

MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	112834 - RETENTION OF ON-FARM ANAEROBIC DIGESTER AND ASSOCIATED ANCILLARY WORKS AND EQUIPMENT; ALTERATIONS TO FORMER SLURRY LAGOON TO FORM A DIGESTATE STORE, AT THE COURT, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU For: Mr Layton per Mr George Bagley, Hilley Farm, Pentre, Shropshire, United Kingdom SY4 1BP
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=112834&search=112834
Reason Application submitted to Committee – Re-direction	

This is a ‘refreshed’ application which supersedes all previous submissions for this development. It includes an Environmental Statement in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Date Received: 11 October 2011 Ward: Backbury Grid Ref: 355224,238710

Expiry Date: 30 April 2015

Local Member: Councillor J Hardwick

1. Site Description, background and current Proposal

- 1.1 The site lies on the northern edge of Hampton Bishop village, approximately 4 kilometres south-east from the centre of Hereford. The Court Farm holding is stated to comprise just under 600 hectares; approximately half being located as one block between Hampton Bishop and Tupsley. The remainder is located on outlying parcels of land, most of which lie to the east.
- 1.2 The site lies near the Rivers Wye and Lugg, both designated Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The development falls within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA), due to the nature of the development and the sensitivity of the location. This application includes a new Environmental Statement and was publicised in accordance with the EIA Regulations.
- 1.3 Permission was granted in 2010, for a <500kw anaerobic digester (AD) (reference CE2009/0234/N [now 092394]). Renewable energy generated is exported to the National Grid. The approval included 2 digester tanks, 2 storage tanks (all four tanks to have domed gas tops), silage storage and various ancillary works. The feedstock was to be cattle slurry, manure, poultry litter and purpose-grown biofuel (maize), all produced within the farm holding.
- 1.4 The AD plant as constructed differs from the approved plans. There are three tanks, not four, but they are significantly higher and the plant layout is different. The Council was made aware

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

that significant volumes of pomace (apple residue) from the UBL factory at Ledbury were being trucked in as AD feedstock. It is understood that the applicant had already been importing pomace as cattle feed for several years prior to the construction of the AD plant. It was also found that an existing 'weeping wall' slurry lagoon on adjoining land had been substantially enlarged and remodelled, with significant engineering works to create a new embankment. The output for the original plant was <500 kw; as built the output is 1.5 MW.

- 1.5 Negotiations were opened with the applicant, to address the unauthorised development and planning conditions which had not been discharged. Discussions included close liaison with the Environment Agency on the necessary Environmental Permit and clarification regarding the lagoon's lining and leak detection.
- 1.6 Two planning retrospective applications were subsequently made, for the redesigned AD plant under reference 112834/N and for the remodelled lagoon under reference 112782/F. An Environmental Statement (EIA) was submitted with the application for the AD plant but the slurry lagoon was described as 'agricultural', falling outside the regulations. However it was found that the lagoon is a digestate store integral to the AD plant. The Environment Agency required further information, and the applicant appointed a new consultant to resolve outstanding issues. Positive and pro-active negotiations resulted in a refreshed EIA application which amalgamates the previous two. It supersedes all previously submitted documents. This pragmatic approach is supported by the Environment Agency.
- 1.7 HGV access to the farm was previously via a private drive from Rectory Road. However, an alternative track was improved to a high standard in 2012/3 under planning permission reference 121820/F, approved on 9 October 2012. This access joins the B4220 to the west of Hampton Bishop village, avoiding large vehicles passing residential properties.
- 1.8 The application seeks to regularise the AD plant and remodelled lagoon as constructed. For clarity, the development in its entirety consists of the following elements:-
 - Two primary digestion tanks with domed gas tops - 22m diameter x 4.5m high, rising to 11.75m high at apex of dome; capacity 1900 cubic metres each;
 - One secondary digester tank with domed gas top - 18m diameter x 4.5m high, rising to 11.75m high at apex of dome; capacity 1272 cubic metres;
 - Conventional silage clamps-for feedstock storage – 4 bays 3.5m high, of cast in-situ concrete walls. Combined capacity 34,500 cubic metres.
 - Ancillary equipment (solids feeder; buffer tank; gas flare; separator unit);
 - Solid digestate storage bunker;
 - Control building containing CHP unit a and exhaust scrubbing equipment;
 - Remodelled and lined digestate lagoon, with new embankments;
 - Full cover to lagoon to contain odours and prevent rain ingress;
 - Electrical upgrade/transformer equipment;
 - Concrete yard for vehicular movements;

Not all of these elements require regularisation however; for example the clamps and yard. The key changes relate to the layout and design of the plant and tanks, and the lagoon.

