

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27 February 2019
TITLE OF REPORT:	174097 - RETROSPECTIVE PERMISSION FOR THE USE OF THE LAND FOR WOOD CHIPPING WITH WOOD STORAGE YARD AND BUILDINGS TO INCLUDE; OFFICE BUILDING, CHIP STORES, DRYING FLOOR, FAN HOUSE AND BOILER HOUSE WITH BIOMASS PLANT TO GENERATE 80KW OF ELECTRICITY. AT MILE END, BROAD LANE, LEOMINSTER, HEREFORDSHIRE, HR6 0AL For: Mr Saer per Mr Ray Williams, Kinnersley House Barn, Kinnersley, Worcester, Worcestershire WR8 9JR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174097&search=174097
Reason Application submitted to Committee – Re-direction	

Date Received: 31 October 2017

Ward: Bircher

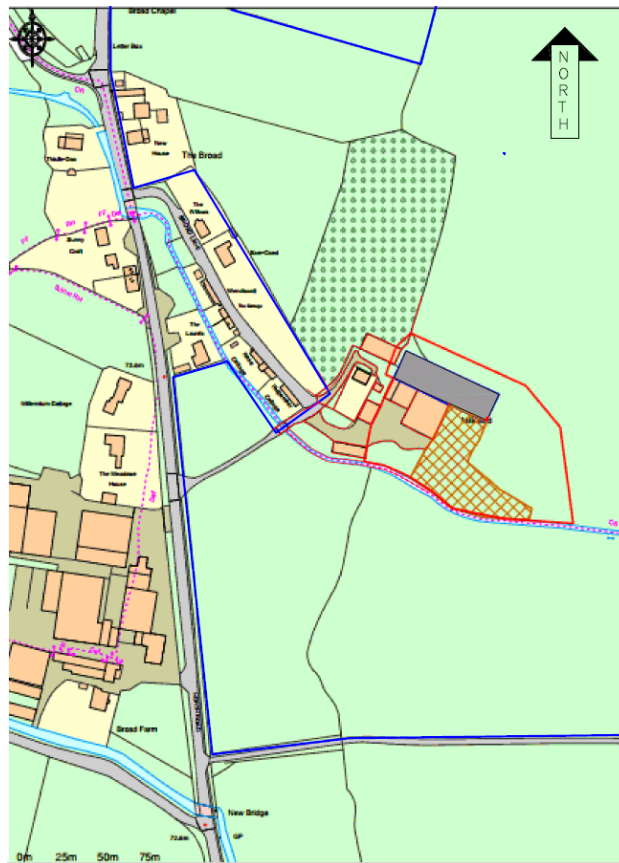
Grid Ref: 349325,260553

Expiry Date: 1 March 2018

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 This application seeks retrospective planning permission to regularise the use of the site for the chipping and drying of wood. The applicant has utilised a number of existing agricultural buildings on the site for the storage and drying of wood chip which the business has been producing on site from timber sourced within the local area. As part of the change of use which has occurred, the applicant has installed 6 biomass boilers and 2 gasification plants on the site in connection with the drying of the chipped wood. These boilers and gasification have a combined total power output of 3MW. The application also seeks to regularise an office building, weighbridge and new building which houses 2 of the biomass boilers.
- 1.2 The applicant's family have occupied the site since 1953, farming the surrounding land and also running a wood business. Mile End Farm is located around 650m to the north of the edge of the Market Town of Leominster to the east of the B4361 which travels north towards the village of Luston. The site is located just inside the parish of Luston, however it does form the boundary with Leominster. The River Lugg defines the edge of the settlement of the town of Leominster, and is located 120m to the south. There are a number of PROW and Bridle paths within the area, including one which appears to run directly through the site (LJ36). The nearest listed buildings to the site are located 185m to the southwest at Broad Farm (Farm house and barn Grade II listed).

