

**12 DCNW2007/1832/N - PROPOSED BIOMASS FUEL POWER PLANT IN A PURPOSE BUILT BUILDING ON THE SITE OF AN OLD QUARRY AT LOWER WOODSIDE, KNILL, PRESTEIGNE, HEREFORDSHIRE, LD8 2PR.**

**For: Mr B Davies per Mr Day, Sanderum Centre, Oakley Road, Chinnor, Oxfordshire, OX39 4TW.**

**Date Received: 5th June, 2007**

**Ward:**

**Grid Ref:**

**Expiry Date: 4th September, 2007**

**Pembridge &  
Lyonshall with Titley**

**29682, 61817**

Local Member: Councillor RJ Phillips

**1. Site Description and Proposal**

- 1.1 The proposal site lies approximately 3 km southwest of Presteigne on the B4362. It consists of a small disused quarry that has had a number of uses since stone extraction and lime burning ceased, including a sawmill and tannin wood treatment plant, and currently an agricultural depot, workshop and yard. There is an existing access to a group of utilitarian agricultural buildings on the quarry floor, backed by the quarry wall which is topped with mature trees.
- 1.2 The applicant operates six poultry units on adjacent land. The proposal is to install a biomass combined heat and power (CHP) plant, fuelled by used chicken litter, woodchip and energy crops. The proposed energy generation would be 2.5MWe of power to be exported to the local substation for grid distribution. The technology would be a combustion steam cycle, designed to meet high environmental standards. Surplus heat would be recovered for use in the poultry units and for drying wood. Recovered Wood ash would be used for fertiliser.
- 1.3 The development would comprise removing the assortment of buildings currently on site, levelling the quarry floor, and constructing a steel frame acoustic building 62m x 32m which would house delivery bays, fuel processing and power island. Outside would be a cooling plant and stack. The building's height is stated to be 12m above grade with the stack set at 28.7m - approximately the height of the mature trees above the quarry.

**2. Policies**

Planning Policy Statements:

PPS1 - Sustainable Development

PPS7 - Sustainable Development in Rural Areas

PPS9 – Biodiversity and geological conservation

PPS10 - Planning for Sustainable Waste Management

PPS22 - Planning for Renewable Energy

PPS23 - Planning and Pollution Control  
PPS25 – Development and Flood Risk

Regional Spatial Strategy:

EN1 - Energy generation  
WD1 - Targets for waste management in the region

Herefordshire Unitary Development Plan 2007:

Policy S1 - Sustainable development  
Policy S2 - Development requirements  
Policy S10 - Waste  
Policy S11 - Community facilities  
Policy DR1 - Design  
Policy DR2 - Land use and activity  
Policy DR4 - Environment  
Policy DR6 - Water resources  
Policy DR7 – Flood risk  
Policy DR9 - Air quality  
Policy DR10 – Contaminated land  
Policy DR13 - Noise  
Policy DR14 – Lighting  
Policy E12 – Farm diversification  
Policy T8 – Road hierarchy  
Policy LA2 - Landscape character  
Policy LA5 - Protection of trees, woodland and hedgerows  
Policy LA6 - Landscaping schemes  
Policy NC1 – Biodiversity and development  
Policy NC5 – European and nationally protected species  
Policy NC6 – Biodiversity Action Plan priority habitats and species  
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  
Policy W1 - New waste management facilities  
Policy W11 – Development – waste implications  
Policy CF4 - Renewable energy

Supplementary Planning Guidance

Landscape Character Assessment Nov 2004

### **3. Planning History**

NW2001/2006/O - Outline application for the erection of light industrial units - refused  
25th September, 2001.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency have no objections in principle, recommending one condition to secure a proposed Sustainable Urban Drainage System (SUDS).
- 4.2 Defra, Natural England and Welsh Water have not made any comment on this application.

##### Non-Statutory Consultees

- 4.3 The Forestry Commission, Herefordshire Nature Trust, Open Spaces Society and Ramblers Association have all been consulted but none has made any representation. Powys County Council consider the proposal to be well conceived and have no further comments.