2. Policies

- 2.1 **National Planning Policy Framework (NPPF):** This came into force in March 2012 and carries most weight. It defines 'sustainable development' and is regarded in its entirety. In this case, paragraphs 6-17, sections 3, 4, 7, 11 and 12, and paragraphs 186-206 are particularly relevant. The **National Planning Practice Guidance (NPPG)** was introduced as on-line support in 2014. This also includes guidance on waste treatment facilities, formerly covered by Planning Policy Statement 10. It states that anaerobic digestion falls 'within the scope of waste development'. Applications for AD plants are treated as County Matter 'waste' applications. This is due to the potential for materials classified as waste being used as feedstock, and because such plants usually require an Environmental Permit in addition to planning

permission. This means that proposals are considered in greater detail than non-waste applications and are more carefully regulated.

- 2.2 **Herefordshire Unitary Development Plan 2007 (UDP):** Determination of planning applications must be made in accordance with the adopted development plan 'unless material considerations indicate otherwise' (s38 (6) Planning and Compulsory Purchase Act 2004). Policies formally 'saved' during the development of the Core Strategy remain in force and carry weight, where they accord with the NPPF. The following policies are considered relevant in this case:

Part I

Policy S1	-	Sustainable Development
Policy S2	-	Development requirements
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy S10	-	Waste

Part II

Policy DR1	-	Design
Policy DR2	-	Land use and activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood risk
Policy DR9	-	Air quality
Policy DR11	-	Soil quality
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T8	-	Road Hierarchy
Policy T9	-	Road freight
Policy E12	-	Farm diversification
Policy E13	-	Agricultural and forestry development
Policy LA2	-	Landscape character
Policy LA5	-	Protection of trees, woodlands and hedgerows
Policy LA6	-	Landscaping schemes
Policy HBA4	-	Setting of listed buildings
Policy HBA6	-	New development within Conservation Areas
Policy NC1	-	Biodiversity and development
Policy NC2	-	Sites of international importance
Policy NC3	-	Sites of national importance
Policy NC7	-	Compensation for loss of biodiversity
Policy NC8	-	Habitat creation, restoration and enhancement
Policy NC9	-	Management of features of the landscape important for fauna and flora

- 2.3 **Herefordshire Core Strategy:** At the time of writing an Independent Inspector is in the process of examining the Core Strategy (CS) in order to determine its soundness. The majority of the policies were subject to objection. The CS can be afforded only limited weight for the purposes of decision making. The following policies are noted as relevant for reference:

Policy SS1	-	Presumption in favour of sustainable development
Policy SS4	-	Movement and transportation
Policy SS6	-	Addressing climate change
Policy LD1	-	Landscape and townscape

Policy LD2	-	Biodiversity and geodiversity
Policy LD3	-	Green infrastructure
Policy RA3	-	Herefordshire's countryside
Policy RA6	-	Rural economy
Policy MT1	-	Traffic management, highway safety and promoting active travel
Policy W2	-	Location of new waste management facilities

2.4 Neighbourhood Planning:

The neighbourhood area for Hampton Bishop was designated on 7 May 2013, but there have been no consultations on issues or options to date and the draft plan is some way off being finalised. Therefore no weight can be attached to the Neighbourhood Development Plan at this stage.

Other material considerations

2.5 The Conservation of Habitats and Species Regulations 2010 as amended ['the Habitats Regs'] - The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ['The EIA Regs']

2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 Permissions have been granted since 1996 for adjoining agricultural farm buildings, but the application site has remained open land until the construction of this plant. The earlier applications relating to this development are:

- 112782/F – retention of changes to slurry lagoon – withdrawn 9 October 2012 and now incorporated into this current application.
- CE2009/0234/N [092394] - on-farm anaerobic digester up to 500 kw output, approved 20 February 2010.

4. Consultation Summary

Statutory Consultees

4.1 Environment Agency: In 2012 initial holding objection withdrawn once concerns had been met. The Environmental Permit has now been issued (25 November 2014). No objections in principle because potential impacts upon air, land and water and sensitive receptors have been appropriately assessed and managed. On flood risk, it is accepted that the site is elevated and does not flood. The advice of your Drainage Advisor should be sought, but it is reasonable to conclude the site is not at risk. Provision of a flood evacuation management plan is recommended.

4.2 Natural England: the site is close to the River Wye/Lower Lugg Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), and the Lugg and Hampton Meadows SSSI. Based on the information provided and direct liaison with the Environment Agency, Natural England advises that the development is unlikely to have a significant effect on the SAC and can therefore be screened out from any requirement for further assessment. Furthermore, Natural England is satisfied that provided the proposed development is carried out in strict accordance with the submitted details, it will not damage or destroy the relevant

designated interest features. The SSSIs do not therefore represent a constraint in determining this application.