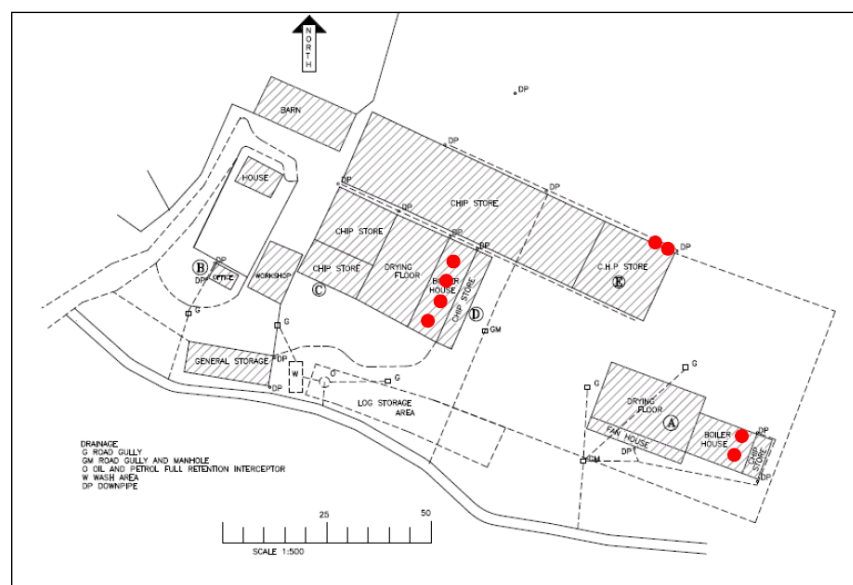


Location Plan 7393/1 13/09/2017

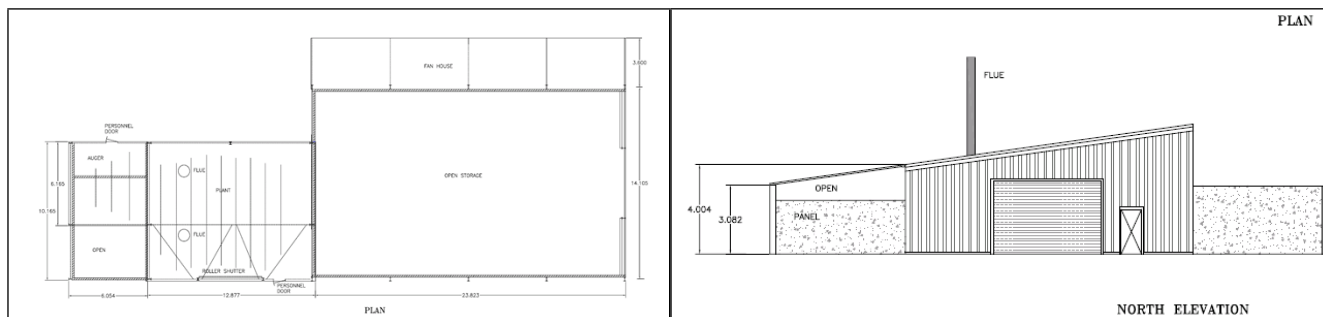
- 1.3 The supporting statement identifies that the family's wood business was developed in 1982. However, what was once a business which involved the importing of wood onto site to sell on has now evolved in recent years to the processing of the wood on site which primarily involves chipping. The chipped wood principally is sold on to supply biomass boilers in the surrounding areas. However a small proportion of the chipped wood will be sold in connection with equestrian activities.
- 1.4 Chipping began at the site in 2011. The business operates by bringing virgin wood direct from the forests on to the site for it to be chipped, then drying and then taken out to local sites in the area. The former agricultural buildings which are of steel frame construction have been converted into a drying shed, which are heated by 4x 199kWth biomass boilers which have been installed in one of the small adjoin buildings and 2 x woodchip gasifier CHP plants which not only produce heat but a small amount of electricity which is utilised on site. The applicants business are a BSL registered (Biomass Suppliers List – proven that it meets the eligibility requirements for the Renewable Heat Incentive (RHI) scheme). Moisture content of the wood fuel is regularly checked in order to comply with RHI requirements.
- 1.5 A further 2 x 950kWth biomass boilers with individual flues, have been located in a newly constructed boiler house separate from the former buildings but again with the sole purpose of heating a drying within a chip stores (Building A in Block Plan below). The supporting statements identifies that the majority of all heat and electricity produced are utilised on site.

- 1.6 During the process of the application the applicant changed the wood chipping plant which they had and have amended the noise survey as a result. The new wood chipper is to be positioned on a flatbed HGV and is crane fed logs from an adjacent log stockpile. The drum mechanism of the wood chipper pulls the logs one at a time into the chipper. The applicant stores logs along the southern and northern boundaries of the site, and has done for many years in connection with the wood business run from the site.
- 1.7 The business has utilised the existing farm access from the B4361. The supporting planning statement identified that the business on average generates 5 HGV movements a day between Monday to Friday. This includes the delivery of logs, movement of chippings and movement of wood chipper to and from the site. The supporting statement has stated that the access is only used by the business on site, as well as 5 other residential properties, 3 are lived in by family members. The business provides full time employment for 12 people.
- 1.8 The application site is located within Flood zone 2 and 3 and is adjacent to a brook which flows into the River Lugg further downstream. During the application process following representations received by the Lugg Drainage Board, the applicants have a proposed a new drainage strategy across the site. The proposal now is to install a Sustainable Urban Drainage System (SuDs) to attenuate storm flows across the site. A new drain is proposed across the site to intercept all existing surface water drains which discharge towards the brook. All existing drains are to be blocked up to prevent any surface water being directed into the adjacent brook. The new drain will direct water to a new flow control chamber located in the field to the east of the site. The soil which is to excavated will surround the chamber.
- 1.9 For clarification the plant on site which has been installed consists of the following:
- 2no. Kalvis 950kWth biomass boilers (model K-950M-1) with individual flues, located in the boiler house adjacent to the drying floor to the southeast of the other chip stores (Building A in Block Plan below);
 - 4 x Lindner & Sommeraur 199kWth biomass boilers (model SL-199), located in the boiler house south of the large chip store (Building D on Block Plan below); and
 - 2no. x Arbor 90kWth/45kWe woodchip gasifier CHP plant (model Electrogen 45), within the CHP store (Building E on the Block Plan below).

The boilers all have a moving step gate and are computer controlled with a flue sensor. The Gassifiers are also computer controlled based on exhaust emission monitoring.

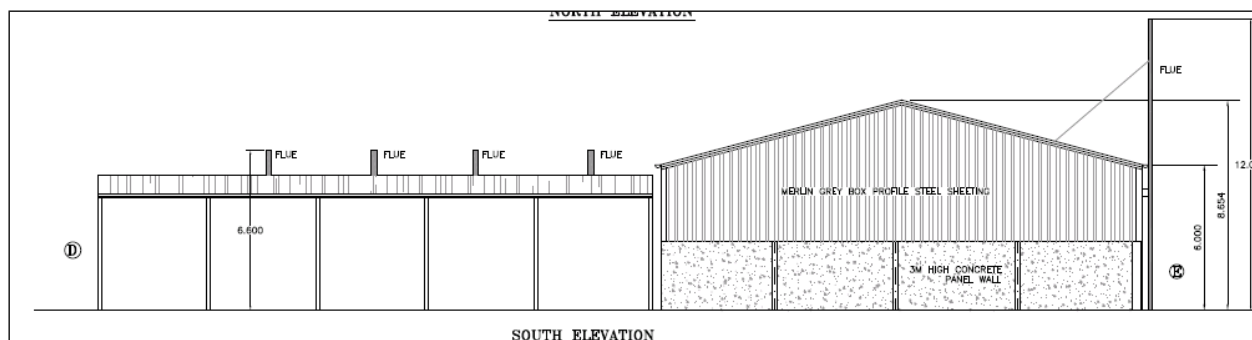


- 1.10 The plans below show the elevations and floor plans of the new boiler house position to the south east of the existing buildings. The new building has been constructed with an area for open air storage measuring 23.8 x 14.1m which is surrounded with concrete panelling. The main building measures 18.9 x 10.1m with a maximum height of 5.8m. The building is of steel frame construction with walls of Jupiter green steel sheeting. The two flues which are connected to the building are 8.7m high.