##### Internal Council Advice

- 4.4 Traffic Manager has no objections.
- 4.5 Conservation Manager makes the following comments:
- a) Landscape Officer
- The development would have a neutral impact on the quality and character of the landscape.
- b) Ecologist
- Accepts the findings of the submitted ecological report, and the proposed mitigation and enhancement measures. One condition is recommended to secure these measures.
- c) Conservation Officer
- The proposal is sufficiently removed from Listed Buildings to have no direct impact on their immediate setting. The proposed planting would further assist in increasing the capacity of the landscape to absorb the proposal.
- d) Archaeological Advisor
- No objections.
- 4.6 Head of Environmental Health and Trading Standards
- Confirms that the Environment Agency would be the regulating body with regard to all emissions including noise. No objections in principle, conditions recommended on delivery and construction times, and precautions for investigating potential contamination from previous uses.

**4.7 Forward Planning Manager**

The proposal meets with the requirements of HUDP policy CF4 on renewable energy and is acceptable in principle.

**4.8 Public Rights of Way Manager**

The proposal would not appear to affect public footpath KN6 which passes close to the north west quarry edge.

**4.9 Drainage Engineer :**

No objections.

**5. Representations**

5.1 The Parish Clerk reports that the group of parishes comprising Knill, Titley, Rodd Nash and Little Brampton, and Staunton-on-Arrow held a public meeting on 26th June, 2007 attended by the Ward Councillor RJ Phillips, at which the applicant was invited to make a presentation, between 40 and 50 residents attending. The joint response from this and a subsequent formal parish council meeting on 3rd July, 2007 was that there are no fundamental objections. The Parish Clerk has since confirmed verbally that this should be taken to mean that the relevant parish councils have no objection to the proposal in principle. His letter is summarised as follows:

‘Local residents were able to express any concerns, which the applicant was invited to comment on. The Chairman noted that those present represented only about 10% of the group parish electorate, and that they did not necessarily constitute a representative body as they were likely to be undecided or in opposition. Those in favour of the project might not be in attendance. Comments reported are as follows:

- ‘The unspoilt beauty of the Hindwell valley would be compromised by the proposal’: In response the applicant reminded people that the site had previously been a working quarry and a wood products tannin treatment plant;
- Concerns were raised about traffic flows, but the applicant pointed out that these would be neutral in terms of current flows on the B4362 and surrounding roads;
- ‘Would the proposal be likely to create less or more pollution than the former tannin plant? – there is a contradiction in using intensive poultry unit litter in a scheme purporting to have ‘green’ credentials’. The applicant pointed out that all emissions would be monitored [regulated] by the Environment Agency and would not present a problem.’

‘At the subsequent formal group parish council meeting, Parish Councillors combined their findings from the public meeting, individual consultations with residents, and their own views including visiting other sites. The following points were noted:

- The aspect of the quarry and the tree planting scheme means there will be little visual impact;
- Traffic concerns included Tarmac and other unrelated hgv use of the B4362. The Parish Council would like to see general improvements to road safety.
- Considerable reliance is placed on the Environment Agency’s role in monitoring and controlling noise and emissions.

- The proposal would have less environmental impact than the current practice of storing and spreading chicken litter on land’.
- 5.2 The CPRE supports the proposal [response by email], observing that ‘the scheme is a good example of appropriate rural development that will bring environmental and economic benefits’. Commendation is given on the thoroughness of the submitted background information.
- 5.3 One letter of representation has been received from Mr & Mrs Martyn Gardiner of Piggery Ridge, Roddhurst, Presteigne, LD8 2LH, summarised as follows:
- We feel this is an industrial process and should be sited on the industrial estate in Presteigne.
  - We were told there would be no emissions but this is obviously not quite correct, but just supposing everything is within guidelines the ‘experts’ [sic] may say the plume will disperse quickly, I cant believe this, this will create a dead air well;
  - The chemical makeup of the plume will depend on third parties, what they use for chicken litter will be difficult to monitor;
  - Provided the plant does not expand in the future, something we cannot be sure of, the 4 lorries/8 trips a day should not be a problem for us but the roads are very narrow and they already have Tarmac lorries.
- 5.4 The applicant has undertaken extensive pre-submission liaison with local people and businesses, producing and distributing a leaflet summarising the proposal. In support of his application he has submitted copies of 8 letters received from:

John Reed, Director, Sun Valley Foods Ltd, Hereford HR4 9PB;  
Sir Ben Gill, Hawkhill Consultancy Ltd, Prospect Farm, Dormington, Hereford, HR1 4ED;  
Mr E Davies, Horseyard House, Evenjobb, Presteigne, LD8 2SA;  
Richard Collins, Director, Johnamos Energy Ltd, Barnhall Orleton, Ludlow, SY8 4JQ  
Mr S Eckley, Yeld Farm, Lyonshall, Kington, HR5 3LY;  
Maryvale Farms, Hill House, Knighton, LD7 1NA;  
Bill Wiggin MP, House of Commons, London SW1AA 0AA;  
Sarah Faulkner, NFU West Midlands Region, Agriculture House, Southwater Way, Telford, TF3 4NR.