Internal Council Advice

- 4.3 Transportation Manager: No objection in principle. In avoiding Mordiford the only available route is via Hereford on the B4224 and A438. Apart from areas of on-street parking, this route is of sufficient width for free flowing two-way traffic, even in peak harvest period. The overall traffic impact of the AD plant on the B4224 is small (around 2%). Average 12 hr/daily (0700 hrs to 1900 hrs) two way traffic flow for the AD plant is approximately 120 vehicles compared with the existing 5400 vehicles for the same 12 hours. There is an even lesser impact on the busier A438. Peak harvest movements can cause temporary disruption over a few weeks but the numbers are not considered excessive. The amended Draft Traffic Management Plan (TMP) now provides clarity on the digester disposal, and a realistic traffic comparison with the original farming operations. My recommendation is for approval subject to a planning condition to secure a finalised and agreed TMP, in order to meet UDP policies DR3, T8 and T9, and the National Planning Policy Framework.
- 4.4 Environmental Protection Service Manager: No objection; the site would be covered by an Environmental Permit regulated by the Environment Agency.
- 4.5 Conservation Manager (Ecology): No objection. Matters relating to site ecology and potential impacts upon the SSSIs and the R. Lugg/Wye SAC have been addressed. The statutory bodies (Environment Agency and natural England) are content with the process now in place and raise no ecological objections or further requirements.
- 4.6 Conservation Manager (Historic Buildings): No objection. The closest listed building is approximately 280 metres from the site, along Rectory Road. The site is adjacent to the Hampton Bishop Conservation Area. However, the digester is tucked behind existing modern farm buildings. The submitted landscape masterplan proposes additions to existing screen planting. The site should be well screened from the Conservation Area and the listed buildings. Therefore no undue impacts are anticipated on the setting of either.
- 4.7 Conservation Manager (Landscape): No objection; conditions are recommended to secure the additional planting and mitigation set out in the application.
- 4.8 Land Drainage Manager: No objection in principle but we do not see a Flood Risk Assessment (FRA) in the application. We therefore recommend that the Applicant provides:
- Evidence from the Environment Agency that a FRA is not required, as stated in the Environmental Statement;
 - Alternatively a FRA to demonstrate how the site is protected against flooding.
 - Evidence of adequate treatment of dirty surface water runoff prior to discharge.

5. Representations

- 5.1 Hampton Bishop Parish Council: The plant was built twice the size of that originally supported by this Council and this is a retrospective post-build application which Hampton Bishop PC does not support. As a result of the unauthorised 100% increase in size, traffic is correspondingly doubled. Hampton Bishop PC supports the statement from Mordiford and Dormington PC regarding unacceptable and potentially dangerous traffic on Mordiford Bridge and in Mordiford Village. Eign Road, Hereford is also unsuitable for heavy tractor and trailer activity at the current level experienced and is a potential serious accident risk. If the application is to be approved then consideration should be given to the construction of a new private roadway from Tupsley Court, Tupsley to the Digester site since all the land is in the applicant's ownership. Apple residue and other crop materials could then be transported safely to the bio-digester site.

5.2 Dormington and Mordiford Group Parish Council: is strongly opposed to this development on the grounds of road safety and have no confidence that a Traffic Management Plan will be adhered to. If planning approval is given we would like to be assured that a condition will be applied that ensures no vehicle movements associated with the development shall pass through Mordiford. Reasons:

1. Although in the traffic plan it states "Due to the weight limit and size of the vehicles, this route is deemed unsuitable for AD associated vehicle movements." we, as a parish, have no way of knowing what vehicles are carrying when they pass through Mordiford. The load may be waste or truly agricultural. Our experience, this year to date, is that tractor trailer units have been carrying both, the smell of apple making it obvious.
2. The weight limit is for the actual village not the Mordiford Bridge! The weight limit of 16.5 tons (except for access) through the village makes laden tractor and trailer units unlawful. However, it is also the size of the vehicles used and the speed of their movement that concerns the parish and the occupants of the village most of all. The village road was never built to cope with such traffic movement, especially with narrow pavements and two blind, sharp bends. The current volumes of traffic experienced do not allow for unnecessary additional large vehicles without unacceptable risk to road users and the residents of Mordiford. Home owners step out of their doorways with the constant fear that large vehicles may be (and have been) travelling on the actual pavement to avoid oncoming vehicles. This is amplified if the oncoming vehicle is the local bus or another tractor trailer unit.
3. Serious detriment to amenity of Mordiford residents through both the frequency of vehicle movements and their duration. The timing of vehicle movement is also a concern. The village at present has become an unofficial eastern Hereford bypass, and at commuting times both morning and afternoon the traffic in the village and around the school brings its own dangers. This past year there were vehicles heading for the AD unit which drove with disregard to the traffic increasing the danger for commuters and school children both pedestrian and road user.
4. Furthermore, we have no confidence in the operator to adhere to a traffic management plan. They have ignored their own plan in the past. It is unreasonable to expect the police to use their resources to deal with unlawful use of the route when it can be prevented through refusal of this application. We strongly request that West Mercia Police are consulted on this matter.

5.3 Hereford City Council: Objection. We support Councillor Kenyon (City Councillor) and the neighbouring parishes in their objection because of heavy traffic bring loads of waste. We concur with their view that this is an industrial development not an agricultural one. This will adversely affect city residents in Eign Road and other parts of Tupsley Ward.