Plans and elevation - 7939/2

- 1.11 Although the business has been able to utilise a number of the existing buildings on the site, some modifications and additions, largely in the form of flues to serve each boiler. As a result of the air quality assessment carried out as part of this application it is proposed that the 2 flues connected to the two gasifiers on the east elevation of the building be increased to a height of 12m in order to ensure that the dispersion of emissions from the gasifiers are adequate in order to have minimal impact on the environment. The height of the building is 8.6m and the existing flues which have been installed exit the building horizontally.



Elevations showing position and height of flues - 7393/4 Rev 1

- 1.12 The application also seeks permission to regularise a small office building which has been constructed on the site next to a weighbridge. The office building measures 7.1 x 3.8m, with a height of 3.7m. The office building is constructed with timber boards on the walls under a slate roof.
- 1.13 The application has been supported with the following documents:
- Air Dispersion Modelling Assessment (442861/AQ/02 (00) March 2018)
 - Noise Impact Assessment (amended in November 2018 to take account for the replacement wood chipping plant)

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA6	-	Rural Economy
SC1	-	Social and Community Facilities
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

The Herefordshire Local Plan - Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy/2

2.2 **National Planning Policy Framework (NPPF) 2018**

In particular chapters:

Introduction	-	
Section 2	-	Achieving sustainable development
Section 4	-	Decision-making
Section 6	-	Building a strong competitive economy
Section 8	-	Promoting healthy and safe communities
Section 9	-	Promoting sustainable transport
Section 12	-	Achieving well-designed places
Section 14	-	Meeting the challenge of climate change, flooding and coastal change
Section 15	-	Conserving and enhancing the natural environment
Section 16	-	Conserving and enhancing the historic environment

2.3 **National Planning Practice Guidance**

- Air Quality Guidance 6 March 2014*
- Climate Change 12 June 2014*
- Noise 6 March 2014*
- Renewable and low carbon energy 18 June 2015*

2.4 **Luston Group Neighbourhood Development Plan (LNDP) made on the 2nd January 2018**

Relevant policies are :

Policies LG1	-	General Development Principles
Policy LG2	-	Design of Development in Luston Group
Policy LG3	-	Protecting and enhancing local landscape character and views
Policy LG4	-	Dark Skies
Policy LG5	-	Flood Risk, Water Management and surface water run-off

Policy LG8 - Supportitng and enhancing exisitng small scale local employment

3. Planning History

- 3.1 141916 - Proposed general purpose grain and storage building. Approved 22/9/2014
- 3.2 121349/S - Demolition of a 3 bay curved roof dutch barn and lean to making off each side and replaced with a proposed steel portal framed building side extension off the side of an existing building. Approved 24/5/2012

4. Consultation Summary

Statutory Consultations

4.1 Natural England - No objection - subject to conditions

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of River Wye Special Area of Conservation
- Damage or destroy the interest features for which River Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Development to correspond to the requirements of the Lugg Internal Drainage Board requirements, their ref. PR2017-0007 – P174097/F.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures

Internal Council Consultations

4.2 Highways Engineer: No objection subject to conditions.

This is a retrospective planning application and has been operating for a number of years. The areas we would normally be concerned with appear to be addressed.

Access:-

Available Accident Data no accidents recorded in the vicinity of the site.

Visibility looks to be good and the lack of any recorded incidents would indicate that that with the transport statement identifying 5 movements a day, no problem is evident.

Any intensification of the operation would need careful consideration and encourage the applicant to be proactive should this be planned.

COMMENTS:-

Proposal acceptable, subject to conditions and / or informatives.

4.3 Landscape Officer:

Initial comments received 13/11/2017

No Landscape Comments required

Comments received on amended plans 8/10/2018 (consulted again due to addition of 12m high flue)

Following on from a site visit to view the building in situ, I confirm I have no objection to the building itself.

I understand to conform to EH standards the building will require a 12m flue pipe. This potentially could cause adverse visual effects in particular for users of the Herefordshire Trail the route of which passes through the site.

Currently the route is temporarily diverted and I would recommend to the case officer that a permanent diversion is sought.

I would also recommend mitigating planting not just along the site boundary hedgerow but gap filling of hedgerow and planting of hedgerow trees along neighbouring field boundaries under the applicant's ownership, to filter views.

Finally the colour and finish of the flue should be agreed with the LPA

4.4 Ecology Officer: No objection subject to confirmation regarding foul water soakaway

The site falls within the "Any discharge of water or liquid, including to mains sewer" SSSI/SAC Impact Risk Zone. This means that this LPA has a legal duty of care under habitat Regulations (as well as NPPF, NERC Act and Core Strategy policies LD2 and SD4) to ensure that all 'Likely Significant Effects' from the development are fully mitigated.

The comments and suggested Condition supplied by the Lugg IDB would appear relevant and appropriate to mitigate the surface water impacts from the development and I would support these being made subject to Condition.

The applicant indicates in their application form that a new septic tank system is proposed to manage foul water produced on site but there is no indication how the final outfall from this tank will be managed. In order to fully mitigate the Likely Significant Effect from the residual phosphates in the final outfall this outfall should be managed through a suitable sized drainage/soakaway field on land under the applicant's control Discharge to soakaway from a septic tank is also a legal requirement from 1st January 2020. Confirmation of final discharge to soakaway is requested prior to determination in order that this LPA can discharge its Duty of Care.