Many points are raised, including in particular:

- Reducing the amount of poultry manure being spread to land will have major environmental benefits including animal health;
- It will reduce the environmental impact and carbon emissions from long distance haulage of poultry litter to bio-energy plants in the Eastern counties;
- PPS 7 supports sustainable farm diversification projects;
- The need to reduce dependency on fossil fuels for electricity and transport has never been greater;
- Poultry producers in the area would be offered an invaluable outlet for safe disposal of litter;
- It will help the UK reach its CO<sub>2</sub> reduction targets and also help local farmers to diversify through energy crops;
- It will be a great advantage to produce electricity in the local area.
- Burning litter removes all odours and nitrogen, the ash can be used as fertiliser. I wish you every success;

- The fertiliser from your plant will be ideal, eliminating nitrogen completely, with less methane being released into the atmosphere – another part of the virtuous circle with strong environmental benefit;
  - I was extremely interested to hear about your project, it sounds very innovative and you have my full support (Bill Wiggin MP);
  - The plant will provide Herefordshire with green energy and help solve a problem with poultry waste disposal, as concerns have been raised about the spreading of untreated poultry litter on land. New restrictions under the Nitrate Vulnerable Zone Regulations will limit spreading and generate transportation of large quantities of litter over long distances. The new plant will cut the carbon emissions from this. This diversification will provide valuable service to other local farms, reduce pollution and provide renewable energy. I therefore have no hesitation in supporting the proposal on behalf of the NFU.
- 5.6 The full text of these letters can be inspected by appointment on request at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

### Background

- 6.1 Discussions with planning officers about this proposal began in June 2005, since when the applicant has undertaken extensive consultation with planning and other Council officers, the Environment Agency, neighbours and farming colleagues. This preparatory work included a site visit attended by planning and environmental health officers and representatives from the Environment Agency. Once the development principles were established, a formal screening opinion was sought to determine whether the proposal would fall within the Environmental Impact Assessment Regulations. The Screening Opinion was that an Environmental Statement would not be required since the area and output of the proposal fall below government thresholds, and was issued on 7<sup>th</sup> March 2007, prior to this application being made. Nevertheless, the application includes a comprehensive environmental report that covers all the relevant matters.
- 6.2 The site does not lie in or immediately adjoining any designated site, although the woodland to the north is Special Wildlife Site and Ancient & Semi-natural Woodland. There are no Listed Buildings in the site's immediate vicinity although important examples do exist in the general area. Of these, only Little Brampton is distantly visible across the valley.

The main issues for consideration are:

- Traffic impact;
- Odour and emissions;
- Visual and landscape impact;
- Land use, siting and design;
- Noise;
- Flood risk and water usage;
- Public Right of Way;
- Biodiversity and habitats including enhancement;
- Sustainability and renewable energy (including benefits);

### 6.3 Traffic impact:

6.3.1 The proposal requires approximately 20,000 dry tonnes per year of used chicken litter/biomass, to be sourced from the applicant's own poultry sheds and other farms in the local area. The applicant has confirmed that up to a maximum of 1,000 tonnes of forestry woodchip might also be imported to utilise surplus heat, producing high quality dry wood pellets. Moisture content in the imported material would vary, which the applicant estimates at up to 30% additional weight. Even allowing for 35%, at 29 tonnes per load 5 days a week, a total of 3.71 trips per weekday is calculated giving an average of 4 per day, including the imported woodchip (which would account for less than 1 vehicle *per week*). Offset against this would be a reduction in the current movement of used chicken litter (12% would be sourced from the adjacent poultry units), and a significant reduction of hgv deliveries of fuel oil for the poultry units. The saving in oil is calculated at approximately 430,000 litres per year, comprising 24 tanker loads.