5.4 Approximately 28 representations from local residents have been received. Of these, only one is from a resident of Hampton Bishop; two are from Mordiford, and the rest are from the Eign Road (B4220) area in Hereford including three from Hafod Road. The key issues relate to traffic and the objections are summarised as follows:

- Complaints that large tractors with trailers were using Eign Road and sometimes Hafod Road during the maize harvest, bringing the produce from the outlying areas into Hampton Bishop;
- Complaints that HGVs were using Eign Road to transport apple pomace from Ledbury to Hampton Bishop.'
- Complaints about the number of vehicles and the frequency of trips;
- Complaints that these movements were undertaken at unsociable hours, at night, and were very noisy especially on return (empty) trips;
- Complaints of vehicles blocking or obstructing Eign Road and alleged damage to parked cars;

- Reports of speeding and alleged inconsiderate driving by young drivers in charge of very large vehicles, generating safety fears;
- Complaints of large vehicles using Mordiford Bridge, contrary to the weight limit;
- Detailed correspondence expressing the view that the plant as built is too big for the location due to inadequate access routes and the distribution of the land-holding;
- Suggestion that a new farm road should be constructed to alleviate the above.

5.5 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle of the development

- 6.1 AD plants are supported by government policies, and partly funded by schemes such as the Feed-in Tariff (FIT) or Renewable Options Certificates (ROCs) which earn producers a unit payment (FITs) or tradable commodity (ROCs). Farmers can take up such offers as farm diversification, to help secure steady income amidst fluctuating farming finances. Anaerobic digestion is established technology which harnesses energy from methane normally released to atmosphere. This 'bio-gas' powers a turbine to generate electricity. Residue (digestate) is used as fertiliser, reducing the need for chemical and artificial plant feed. In terms of odour release, the residue is less objectionable than the spreading of raw manure on fields.
- 6.2 Prior to the original submission the applicant considered alternatives in terms of site choices, technology options, feedstock and output capacities, and layout for the final scheme. These were considered using a set of criteria which included distance from neighbours, the existing cluster of buildings, landscape character, topography and screening potential. As this application is retrospective and the plant is operational, the only alternatives would be to continue with the site as it is or remove it altogether.
- 6.3 The operation of AD plants is regulated by the Environment Agency under separate legislation. The Agency allowed this plant to continue to operate pro-tem whilst outstanding issues were resolved. It had issued a time-limited temporary acceptance protocol to make its position clear, and the Council has necessarily followed the Agency's lead. The Environmental Permit was issued on 25 November 2014; the Agency is now satisfied with the technicalities and operation of the plant. Volume 2 of the Environmental Statement explains the process clearly. However the planning process also considers other factors, and seeks to establish if the development is an appropriate use of land, with reference to paragraph 120 of the NPPF. In this case, the volume of feedstock significantly exceeds what was first approved. Due to the applicant's holding being spread over a wide area, and the use of apple pomace from UBL (otherwise classed as 'waste'), the key planning issue for this application is traffic and transportation.
- 6.4 AD plants require a balanced feedstock. Until recently The Court produced dairy cattle, potatoes and poultry, but market forces have compelled changes including the loss of the dairy herd and potato production in particular. The applicant states that the total feedstock fed to the plant is now approximately 30,660 tonnes per annum. There is a maximum limit of 84 tonnes a day to be fed into the plant. An overall total of 32,000 tonnes has been used as the maximum amount of feedstock to be grown or produced per annum, as a contingency against poor harvest years. Surplus from a good harvest is stockpiled in the storage clamp. This maximum feedstock currently comprises:

- Poultry manure: 500 tonnes;
- Maize/crop silage : 9500 tonnes;
- Farmyard manure: 2000 tonnes;
- Apple pomace: 20000 tonnes.

The renewable energy output has correspondingly increased, from 500 kw to 1.5 MW.

6.5 Since operations started, additional safeguards have been installed and all parties may assess benefits and drawbacks. In principle, officers acknowledge that government policy supports farm AD and take the view that this site has been much improved since the first proposal in 2009. The former open slurry lagoon is now a digestate store fully lined, covered and leak-proof. In this location close to the Rivers Wye and Lugg this is a much-needed improvement, removing a significant pollution threat from slurry entering the rivers. The removal of the dairy herd means no slurry. In view of the granting of the Environmental Permit and the Environment Agency's tolerance of the plant, officers consider there is no reason in principle why this plant should not continue to operate. However, the Council must also consider other material considerations not covered by the Permit, and these are now discussed in detail.

Transport and Highways

6.6 Routes and transportation mileage have been calculated by the applicant, based on the various land parcels held. The applicant and his consultants have engaged with officers to discuss options and the objections received. The applicant has stated that no large vehicles in his control now make use of Mordiford Bridge unless required for direct access. This means using alternative routes, including the A438 and the B4220. However in the urban sector, on-street parking narrows the carriageway. The Transportation Manager observes that this currently operates satisfactorily as a "give and take", with passing opportunities available at various points. During the day, on-street parking is at a reduced level and delays are minor even at peak hours. The advice is that the B4224/A438 route is of sufficient width.