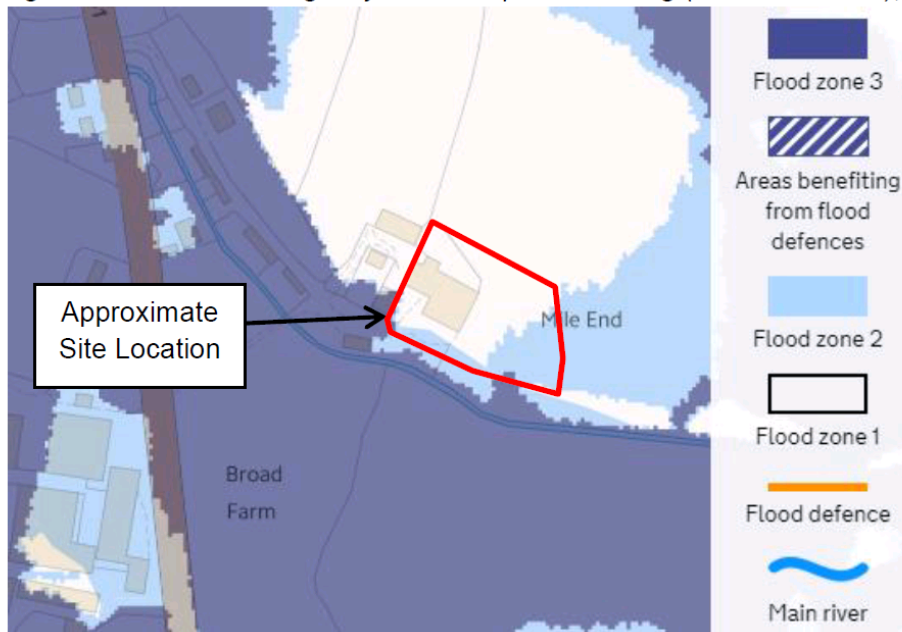
Subject to confirmation of foul water soakaway/drainage field I can see no other ecological concerns or comments as regards this retrospective application.

4.5 Land Drainage: No objection

Initial Comments received 8th December 2017

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), December 2017



Overview of the Proposal

The Applicant is seeking retrospective planning permission for the construction of various buildings associated with wood chipping purposes. The site covers an area of approx. 0.15ha. An ordinary watercourse (IDB maintained) is located to the south of the proposed development site. The topography of the site is relatively flat.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is predominantly located within the low risk Flood Zone 1, however it is directly adjacent to Flood Zone 3 (high risk) and is partially located within Flood Zone 2 (medium risk).

As the proposed development is located partially within Flood Zone 2 and is directly adjacent to Flood Zone 3, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

It has been stated that the Environment Agency flood level for the site is approx. 71.56m AOD. The general level of the site has been stated to be 72.40m AOD. This is 840mm higher than the 1 in 100 year + 20% climate change flood level. We consider this sufficient.

As this development is located within a 'dry island' (it is surrounded by Flood Zone 3), the Applicant should ensure that there is safe access and egress. This should be discussed with the Herefordshire Emergency Planners.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Review of the EA's Groundwater map indicates that the site is located within Zone 3 of a designated Source Protection Zone, refer to <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3> for further guidance. Development and surface water drainage will need to be carefully located and designed to avoid pollution risks to controlled waters and address potential environmental impact associated with low flows. For example SuDS on the sites may need to provide multiple levels of treatment. To recharge to the aquifer and support water levels in the receiving brooks.

Surface Water Drainage

The Applicant has not stated how the additional surface water runoff is managed. The Applicant should provide a surface water drainage strategy showing how surface water from the development is managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to the pre-development Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes.

On-site testing undertaken in accordance with BRE365 should be undertaken prior to construction to determine whether infiltration techniques are or are not a viable option. If infiltration rates are considered to be too low, an alternative drainage strategy must be submitted to the Council for review and approval prior to construction. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be designed for a minimum 1 in 30 year design standard, be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Foul Water Drainage

The Applicant has not stated how any foul water is managed from the site. As there is not a foul public sewer within 30m of the propose development site, the Applicant should demonstrate that proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

The Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal).

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

As River Lugg is approx. 200m to the south of the proposed development, outfall of treated effluent to a watercourse would not be acceptable in accordance with the binding rules.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Clarification of how the surface water runoff from the site will be managed;
- If foul water management is needed: a detailed foul water drainage strategy showing how foul water from the development will be disposed of;

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Please refer to "Herefordshire Council Planning Applications: Flood Risk and Drainage Checklist" (Ref: RCLHP001-AM0070-RP-003) for details of the documentation to be submitted for planning applications.

Further comments received on 5th December 2018

Overview of the Proposal

The Applicant is seeking retrospective planning permission for the construction of various buildings associated with wood chipping purposes. The site covers an area of approx. 0.15ha.

An ordinary watercourse (IDB maintained) is located to the south of the proposed development site. The topography of the site is relatively flat.

Flood Risk

Fluvial Flood Risk

It has been stated that the Environment Agency flood level for the site is approx. 71.56m AOD. The general level of the site has been stated to be 72.40m AOD. This is 840mm higher than the 1 in 100 year + 20% climate change flood level. We consider this sufficient.

As this development is located within a 'dry island' (it is surrounded by Flood Zone 3), the Applicant should ensure that there is safe access and egress. This should be discussed with the Herefordshire Emergency Planners.

Surface Water Drainage

The Applicant has stated that they are happy to comply with the requirements as requested by the Internal Drainage Board.

