he could not see any reference to it. Members can use that now "general wellbeing", which would include some of those other elements but there were all sorts of other elements as well. Interestingly, the wellbeing of the residents has been effect as they would not be here today and that itself is wellbeing. However, he thought that Members could still wrap this up with a reasonable level of reasons why. Members have not actually voted yet.

The Legal Officer added that the Local Code of Conduct on Planning Matters is very clear and it states that; "proposer of a motion to go against the officers' recommendation should state the planning reasons; the planning and/or legal officer present at the meeting should be given the opportunity to comment following the process.

Councillor Miss Hoy stated that visual impact was stated previously and she had mentioned visual impact again, she did not think that was being inconsistent and she also thought, given the comments given by Defra and the Chamber of Guidance, she thought it was not sustainable.

Nick Harding, Head of Planning, stated that he was comfortable with the visual impact reason being put forward again, no problems with that at all. In terms of the Defra Guidance, he was concerned with using that as a reason for refusal because Defra has not come out and said that there is a clear policy, if they had a clear policy in place then they would have the necessary mechanisms through their controls over the agricultural industry to stop the kind of things that they are saying they might or might not be worried about. In addition, the government could change planning policy to say that AD plants are fine as long as they are dealing with waste material and all other aspects of the proposal are fine. In terms of using agricultural crop products in AD has definitely not been outlawed under Defra policy and it is not outlawed under the planning policy; therefore he would have a concern about using that as a reason for refusal.

Councillor Murphy stated that he felt very sad that Members had spent three hours today and many hours looking and going through it and finish up that we might get sued and he thought that was a very sad in this country today.

Councillor Owen stated that he did recall on the previous application that Members had been told the same thing by the Planning and Legal Officer and yet they had decided to reject on the basis of visual impact. He stated he was looking at the plan, thinking about the site visit where it had been looked at from all angles and as he had said previously, where the houses are, along the western side of Hook Lane, there was still a visual impact and for those that live on the eastern side at Eastwood End, there is still a visual impact, they are still there, you can still see them and they are still something that you would not want to be there if you were sitting outside in the garden in the summer therefore it is visual impact but it is also all the other things that I have said; its Health and Wellbeing for those living in that vicinity.

Councillor Mrs Newell mentioned the misuse of the bridleway as vehicles were parking along it; Councillor Miscandlon asked Members for some clarity on what aspect of traffic is the concern and did she wish the bridleway to be one of the issues on the traffic assessment, the highways officers present had not mentioned the bridleway but the bridleway is highways.

Nick Harding, Head of Planning, asked for some clarity on what aspect of traffic Members wanted adding into the reason for refusal should committee be minded to refuse the application; is it the

concern about the ability for vehicles to pass each other on the road, is it your concern about safety at the junction with the bypass. It was confirmed that it was the ability of vehicles to pass each other and the junction with the 141.

Councillor Mrs Laws asked that if Members put in for highways that this would not be Members only reason for objection to which Members stated it would not be.

Nick Harding, Head of Planning, stated his notes said that Members wished to refuse the application on traffic grounds and the impact on residents by virtue of noise and odour which will therefore impact on their general wellbeing and finally, visual impact.

Councillor Bucknor stated he was concern about what the changes were now to the previous application; the only thing he could see was visual impact and he did not think that the highways were any different than they were before. Councillor Miscandlon stated that Councillor Mrs Newell had brought up concerns over the bridleway; Councillor Owen stated Members knew more this time.

The Planning Officer added that in terms of the bridleway that the application is not proposing to use it for vehicular traffic, the access site will be by Eastwood End and will not encroach on the bridleway. Councillor Mrs Newell stated it was already being encroached on to which the Planning Officer explained that was the current situation. Councillor Mrs Newell stated she had been down there and it was impossible to go along the pathway due to the amount of big lorries that were all along there and they should not be there. The Planning Officer stated that it needed to be clear that if Members have concerns about the bridleway then it would be a result of this particular application and not the existing situation. Councillor Cornwell stated he presumed that the Highways Officers were listening to this debate to which Councillor Miscandlon said he presumed that they had taken the comments on board. The Planning Officer stated that it was Fengrain lorries that used the bridleway at the moment and the bridleway was a BOAT and therefore open to all traffic.

The Chairman asked for a vote stating that it had been proposed by Councillor Owen and seconded by Councillor Laws.

Councillor Bucknor asked for clarifications on what grounds were being voted on to which Nick Harding, Head of Planning, stated: traffic, the impact on residents by virtue of noise, odour, visual amenity to it being overbearing and that together impacting on general wellbeing and a wider impact on the landscape. Councillor Bucknor asked if these were all changes from the previous application to which Councillor Miscandlon stated they were. Nick Harding, Head of Planning, stated they would add the relevant Policies to those reasons for refusal.

Councillor Miscandlon stated that in view of the clarification for Councillor Bucknor that he would take a revote of the proposal by Councillor Owen and seconded by Councillor Mrs Laws to refuse the application.

**The Decision was unanimous to refuse the application for the following reasons:**

- 1. Policy LP15 requires new development to provide well designed, safe and convenience access for all and Policy LP2 requires new development to provide and maintain effective, sustainable and safe transport networks. The proposal will result in additional traffic movements along Eastwood End from and to the A141 and at the junction and it is considered that these additional traffic movements will have a detrimental impact on the highway network in terms of safety at the junction of these roads and on Eastwood End which is insufficiently wide to allow HGV's to pass each other. The application is therefore contrary to Policies LP2 and LP15 of the Fenland Local Plan 2014.**

2. Policies LP2 and LP16 and paragraphs 17 and 58 of the National Planning Policy Framework require the promotion of high levels of residential amenity. LP14 requires renewable energy projects to take into account residential amenities and noise impact. Paragraphs 120 and 123 of the National Planning Policy Framework state that no adverse impacts should result from development by reasons of noise or odour pollution. Due to the location, scale and form of the development, the proposal will result in nearby residents being significantly impacted upon as a result of noise and odour emissions from the facility and it will be visually dominant and overbearing. It is therefore considered that these impacts would be harmful to the general wellbeing of nearby residents. The application is therefore contrary to Policies LP2, LP14 and LP16 of the Fenland Local Plan 2014 and paragraphs 17, 58, 120 and 123 of the National Planning Policy Framework.
3. Policy LP2 requires new development to avoid adverse impacts and Policies LP14 and LP16 requires visual amenities to be taken into consideration and for there to be no adverse impact on local distinctiveness or the character of the area. This is reiterated in paragraphs 17 and 58 of the National Planning Policy Framework. The proposal, by reason of its location, scale and form of development, is such that it would be visible from a wide area and would not add to the visual and landscape character of the area. The proposal would result in the further industrialisation of the locality which would be to the detriment of the rural appearance of the area. The application is therefore contrary to Policies LP2, LP14 and LP16 of the Fenland Local Plan 2014 and to paragraphs 17 and 58 of the National Planning Policy Framework.

(Councillors Miscandlon, Owen, Cornwell, Mrs Newell, Mrs Clark, Miss Hoy, Sutton, Mrs Laws and Murphy declared a non-pecuniary interest by virtue of knowing the landowner who is an Official in the North East Conservative Association.)

(Councillor Miscandlon, Owen, Cornwell, Mrs Newell, Mrs Clark, Bucknor, Miss Hoy, Sutton, Mrs Laws, Mrs Hay and Murphy registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

(Councillor Sutton declared a non-pecuniary interest by virtue of being an ex-farmer, knowing many farmers and sitting on seven Internal Drainage Boards with farmers and retired from the meeting for the duration of the discussion and voting thereon.)

4:10pm

Chairman