6.3.2 Although there would necessarily be some convergence of vehicles on the site, the overall local traffic impact is assessed as neutral. In the wider transport network, the proposal could help prevent long-distance transportation of used litter when the new restrictions on nitrates are implemented as noted by the NFU letter cited at 5.4 above. The applicant has also mentioned verbally other operational changes to his farming practices that will lead to reduced vehicle numbers and better environmental standards. The site has an existing wide access and the applicant has offered to undertake judicious pruning of existing vegetation to improve and maintain visibility. The proposal does not conflict with HUDP policy T8 and the Traffic Manager has no objections, observing that traffic generation would be within the capacity of the local highway network and noting the likely net reduction of journeys/distance in the wider context.

### 6.4 Odour and emissions:

6.4.1 The submitted Environmental Report includes a comprehensive assessment of air quality. Integral pollution control systems for the proposed plant are explained in detail, giving calculated comparisons against background conditions in a variety of meteorological circumstances. The assessment concludes that 'the maximum long-term concentrations for particulates and CO are very low - under 1% of the Limit Values. NO<sub>x</sub> is reported as at 10% of the Limit Values and is itself very low against background and peak traffic in local rural towns' (Environmental Report para 2.5, p.10).

6.4.2 The proposal would require a Pollution Prevention and Control (PPC) permit from the Environment Agency, which they have confirmed would reflect the terms of the Waste Incineration Directive (WID), placing stricter than normal operating controls on emissions from the plant. The WID states 'The requirements of the Directive have been developed to reflect the ability of modern incineration plants to achieve high standards of emission control more effectively' and is concerned with the tight regulation of incinerators. The Agency are satisfied that the submitted evaluation is the 'best available information and covers the matters relevant to the PPC permit regime. The PPC permit, if granted, would control the development under very strict measures and would be regulated by the Agency'. Pollution prevention would therefore fall within their control rather than the local authority, and the Environmental Health and Trading Standards advice confirms that all aspects of pollution control, including emissions and noise from the plant, would fall within the PPC permit requirements. In accordance with PPS 23 it is therefore inappropriate and

unnecessary to impose further conditions as these would duplicate those in the permit.

6.4.3 Furthermore, there are advantages of utilising chicken litter waste in this manner, including in particular the removal of the need to spread it on land, and the combustion process itself, which removes nitrogen and odours and destroys bacteria. Most importantly this would eliminate both the offensive odour that litter spreading generates and the potential for disease such as salmonella on grazing land.

6.4.4 The proposal therefore does not conflict with HUDP policies DR4 and DR9 or the key requirement of PPS23 on air quality

6.5 Visual and landscape impact:

6.5.1 The descriptive paragraph 3.1 of the submitted Environmental Report is somewhat unclear, but nonetheless according to the Landscape Character Assessment the site lies within 'Principle Settled Farmlands', typified by dispersed scattered farms and small villages. Immediately to the north the landscape character changes to 'Principle Wooded Hills', typified by sparse farmsteads and wayside cottages, views being framed between woodland blocks. Outcropping limestone in this valley also makes quarries a significant feature. The proposal aims to retain and enhance these elements including additional tree cover. HUDP policy LA2 requires proposals to demonstrate that the landscape character has been taken into account, and this is shown throughout section 3 of the Environmental Report. The stack height has been designed so as not to protrude above the tree line on the quarry top and the height of the building has also been minimised. The Environmental Report includes photographs from various view points to demonstrate efforts to restrict visual impact. Tree planting is proposed not only within the site and along the quarry top, but also around the existing poultry units. Existing trees and hedgerows would not be affected. The proposal is therefore capable of meeting the requirements of HUDP policies LA2, LA5 and LA6.

6.6 Land use, Siting and design:

6.6.1 The proposal would be contained within the confines of a former limestone quarry and sawmill/wood treatment plant, currently used as an agricultural yard with associated sheds and equipment. The previous uses have prompted a recommendation from the Head of Environmental Health and Trading Standards for a precautionary condition requiring a sequential site investigation to ensure that any potential for residual contamination could be picked up and dealt with before any development took place, to comply with HUDP policy DR10.

6.6.2 A 2001 outline application (reference NW001/2006/O) to erect light industrial units was refused due to its scale and landscape impact in terms of policies relating to the former County Structure and Leominster District Local Plans. That proposal would have generated significant traffic and visual impact, however the nature of this new application is different and the policy regime has now changed since adoption of the HUDP and introduction of PPSs 7, 10 and 22. The proposal would utilise a previously developed site with existing buildings, enable the efficient use of resources, generate renewable electricity, stimulate economic growth and farm diversification, and would be appropriate development in accordance with the key principles of PPS7 and HUDP policy E12.