Requirements	
1	Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the <i>required On-site Storage</i> designed for the 1 in 100 year storm event.
2	For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off <i>discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.</i>
3	The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.
4	All in compliance with The Institute of Hydrology Report 124 (IoH 124) - <i>Flood estimation for small catchments (1994)</i>
5	All to the satisfaction of the Engineer to the Board
6	No additional surface water run-off to adjacent watercourse or any outfall structure is permitted without written Land Drainage Consent , which would have to be obtained from the Board under the terms of the <i>Land Drainage Act 1991</i> and the <i>Flood and Water Management Act 2010</i> .

The proposals in order to comply with the above requirements above have not been provided. We trust that the proposals will be checked and agreed by the Internal Drainage Board.

Foul Water Drainage

Not Applicable for this development.

Overall Comment

We trust that the proposals will be checked and agreed by the Internal Drainage Board.

Further comments received on the 11/02/2019

I have reviewed the surface water drainage strategy (Ref: 1010290 (cou9019-1)) for application 174097.

We would not object to these proposals.

4.6 Environmental Health (Noise): Mixed

Initial comments received on 21/11/2017

This is a retrospective application for a wood chipping operation and my comments are with regard to noise and nuisance issues that might arise from development.

The applicant has supplied a noise impact assessment for the wood chipping operation but I have some queries regarding this and seek further clarification.

1. The noise impact assessment has only examined the noise from the actual wood chipping plant and not identified what other noise generating activities there are on site and addressed these in the report. We would also request further information regarding the noise from lorries loading and unloading.
2. A large part of the report's conclusions are based on the use of position B on the site plan as mitigation but the chipper is mobile plant and on site it was clear that the chipper is intended to be used in position A and even further to the west of the site up until parallel with where the workshop abuts the chip store so mitigation by proposal of position B only is not workable.
3. Not all the closest sensitive receptors are identified in the report and receptor Ridgemoor Cottage which is the closest house not in the ownership of the applicant is not shown. Please can the predicted noise levels at this site be included with the chipper off, in position A and position B. Please can the BS4142 assessment be undertaken with the wood chipper at position A at Ridgemoor Cottage which will be 'Worst Case Impact at Nearest Sensitive Receptor'.
4. It is considered that permanent stockpiles of logs could be used as a physical barrier for noise mitigation and we are likely to request this to a minimum height in a planning condition and this could provide some mitigation against noise for receptors on the western side of the B4361.
5. However we are circumspect about the efficacy of the proposed mobile trailer to act as a screen to close the gap between buildings at appropriate times and certainly without further information regarding the efficacy of the screen as this is the key piece of mitigation relied upon and discussed in relation to the sensitive receptors to the west and east of Broad Lane. So our request is that when the BS4142 assessment is undertaken in accordance with our comment in para 3 above, this is undertaken without the trailer mitigation and then with the trailer mitigation. A supplementary photograph of the proposal would also be helpful.
6. We are likely to recommend conditions in relation to the hours of operation for this site.

Further comments received on 24th January 2018

A further and supplementary response is made with regard to noise issues and assessment regarding the planning application for a wood chipping operation at Mile End farm

In addition to the information requested at my first consultation response dated 21st November 2017 further information and BS4142 assessment is requested from the applicant.

Fundamentally our department has concerns that both the noise reports of July and October 2017 do not present the worst case scenario in terms of BS4142 assessment.

Our site visits lead our department to be of the opinion that the noise levels emanating from the plant can vary substantially and that the calculated specific sound level of 40dB at Receptor 4 (Willows) is unlikely to be representative of the worst noise levels.

We are also of the opinion in addition to the comments and extra information already requested (with reference to assessment at Ridgemoor Cottage) that a BS4142 assessment should be undertaken with regard to impacts at each of the 3 domestic premises on the other side of Broad Lane (identified as R1 x 3 locations in the noise report – three dwellings in the ownership of Broad Farm) and also at each of the R3 receptors (one of 2 identified as R3 - The Cottage and Rose Cottage) again with the wood chipping operation in position A ie mid yard where the chipping operation is taking place and without the proposed 'screen'

Further investigation by the applicant into the merits of noise attenuation of the wood chipping operation by a) bringing indoors and/or b) permanent siting at position B with marked off area and a permanent screen and/or c) the appropriateness of a silencer for the plant would be encouraged.

The applicant is also invited to consider the submission of a proposal for achievable noise levels for the wood chipper and associated noise levels at their specified boundary of the site to be specified in a planning condition such that those noise levels (LAeq suggested 5 mins) cannot be exceeded.

Further comments received on the 28th August 2018

Further to our response dated 22nd January which requested further information on the siting of the woodchipper, proposed mitigation and a re-evaluation of noise impacts at sensitive receptors I received on 11th June further information from the applicant's noise consultants in the form of a letter dated 22nd March from the noise consultant NVC . In this, the applicant proposes to restrict the woodchipping operation effectively further back on the site away from residential properties in areas B and C of Figure 1 of the same letter.

Mitigation for both locations is proposed: 5m high permanent wood stack or concrete wall along the north east corner of the CHP store along the northeast boundary, second 5m high permanent log stock to a height of at least 5m to the south west of the site and retention of earth embankment to south eastern part of the site, all as shown in Figure 2 of the NVC noise consultant's letter dated 22nd March 2018.

In addition further mitigation is proposed when the woodchipper is operating in area B by way a 3m high mobile screen. The applicant was also asked to remodel noise impacts at closest sensitive receptors and these have been supplied (Table 1 of letter 22nd/3/18). This remodelling indicated that with the presumed noise reduction from the mobile screen (construction not specified in this latter) almost all the noise from the whole of the woodchipping operation would be less than the background sound levels.

We have sought further clarity with regard to the precise construction details of the high mobile screen and a site visit with the local authority's own noise equipment was undertaken on 26th July. Proposed mitigation was confirmed on site as one woodchipping area (B and C above), with 5m high permanent log stocks and the use of a trailer from a 44 tonne lorry to act as a noise barrier between the chipping area and the remainder of the yard. Effectively the main woodchipping area will be that identified as position C.