6.7 At harvest time traffic is concentrated over a five to six week period. Using the information provided, the Transportation Manager has calculated a worst-case scenario of the full maximum two way trips indicated (1065 maize and 1286 pomace). Averaging these over the working week for the peak five to six autumn weeks (excluding school start/finish hours indicated), he concludes this would equate to an average of 5-6 two way trips (one in each direction) per hour; or one every ten minutes. Vehicles are likely to be used on a turn round basis, therefore unlikely to meet at the restricted width sections mentioned above. Even if they do, resultant delays would be slight. For the remainder of the year, the intensity would be much less. Objectors' views area acknowledged but technically the route is within tolerance.

6.8 Even in the peak autumn period the overall impact on the B4224 is not considered objectionable. Comparing an average 12 hour/daily two way traffic flow for the AD plant of 120 vehicles between 0700 hrs and 1900 hrs with the existing average over the same period (5400 vehicles) gives around a 2% increase, with an even lesser impact on the busier A438. This impact is considered acceptable, falling within the capacity of the roads and junctions.

6.9 The feedstock includes crops grown within the farm-holding or brought in. The applicant is stated to have been purchasing entire pomace outputs for some years prior to the AD plant's construction. It was used as cattle feed, with any surplus being sold off. The figures presented are a worst-case scenario to take account of maximum yields. Farm movements have reduced following the removal of the dairy herd and potato production. The harvest period is relatively short although this means the movements are concentrated as noted above. Some of the farm's vehicle trips are entirely agricultural and therefore not subject of this application.

6.10 The Transportation Manager has investigated this case in detail and considered the objections very carefully. A draft Traffic Management Plan (TMP) has been submitted, which includes a

proposed method sheet to be handed out to drivers, with instructions as to the approved routes, working hours, and consideration for others. The most recently revised Draft TMP, received on 31 March 2015, now provides the further clarity requested including digestate disposal. The TMP commits drivers to avoiding peak traffic centred on the start and finish times of local schools. The Transportation Manager considers the TMP provides realistic overall traffic comparisons in terms of the original farming operations and the current farm-plus-AD situation. He has no objection to the application in principle, accepts the suggested travel routes and recommends approval. It is noted however that it would not be lawful to restrict the legitimate use of the public highway. Peak movements of apple pomace and maize can cause some temporary disruption but this is short-lived. The draft TMP is acceptable in principle subject to finer details being finalised and agreed. A planning condition to secure this is recommended. Officers therefore consider that the terms of UDP policies DR3, T8 and T9 can be met.

Operational, environmental and flood protection

- 6.11 These topics all fall within the regulation of the Environment Agency (EA) through the Environmental Permit. The Agency has no objections, in principle, to the development in terms of any impacts upon air, land and water, including noise and odour, and possible impacts upon the nearby farmhouse and other sensitive receptors. However land spreading of digestate is not subject to this planning application or controlled by the above permit. This is regulated by other legislation including that which controls farming activities and falls well outside of the planning remit.
- 6.12 The hydro-geological and geotechnical reports, which were also submitted with the permit application, are considered satisfactory by the Environment Agency in addressing previous concerns. The Environmental Permit provides for ongoing groundwater monitoring and review, to protect controlled waters including the nearby rivers Lugg and Wye. Potential air, land and water impacts are also monitored. The application confirms that the digester tank bunding provides secondary containment for “2,465m³ of liquid at a level of 54.0m AOD”, which is well above flood levels. The Permit sets standards which also meet UDP policies S2, DR4, DR9 and DR11.
- 6.13 Current flood mapping places the site nominally within Flood Zone 2 (medium risk). AD plants are considered ‘less vulnerable’ development within Table D2 of the National Planning Practice Guidance (NPPG). The application includes a topographical survey (drawing no. 01110-00-G dated 15.09.11), accepted by the Environment Agency after comparison with its own LIDAR survey. This demonstrates that the site is higher than the surrounding ‘1% plus climate change’ floodplain. In 2009 The Environment Agency accepted the site is within flood zone 1 (low risk) and does not flood. It confirmed that a Flood Risk Assessment (FRA) was unnecessary, also noting that this is not critical for ‘less vulnerable’ development. However, the overall site exceeds 1 hectare and since 2012 the NPPF has required FRA even in low risk locations. To meet this updated requirement, a FRA has now been submitted. It states that it has been undertaken in accordance with current EA guidelines (PPS25) still in force, and NPPF paragraphs 100 – 104. Due to the site being surrounded by flood zone 2 land, the Agency recommends an appropriate flood evacuation management plan, linked to its flood warning system. Such a plan may be secured through a planning condition. Officers are satisfied that flood risk factors have been adequately addressed by the application to meet UDP policies S2 and DR7.