## 6.7 Noise:

6.7.1 Background noise levels in this rural setting are generally low: according to the submitted survey details they range from over 50 dB(A) during the day to between 25 and 40 dB(A) at night depending on conditions and other activity. The report states that apart from vehicles there would be three main sources of noise from the development: the power island, designed as an acoustic building with noise levels of 68dB(A) at 5 metres; the cooling plant, designed for 33dB(A) at 100 metres; and the stack, also specified at 33dB(A) at 100 metres. The nearest residential properties to the site are Upper Woodside at about 250 metres and Ivy Cottage at 400 metres metres. The stack and cooling plant would be located behind the main building to minimise noise and the overall noise impact is calculated by the report as under 35dB(A) at 100m, and 29dB(A) at 200m, which would be compatible with the majority of night-time conditions. The Head of Environmental Health and Trading Standards has confirmed that these noise levels are very low and unlikely to cause any nuisance, but in any event issues of plant noise would be controlled by the Environment Agency under the PPC regime so there would be no necessity to impose further conditions which would duplicate those requirements. The proposal would therefore comply with HUDP policy DR13.

## 6.8 Flood risk and water usage;

6.8.1 The site lies within flood risk zone 1 (low probability risk, suitable for all forms of development). Nevertheless the applicant has undertaken a flood risk assessment, stating that the site would be developed within a bunded area with a perimeter drain, within which a Sustainable Urban Drainage System (SUDS) is proposed. There would be two storage tanks designed to exceed total rainfall based on 1 in 1 year estimates plus 20%. All rainwater from roofs and hardstanding would be collected in a downhill sump to be filtered and pumped to a raw water tank for the cooling plant, to supplement the 2.8 litres per second estimated abstraction required and prevent any effluent discharge off-site. According to the submitted hydrological report, existing land drains on Knill Farm provide an estimated 10 litres per second to the Hindwell Brook. For 1 in 100 year events flood risk mitigation is based on a full 48 hours of maximum rainfall intensity. PPG25 encourages the use of SUDS and the Environment Agency accepts the report, recommending securing the applicant's proposed SUDS through a pre-commencement condition to that effect. The development would therefore fulfil all the requirements of HUDP policies DR6 and DR7, and the requirements of Annex F of PPS 25.

## 6.9 Public Right Of Way

6.9.1 Public footpath KN6 passes close to the top edge of the former quarry. The Rights of Way Manager has observed that the statutory route is currently overgrown and partially obstructed by a low fence at two points. Walkers appear to be using an informal alternative route higher up to cross the field. Discussions with the applicant's agent have secured an assurance that the low fence would be removed, and if better security is required would be erected to the south east of the path. Also, new tree planting to screen the plant would be carefully undertaken so as not to impede public access along the path. The Rights of Way Manager is of the opinion that this informal agreement would be satisfactory.

#### 6.10 Biodiversity and habitats including enhancement.

6.10.1 The applicant commissioned an ecological survey of the existing site in August 2006. A total of 42 plant species were identified, along with breeding birds (House sparrows and swallows) within the buildings and other species being present. No evidence of great crested newts, bats or badgers, or potential habitats for these, were found. The applicant proposes to incorporate swallow tunnels under the ridge of the new building, and to create new habitat for bats inside the perimeter fence above the quarry. In the wider farm environment the ecological benefits of removing the need to spread chicken litter on land (and subsequent leaching to watercourses) are noted. The limestone wall of the quarry is a scarce environment and supports a variety of plant life which was not surveyed but this could be protected and is outside of the development area. The quarry bedrock floor also supports poor soil-loving plant species and seasonal pools. The Council's Ecologist accepts the survey findings and recommends a condition to secure the proposed ecological mitigation and enhancement and ensure compliance with HUDP policies NC1, NC5, NC6, NC7, NC8, NC9 and the key principles of PPS 9.