The applicant's letter of 22nd March has remodelled the impact of the woodchipper working only in areas B and C with the proposed mitigation in place against the background noise levels at 6 receptors. With the proposed the remodelling finds that with the mitigation proposed in place, the rating noise level would be between 13dB below and up to 1dB above the representative background sound levels indicating a low impact and below an adverse impact to BS4142.

So long as the proposed mitigation remains in place the third noise report does demonstrate that the woodchipper noise will have a low impact at closest neighbouring properties. I therefore recommend the following conditions:

1. There shall be no plant or machinery operated on the site outside the hours of 08:00 and 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays and no plant or machinery operating on Sundays or Bank Holidays.
2. There shall be no deliveries to or from site in relation to the woodchipping operating outside the hours of 08:00 and 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays and no plant or machinery operating on Sundays or Bank Holidays.
3. The woodchipping operation shall only take place in the areas marked B and C on the attached map.
4. Permanent noise mitigation shall be on site in the form of a barrier of minimum height 5m either a log stack or a concrete wall as shown in blue on the attached map.
5. Permanent noise mitigation shall be on site in the form of a barrier of minimum height 5m log stack and retention of the earth embankment as shown in red on the attached map.
6. A temporary mobile screen in the form of a 44 tonne lorry to be placed across the site as shown in green on the attached map when either area B or C is used for woodchipping.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

Further comments received on the 6th February 2019 following an update to the noise assessment to take account for a change of chipper

I visited the site on 29th January 2019 in response to new information from the applicant, namely that the Woodchipper had been replaced and a subsequent noise assessment undertaken of the noise emitted from the chipper and is supplied together with an assessment of the effectiveness of the earlier proposed mitigation.

In short the new woodchipper was found to emit the same sound power level as the previous with no tonal element. At my unannounced site visit, I found that two of the proposed elements of mitigation nowhere on site. However I was advised that chipping would now effectively occur only in area C. *Provided that this is the case* I do not anticipate serious adverse impacts. Fundamentally I do not object to this proposal but I am of the opinion that the business has reached the limits of expansion at this site, and I recommend strict planning conditions should it be minded to grant planning permission:

Plant and machinery

1. There shall be machinery operated on the site outside the hours of 08:00 and 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays and machinery operating on Sundays or Bank Holidays.
2. There will be only one woodchipper operating on site at any one time.
3. The maximum noise emission level of woodchipper at 10m shall at no point exceed 91dB L_{Aeq} nor an L_{aMAXF} of 94dB.

4. The woodchipping operation shall only take place in the area marked B and C as outlined in the noise consultant NVC's letter of 22nd March 2018.
5. Permanent noise mitigation shall be on site in the form of a barrier of minimum height 5m either a log stack or a concrete wall and the retention of the existing embankment as shown in Figure 2 of the noise consultant NVC's letter of 22nd March 2018.
6. A temporary mobile screen in the form of a 44 tonne lorry to be placed across the site in the location shown in Figure 2 of the noise consultant NVC's letter of 22nd March 2018.
7. The proposed two stacks to be erected for air quality purposes to serve the CHP plant shall not according to a BS4142 assessment be more than 5dB above the background sound level at the nearest sensitive receptor between the hours of 23:00 and 7.00

Deliveries and vehicular movement

8. There shall be no deliveries to or from site in relation to the woodchipping operation outside the hours of 08:00 and 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays and none on Sundays or Bank Holidays.
9. Complaints procedure
A complaints procedure and log shall be supplied to the authority in writing. The log shall include date and time of complaint, the nature of the complaint and the action taken by the applicant. The log shall be kept in the office for inspection by the local authority.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

4.7 Environmental Health (Air Quality):

Initial comments received on the 23rd November 2017

I refer to the above application and I would make the following comments in relation to air quality and environmental permitting.

I understand that the application is for the chipping and drying of wood. This includes a retrospective planning application for buildings that are existing also the use of woodchip boilers/gasification plant and associated operations.

There is the potential that the operator may need a permit under the Environmental Permitting Regulations, but this is dependent on the scale of the installation and the processes involved. To determine if a permit is required it is necessary to determine the amount of wood processed per year and the amount of wood dried per year.

The Supporting Statement indicates that the biomass boiler information form will be submitted with the application however this information does not appear in the application documentation.

Given the number of biomass boilers/CHP plant

- 2 X Kalvis 950kW biomass boilers located in the boiler house
- 4 X Lidner 199kW biomass boilers
- 2 X Arbor gasifiers in the CHP store

An air quality assessment should be submitted to demonstrate compliance with air quality standards to ensure Nitrogen dioxide (NO₂) and particulates (PM₁₀)

Air Quality Standards are not being exceeded at the nearest receptor/resident, this will also include residential properties associated with the business.

Further comments received on the 6/2/2019

I refer to the above application and I would make the following comments in relation to air quality:

The business operates:

- 2 x 950kWth biomass boilers
- 4 199kWth biomass boilers
- 2 x 90 kwth/45We CHP plant

The biomass and CHP processes are associated with increased levels of nitrogen dioxide and fine particulates. Therefore, an air quality assessment was requested to determine the impact of the emissions from the plant on the site in relation to nearby receptors, including residential properties associated with the business.

The applicant commissioned RSK to undertake an Air Quality Assessment which was issued in March 2018. Within the assessment an air quality dispersion model was used to assess the cumulative impact of emissions from the biomass and CHP plants. The assessment assumed that the biomass and CHP plant would operate continuously throughout the year. Onsite buildings and the local terrain were also considered in the assessment, as these factors can affect the dispersion of pollutants.

The model indicated that the annual average nitrogen dioxide and short term hourly nitrogen dioxide concentrations exceeded the Air Quality Standards at relevant receptors. However, emissions of fine particulates did not exceed any Air Quality Standards (AQS).