Surface water drainage

- 6.14 The application includes details of an earth bund around the AD plant area to contain any potential spillages. This bund is constructed to contain the capacity of the largest tank plus 10%, as required by the Environment Agency. Leak detection is provided via monitoring levels including the contained drainage around the tanks. The inspection sump and external

parts of the tank are inspected visually on a routine basis. Run-off and rainwater from the clamps is discharged to the AD reception pit and/or the digestate lagoon via drainage channels. The application contains a Drainage Plan, now supported by the updated Flood Risk Assessment.

- 6.15 The digestate storage lagoon is stated to be double lined and covered, allowing clean rainwater to be pumped into the drainage system. Four boreholes located around the lagoon provide monitoring information on ground condition and groundwater levels to ensure no groundwater pollution. The Drainage Adviser accepts the above points, subject to final detailed drainage plans being submitted along with arrangements for treatment of clean and dirty surface water prior to discharge. This must ensure no risk of pollution to groundwater or watercourses, both locally and downstream of the site.
- 6.16 There is no reason to doubt that adequate surface water and flood protection is already in place, in light of the fact that the plant has been operational for three years and the Environment Agency has issued the permit. Officers accept the detail in the FRA, including management and treatment of clean and dirty surface water from within the bunded area and the cover of the lagoon. Subject to this, the development is considered capable of meeting UDP policies S2, DR4 and DR7 on this aspect.

Biodiversity

- 6.17 The application site is close to the Rivers Wye and Lugg Sites of Special Scientific Interest and Special Area of Conservation (SSSI and SAC) and the Lugg and Hampton Meadows SSSI. Based on the information provided and following liaison with the Environment Agency, Natural England is satisfied that, provided the site is operated in strict accordance with approved details and the Environmental Permit, it will not affect the SAC or SSSIs and these do not present a constraint in determining this application. The development is unlikely to have a significant effect on the designations, with no requirement for further assessment.
- 6.18 The Conservation Manager accepts that the points of interest in the submitted report, from site ecology to potential impacts upon the SSSI and the R. Lugg/Wye SAC, are addressed. The statutory bodies (Environment Agency and Natural England) are content with the process now in place and raise no objections. The proposed landscape planting and seeding offer positive opportunities for wildlife. Officers have no objection to this application on ecology, considering it can meet UDP policy S7 and the suite of policies NC1-9, and section 11 of the NPPF.

Heritage and Landscape

- 6.19 The site is adjacent to the Hampton Bishop Conservation Area but listed buildings closest to the site are approximately 280 metres away. The AD plant is located behind existing modern farm buildings. The submitted landscape masterplan proposes additions and strengthening of existing screen planting. The site would thus be well screened from the Conservation Area and local listed buildings. The Conservation Manager considers the development has no undue impact on the setting of either, and therefore does not conflict with UDP policies S7, HBA4 or HBA6 or section 12 of the NPPF.
- 6.20 Although in an open landscape the site is contained by an existing tree belt to the west and the farm complex to the south; views to the north and east are more open. The gas domes are 3.3 metres higher than what was initially approved. However, extensive landscaping proposals have been submitted as mitigation which the Conservation Manager considers would accord with the predominant Landscape Character Type of Principal Settled Farmlands and UDP policy LA2. These include native tree and hedge planting which, when mature, will provide filtered views in the context of the farm complex. A condition is recommended to secure the mitigation and meet UDP policies LA5 and LA6, to include a landscaping scheme

in conjunction with a landscape management plan, and stipulations as to the heights of hedgerows within the management plan (where achievable) allowing for further growth.

Other considerations

- 6.21 Lighting and Noise - The site is relatively remote from neighbours, and the AD process is in itself not noisy. All plant, including the CHP engine unit, is fully insulated within an enclosed acoustic building. Proposals are put forward for a complaints system and site diary. Issues of noise fall within the Environmental Permit and no concerns have been raised. The farm already uses a variety of equipment for agricultural activities, and the facility is unlikely to raise existing background noise levels for any length of time. Low level lighting has been installed for safe winter working and security, directed downwards to prevent light spill. On this basis the proposals would not conflict with UDP policies DR13 and R14, and the mitigation set out in the application could be secured by conditions.
- 6.22 Safety – In 2009 some objectors raised safety concerns and it is worth briefly repeating the advice given then as still relevant. Only minimal amounts of gas are held at any one time, stored at low pressure in the domed top of the digester tanks, using a dual membrane gas holder seal. This is necessary to maintain steady continuous gas flow, but gas is never stored in large volumes. The system matches biogas production to the CHP unit's requirements, keeping gas storage to an absolute minimum. If the CHP unit uses 250 m³ of biogas per hour, an equivalent amount is to be produced. Only when it enters the gas engine inlet is the gas put under pressure. Health and Safety Executive advice was that there would be no explosive risk outside a 3m radius in the unlikely event of a venting-to-atmosphere leak. The farm house and cattle sheds are the nearest buildings to the site; therefore it would be in the applicant's clear interest to follow correct operational guidelines. Site safety regulation falls to the Environment Agency via the Permit.
- 6.23 Air quality and odour – Odour problems sometimes arise from unconnected plants at local main sewage treatment sites. The nearest such facility to the application site is approximately 2 kilometres away and this along with normal farming activities can cause some confusion as to sources of odours. Farm AD plants are not comparable with large municipal sewage treatment works which include a high capacity and a series of other processes. The application states that the plant incorporates air quality control measures, including enclosed pipework, sealed tanks, and no gas being vented to air. Prior to entering the CHP unit, the biogas is scrubbed to ensure a clean burn; all exhaust gases must comply with statutory limits. Prior to shipping out, digestate is pumped direct into sealed tankers. Officers are satisfied that additional odour nuisance is unlikely.