#### 6.11 Sustainability and Renewable energy

6.11.1 The submitted details define the power plant as 13MW (thermal) maximum input, generating 2.5 MWe of renewable electricity for export to the local grid, surplus heat being used to produce high quality pelleted woodchip, and heat for nearby poultry units, cottages and workshop. This contributes to national and regional targets outlined in policy EN1 of the Regional Spatial Strategy (RSS) and PPS22. In utilising local waste chicken litter and avoiding the need to spread this waste on land, the proposal also contributes to RSS targets in policy WD1 for sustainable waste management and fulfils the key planning objectives in PPS10 and PPS7. PPS22 requires developers to 'engage in active discussion with local communities at an early stage' and to 'demonstrate any environmental, economic and social benefits as well as how any ... impacts have been minimised'. The application makes it clear that this requirement has been actively fulfilled.

6.11.2 In encouraging and supporting renewable energy installations, PPS22 also requires local authorities to ensure that plant is located in 'as close a proximity as possible to the sources of fuel that have been identified'. The planning application covers these matters, in particular the proximity of the key source of fuel from the applicant's own and neighbouring poultry sheds and other farms, the use of previously developed land, the efforts made to open dialogue with neighbours at a very early stage, and the assessments and mitigation measures proposed to minimise or eliminate adverse environmental effects. It is notable that the companion guide to PPS22 identifies chicken litter as 'a good fuel for electricity generation with nearly half the calorific value of coal' (Technical Annex para 20, p. 84). In terms of both local issues and the wider strategic picture, the proposal meets all of the requirements of HUDP policies S1, S2 and CF4.

#### 6.12 Conclusion

In view of increasing concerns about the use of fossil fuels, climate change, sustainable resources and proximity, this application is welcomed in principle. Furthermore, the lengths which the applicant and agent have gone to, in preparing a comprehensive and clear report, assessing and mitigating possible adverse effects, meeting policy requirements, and engaging with the local community, are commendable. The Environment Agency would regulate the most serious potential

effects such as emissions through their own very stringent licensing regime and legislation. In consequence the development would not conflict with any relevant planning policies at national, regional or local level, and there are no other overriding concerns. From the information provided and the responses of professional consultees I am satisfied that there would be no adverse environmental effects and the proposal is therefore recommended for approval.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 - A01 (Time limit for commencement (full permission)) (5 years – Special Circumstances)**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 - B01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 3 - No combustor unit or other energy-generating equipment shall be installed at the site other than that specified in sections 4, 5 and 6 (pp 10-16) of the submitted 'Description of the project' dated April 2007.**

**Reason: Because any other type of such equipment would require further consideration by the local planning authority.**

- 4 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**

- b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature, extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**

- c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of an proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: To ensure any potential soil contamination is satisfactorily dealt with before the development takes place, in accordance with HUDP policies DR4 and DR10.**

- 5 - On completion of the remediation scheme specified in condition 4, the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: To ensure any potential soil contamination is satisfactory dealt with before the development takes place, in accordance with HUDP policies DR4 and DR10.

- 6 - No development shall take place until a Site Waste Management Plan for the construction phases has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. (Please see informative note 1).

Reason: In the interests of pollution prevention and waste minimisation and management, in accordance with the Waste Hierarchy and HUDP policies S10, W11 and DR4.

- 7 - No development shall take place until a method statement detailing proposed wildlife habitat management including post-development aftercare has been submitted to and approved in writing by the local planning authority. The recommendations for nesting birds and habitat enhancement outlined in section 4 of the submitted Ecological Report should be followed and the method statement should include an extended Phase 1 survey of the whole site and identify those areas where no development shall take place, which should include the quarry face. The method statement should be implemented as approved unless otherwise agreed in writing in advance with the local planning authority. (Please see informative note 2).

Reason: To ensure compliance with protected species legislation, to conserve and protect scarce and protected habitats and to maintain foraging areas for protected species, to comply with HUDP policies NC1, NC5, NC6, NC7, NC8 and NC9.

- 8 - No development shall take place until a scheme for the provision and implementation of a surface water regulation system, including the use of Sustainable Urban Drainage Systems as described in the submitted Flood Risk Assessment dated April 2007, has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site (10 litres/sec/ha). The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing in advance with the local planning authority in consultation with the Environment Agency.

Reason: To prevent increasing any risk of flooding and provide water quality benefits by ensuring a satisfactory means of surface water disposal, and to comply with HUDP policies DR6 and DR7.

- 9 - G04 (Landscaping scheme (general)) (in accordance with HUDP policies LA2, LA5 and LA6).

Reason: In order to protect the visual amenities of the area.