RSK considered that the largest contribution to the nitrogen dioxide exceedances were likely to be attributed to the ground level discharges of the CHP plants. Therefore it was recommended that the CHP units should discharge at a minimum stack height of 12 metres and the air quality model was revised accordingly.

The revised model results indicated that with 12 metre stacks to the CHP plants the AQS would no longer be exceeded for the annual average or hourly nitrogen dioxide standards at receptor locations. The predicted nitrogen dioxide levels showed a significant reduction with increased stack height.

In conclusion, on the basis of the information submitted in the air quality assessment and providing that the mitigation of the increased stack height to the CHP plant is put in place, I have no adverse comments to make in respect of air quality.

Therefore, should planning permission be granted, I would recommend that appropriate conditions should be applied, requiring the applicant to install 12 metre flues to the CHP plants within 3 months of the date of any permission.

4.8 PROW: No objection

Initial comments received on 9/11/2017

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

Providing public footpath LJ36 (which is also part of the Herefordshire Trail) remains unobstructed, and walkers are able to pass safely through the site, PROW will not object to the application.

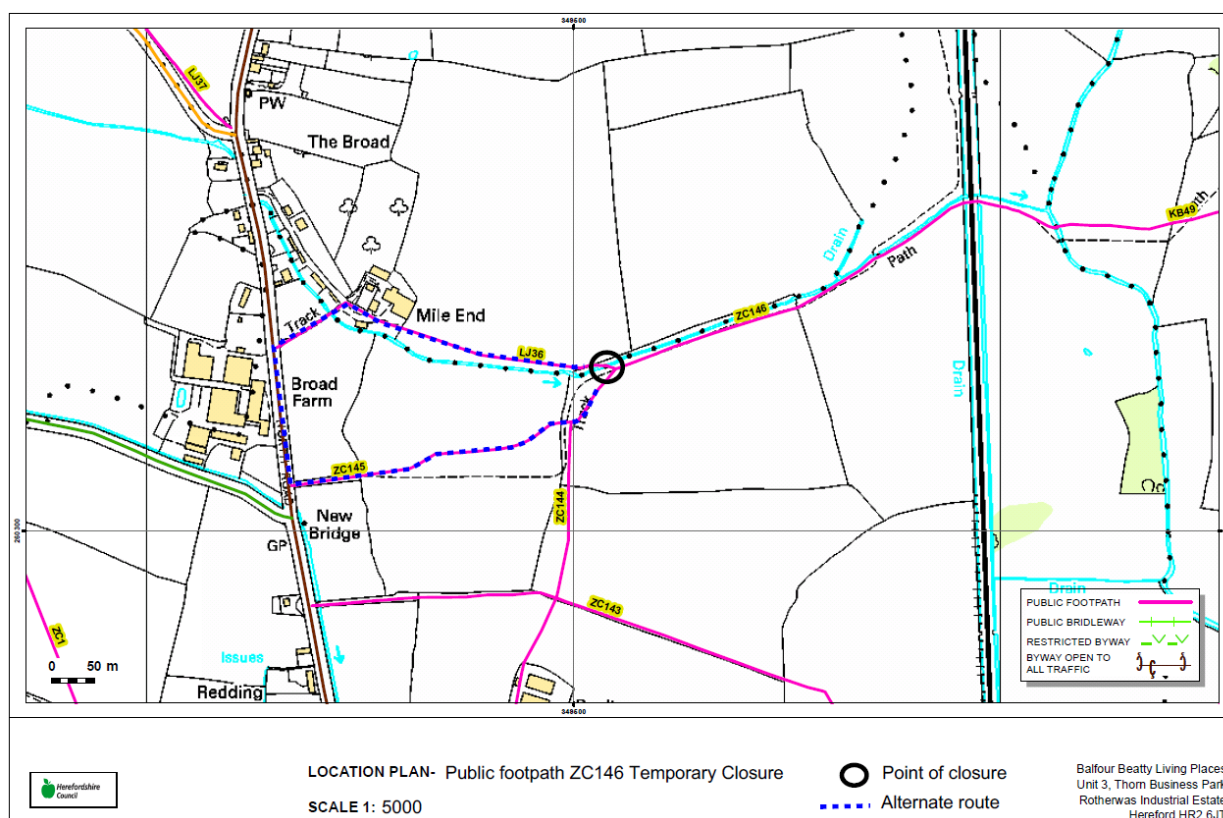
Comments received on the 8/3/2018 (clarification on temporary closure of footpath)

The path is definitely not closed. We had a complaint that it was obstructed in October last year. Our Enforcement Officer inspected the site and noted,

“20/10/17 - inspected.

There are wood chipping operations taking place, but the path was not blocked at the time of inspection. Proprietor seen and advised of complaint. Assured me that path is being kept accessible during operations. NFA required.”

The bridge is on the border of the 2 parishes, but is on footpath ZC146. The bridge itself is closed, but the footpaths either side are not. See attached. Walkers must be able to walk up to the point of the closure if they wish, even though this may mean turning back. We used to close whole paths, but users groups did not like this.



5. Representations

5.1 River Lugg Drainage Board: Non- committal

Initial comments 7th November 2017

With reference to the above application validated 7th November 2017. The Board must advise that this is inside of its rateable area and would stipulate the following;

Requirements.	
1	A permanent 9 metre plant access strip is required alongside the Broad Ditch within the development site, for watercourse maintenance purposes. The written consent of the board must be obtained for any structure or tree planting within 9m of any Board controlled watercourse measured from the top of the bank or on the landward side of any embankment.
2	Any works must not compromise the stability of the bank or create a gradient of more than 1:20 towards the watercourse.

1. There are no details of how the SW run-off will be dealt with but existing local run off is to Board controlled Broad Ditch.
2. We would like to inform you of the Board's standard requirements in respect of surface water disposal, and ask that they be taken into consideration when the application is assessed.