7. Conclusion

- 7.1 The development as built is significantly larger than what was originally approved, and this application is retrospective. However, the remodelling and lining of the lagoon is considered a significant improvement, in terms of its function and in preventing pollution to the nearby River Wye. Officers of the Council and the Environment Agency have engaged with the applicant by negotiation and dialogue throughout this process. The Environment Agency has consistently allowed the plant to continue operating, and was confident that regularisation could be achieved. The Environmental Permit regulates the majority of operations with only minor matters falling to the local authority. Previous farm practices included open-air storage of slurry, litter, manure, and the movement and spreading of raw effluent. In this context officers consider this development, located on a previously derelict part of the farmyard, overall represents an improvement to local amenity, as well as generating electricity for public use. Landscape and biodiversity improvements are also welcomed, bearing in mind the designated areas associated with the Rivers Wye and Lugg nearby.

- 7.2 The submitted details have been assessed against National policy and relevant parts of the Herefordshire Unitary Development Plan 2007. Concerns about traffic expressed by residents have been considered carefully. The applicant has repeatedly stated that no AD traffic now uses Mordiford Bridge, although other farmers might. The harvest period is relatively short, and the movement of crops and materials for whatever purpose is essential. The vehicle numbers and the draft Traffic Management Plan have been accepted in principle by the Transportation Manager. Overall, the relevant issues are considered to have been addressed positively to an acceptable degree, including the likelihood of significant adverse environmental effects. Taking a balanced view, and subject to the following planning conditions, the application is recommended for approval.

RECOMMENDATION

That the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary.

- 1. B01 Development in accordance with the approved plans**
- 2. Within 8 weeks of the date of this permission, a finalised Traffic Management Plan (TMP), based on the revised draft received on 31 March 2015, shall be submitted to and approved in writing by the local planning authority. The final version of the TMP shall include all features previously agreed; shall reflect updated and accurate assessment of all local school times; and shall provide for tool-box talks with drivers and/or contractors, with periodic review or updating. The details shall be implemented as approved for the lifetime of the development hereby permitted.**

Reason: In the interests of road safety and free flow of traffic, to avoid unnecessary congestion, and to meet the requirements of Policies S2, S6, DR1, DR3, T8 and T9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

- 3. C10 Details of external finishes and cladding (industrial buildings)**
- 4. M07 Flood evacuation management plan**
- 5. Within 8 weeks of the date of this permission, details of a site diary and complaints system shall be submitted to and approved in writing by the local planning authority. The scheme shall accord with the terms of the Environmental Permit and shall include in particular:**
 - i) A named appointed person having a duty to maintain the diary and complaints record;**
 - ii) Site diary methodology, including the brief recording of daily activities relating to the permitted plant;**
 - iii) Means of receiving and recording any complaints relating to the development hereby permitted;**
 - iv) Permanent location for keeping documentation, and its availability for inspection;**
 - v) Details of action to be taken in the event that a complaint is substantiated;**
 - vi) Provision for monitoring and review of the complaints system;**

The scheme shall be implemented as approved for the lifetime of the

development hereby permitted.

Reason: To ensure that any substantiated complaints are adequately recorded and promptly addressed, in accordance with Policies S1, S2, DR4 and DR9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

6. **G10 Landscaping and biodiversity enhancement scheme**
7. **G11 Landscaping and biodiversity enhancement scheme - implementation**
8. **I53 Manure storage**
9. **I33 External lighting**
10. **I09 Sound insulation of plant and machinery**
11. **In relation to the development hereby permitted, no feedstock or digestate materials shall be transported into or out from the site unless they are contained within securely covered or sealed vehicles, trailers or tankers.**

Reason: In the interests of road safety, to prevent the dispersion of materials, dust and bio-aerosols, to prevent odour nuisance, and to protect air quality and local amenity in accordance with Policies S2, DR1, DR4, DR9, T8 and T9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

12. **No vehicles, which are in the control of the applicant and used in connection with the development hereby permitted, shall be fitted with reversing alarms unless those alarms are of a 'white noise' type.**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

13. **F14 Removal of permitted development rights**
14. **I22 No surface water to public sewer**
15. **I28 No discharge of foul/contaminated drainage**
16. **I25 Bunding facilities for oils/fuels/chemicals**
17. **I43 No burning of materials within the application site except in the CHP unit**
18. **I46 Restriction on height of open air storage**
19. **K4 Nature Conservation - Implementation**

Informatives:

- 1 **The application is accompanied by an Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment)**

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

Regulations 2011, which has been taken fully into consideration in determining this application.