- 10 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 11 - F16 (Restriction of hours during construction)( Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays) and to comply with HUDP policy DR13.

Reason: To protect the amenity of local residents.

- 12 - F41 (No burning of materials/substances during construction phase )

Reason: To safeguard residential amenity and prevent pollution and ensure compliance with HUDP policies DR4 and DR9.

- 13 - E10 (Use restricted to biomass energy generation and agriculture)

Reason: For the avoidance of doubt and to suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the area and because any other use could have adverse environmental effects requiring further consideration by the local planning authority.

- 14 - No waste, chicken litter, biomass, forestry waste, dry wood pellets or other feedstock/fuel materials shall be stored or stockpiled outside the proposed building unless otherwise agreed in writing in advance by the local planning authority.

Reason: To protect the amenity of the local area and prevent any pollution or nuisance on the overall site, in accordance with HUDP policies S2 DR4 and DR9.

- 15 - No wastes or waste materials other than those specified in this application shall be received at the application site unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent any pollution or nuisance on the overall site, in accordance with HUDP policies S2, DR4 and DR9 and because any other type of waste materials could raise environmental and amenity issues that would require further consideration by the local planning authority.

- 16 - E02 (Restriction on hours of delivery) of [07.00 to 18.00] Mondays to Fridays and [07.00 to 13.00] on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of the area in accordance with the HUDP policies DR9 and DR13.

- 17 - All materials brought into or out from the site shall be transported in securely covered or enclosed vehicles.

Reason: In the interests of road safety and to prevent pollution or nuisance in accordance with Hereford Unitary Development Plan policies S2 and DR4.

- 18 - F40 (No burning on site other than within the plant hereby permitted)

Reason: To safeguard residential amenity and prevent pollution in accordance with HUDP policy DR9.

- 19 - F22 (No surface water to public sewer)

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding in accordance with the HUDP policy DR6.

- 20 - F28 (No discharge of foul/contaminated drainage)

Reason: To prevent pollution of the water environment, and to comply with HUDP policy DR6.

- 21 - The site shall not be used for any retail sales.

Reason: In the interests of road safety and the amenity of the area and to prevent development that would be contrary to development plan policies.

- 22 - F32 (Details of external lighting)

Reason: To safeguard local amenities and to comply with the HUDP policy DR14.

- 23 - In connection with the development approved by this permission, all buildings shall be kept in good decorative order and all plant, machinery and equipment shall be maintained in accordance with manufacturers' specifications.

Reason: In the interests of the amenity of the area and to ensure a satisfactory form of development.

- 24 - In the event of the cessation of the operations hereby permitted for a period exceeding 12 months, all plant, equipment and machinery shall be removed within a further 6 months unless otherwise agreed in writing, by the local planning authority.

Reason: To ensure the timely removal of redundant equipment in the event that operations permanently cease.

**Informatives:**

- 1 - In connection with condition 6 above, advice on Site Waste Management Plans is freely available on [www.netregs.gov.uk](http://www.netregs.gov.uk), [www.envirowise.gov.uk](http://www.envirowise.gov.uk), or [www.wrap.org.uk](http://www.wrap.org.uk). The plan should include in particular:

- a) The appointment of a person in charge;
- b) How construction waste will be segregated and managed;

- c) Proposals for re-using, recovering and recycling materials and equipment wherever possible;
- d) Measures for procurement efficiency;
- e) Details of a secure compound for materials and equipment, including proposals for the protection of this area and its access from compaction, and its restoration on completion;
- f) How the plan will be implemented.

2 - The biodiversity method statement required by condition 7 shall include details of:

- Results of the extended Phase 1 ecological survey;
- Pools and shallow scrapes to be created and maintained in the interests of biodiversity enhancement;
- Retention of the poor-nutrient soil currently present on site, and the minimisation of importing topsoil;
- Provison for bat roosting and bird nesting including provision for swallows;
- Plans showing identified areas that will be protected from development, including measures to protect the existing quarry face from damage;
- Retention of stone and log piles already on site;
- Measures for ensuring continued monitoring and maintenance of all the above.

Further advice and assistance is available from the Council's Ecology section, contactable on 01432 383507 or 10432 260150.

3 - HN01 - Mud on highway

4 - In the interests of road safety and visibility you are advised to keep vegetation at the site access well trimmed.

5 - The Highway Authority reserves the right to take action to open up the legal route of the public footpath at any time, and the applicant should note that the footpath could be diverted using the provisions of S119 of the Highways Act 1980. More information on path diversion orders is available from the Public Rights of Way office on 01432 261721.

6 - N15 - Reason(s) for the Grant of PP/LBC/CAC

7 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-

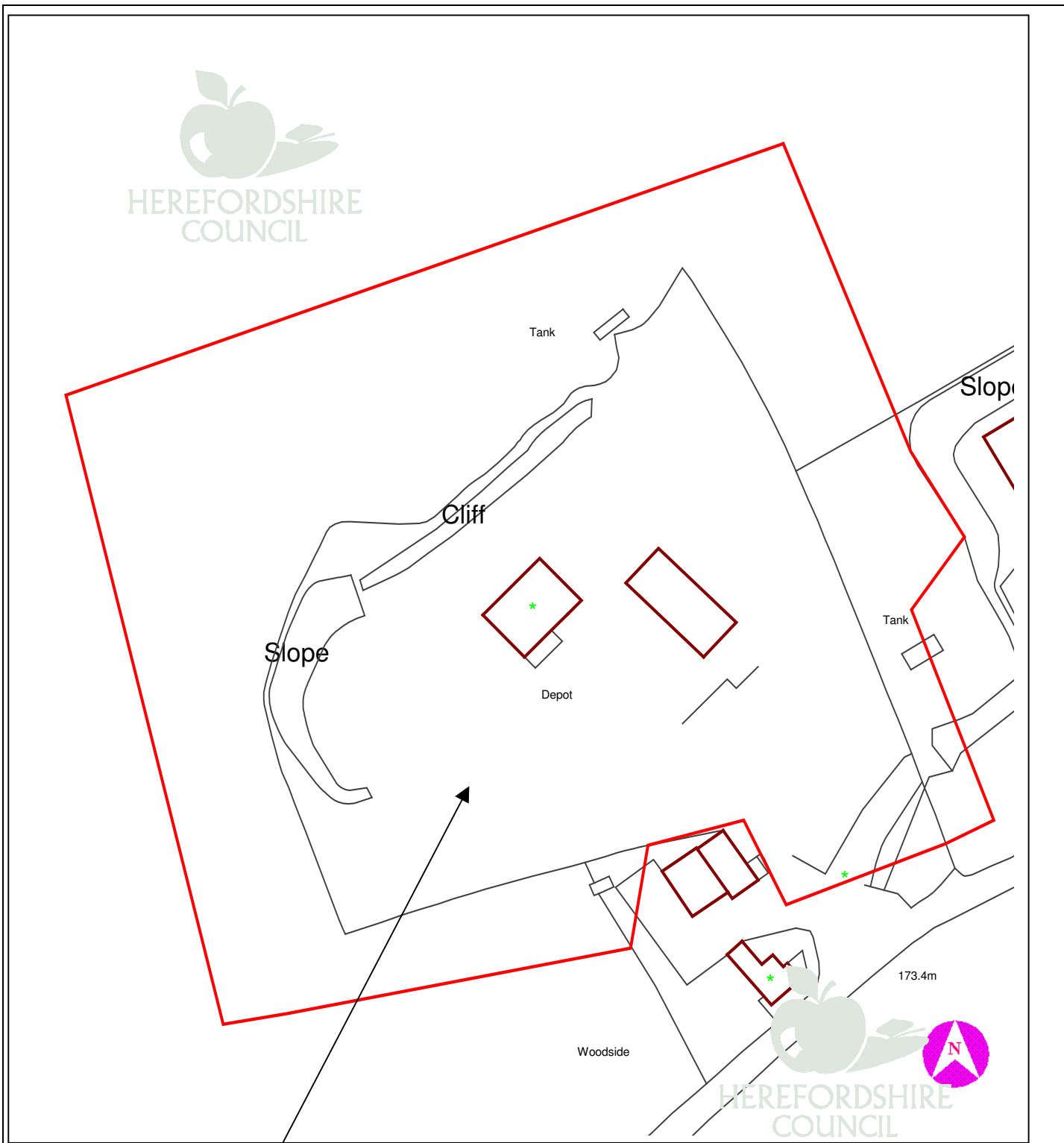
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2007/1832/N

**SCALE :** 1 : 1250

**SITE ADDRESS :** Lower Woodside, Knill, Presteigne, Herefordshire, LD8 2PR

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