- 2 The local planning authority has acted positively and pro-actively in determining this application by identifying matters of concern within the application as submitted. The authority has actively engaged in dialogue and negotiations with the applicant and his consultants to secure acceptable amendments. As a result, the local planning authority has been able to grant planning permission for an acceptable proposal in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework
- 3 Developers should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency has produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPGs) targeted at specific activities. These can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
- 4 For information on developing a Flood Evacuation Management Plan see Environment Agency guidance: sub-section 22 of the Flood Risk and Coastal Change Section of the PPG and online at: <https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>
- 5 N11C General
- 6 HN16 Sky glow
- 7 HN01 Mud on highway

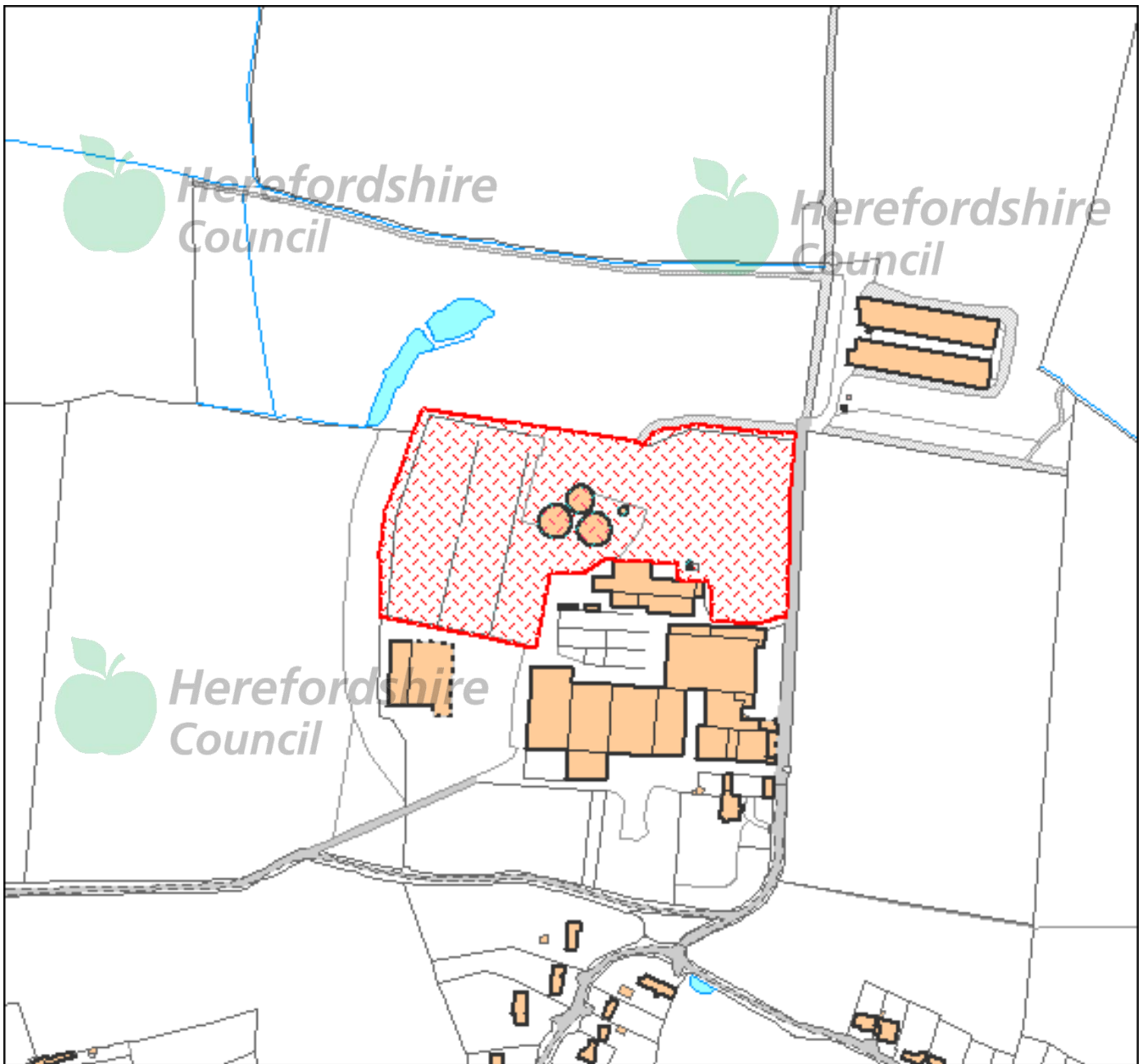
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 112834

SITE ADDRESS : THE COURT, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU

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