Requirements	
1	Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the <i>required On-site Storage</i> designed for the 1 in 100 year storm event.
2	For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off <i>discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.</i>
3	The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.
4	All in compliance with The Institute of Hydrology Report 124 (IoH 124) - <i>Flood estimation for small catchments (1994)</i>
5	All to the satisfaction of the Engineer to the Board
6	No additional surface water run-off to adjacent watercourse or any outfall structure is permitted without written Land Drainage Consent , which would have to be obtained from the Board under the terms of <i>the Land Drainage Act 1991</i> and the <i>Flood and Water</i>

I would also draw your attention to:

- The area of River Lugg Internal Drainage Board is a Natural Flood Plain and whilst every effort will continue to be made to guard against and to alleviate flooding, no guarantee can be given against the worst effects of abnormal weather and river conditions.
- Compliance with the recommendations in the following Report: "Technical Guidance to the National Planning Policy Framework 2012".
- That both current and future developers/owners should be made aware of the risks associated within the area being considered.

Comments received on the 22nd January 2019

The River Lugg have already commented on this – see correspondence section
However please note : There is a requirement for a land drainage consent application to be made –which the river Lugg have as yet not received

Comments received on the 5th February 2019

We as of yesterday have received the land drainage consent application, for mile end. For the installation of drainage pipes, the excavation of a Balancing pond, which in their application have also indicated that this work will temporarily affect the flow of the water. Their application also included a Surface Water Management Plan.

5.2 Luston Parish Council: Object

Initial comments received on the 5th December 2017

Luston Group Parish Council objects to the application on the grounds of noise and disturbance caused to nearby residential properties from the scheme. The noise and disturbance come from the operation of the chipper, drying floor and boiler house, and the movement of vehicles in the yard (such as reversing hazard beeps) which move the wood chippings about – for example to the drying room and then on to storage. The scale and size of the operation means the noise and disturbance generated by these activities is effectively on an industrial scale and inappropriate for the location.

Policy LG1 of the Luston Group Neighbourhood Development Plan states new development should “not have a detrimental effect on residential amenity by reason of noise or other nuisance” (LG1, b), and that: “Agricultural and commercial buildings or uses that are likely to give rise to noise or other pollution shall not be located where they would have an unacceptable adverse impact on existing or proposed housing (LG1, g). The ongoing development of the operation is believed to affect the character of the hamlet of The Broad adversely contrary to paragraph 5.2.8 and vision statement in the Luston Neighbourhood Development Plan.

In addition, Policy LG8 of the NDP states the development of small scale employment premises should: “Not have a detrimental impact on surrounding residential amenity”. The highlighted provisions in the Luston NDP are supported by the NPPF (s123, clause 109, clause 111, para. 75 ROW, and NPSE – SOAEL) and the Natural Environment and Rural Communities Act 2006.

The group parish council is concerned that the River Lugg may be polluted by water run-off from the piles of wood chippings in the yard entering the water table and seeping into the adjacent brook. There is a significant PROW, the Herefordshire Way, which passes through the yard, and although currently closed at this point due to a defective footbridge, proper consideration should be given to ensuring the footpath is safe to use or appropriately diverted. The wood chippings are believed to be a significant fire hazard inappropriate to a residential area like The Broad. The group parish council would like reassurance that water run-off is not polluting the nearby water courses, including the Lugg, and that the necessary fire risk assessments and other relevant checks are in place.

For the reasons set out Luston Group Parish Council urges that the application is REFUSED by the planning authority. The group parish council disapproves of retrospective planning applications.

Further comments received on the 3rd July 2018

Luston Group Parish Council considered the additional documents/plans for Planning Re-consultation - 174097 - Mile End, and agreed that the comments submitted on 5 December 2017 objecting to the application should remain unchanged. The group parish council requests that the application is considered by Herefordshire Council's planning committee.

Further comments received on the 8th November 2018

Luston Group Parish Council has considered the amended and additional plans in the re-consultation dated 26 October 2018 and decided to add to the comments already made on the retrospective planning application.

The group parish council considers that the Air Dispersion Modelling Assessment document and amended proposed elevations drawing highlight the clear unsuitability of the operation for the current semi-rural location with near neighbours on the edge of a market town. Policy LG1 of the neighbourhood development plan states that: "Agricultural and commercial buildings that are likely to give rise to noise or other pollution shall not be located where they would have an unacceptable adverse impact on existing or proposed housing". The Air Dispersion Modelling Assessment found that NO2 concentrations exceed guidelines, in other words the volume of NO2 produced is polluting the area, and the planning application should be refused on these grounds alone.

The proposal to erect tall 12 metre industrial flues will have a significant adverse impact on the character of the surrounding hamlet and is contrary to LG1 and LG8 of the NDP. Critically, it does not take account of the problem with NO2 contamination at Bargates, Leominster, which is one of two air quality management areas in Herefordshire, declared due to a breach of the Government's objective for nitrogen dioxide, and residential location. Bargates is less than a mile from the location of Mile End.

Luston Group Parish Council believes the NO2 produced by the proposed industrial operation at Mile End, with or without flues, will lead to an unacceptable cumulative impact on NO2 pollution at Bargates and vice versa depending on wind direction. The interaction with, and impact on, the air quality management area at Bargates has not been accounted for in the planning application.

For these reasons, and those raised in the comment of 5 December 2017, Luston Group Parish Council urges that the retrospective application is refused by the planning authority.

Further comments received on the 6th February 2019

Luston Group Parish Council considered the additional documents in the re-consultation dated 18 January 2019 yesterday evening, and decided to add to the comments already made on the retrospective planning application.

The group parish council is concerned that the Surface Water Management Plan takes no account of contamination from the industrial scale activity on the site. There is believed to be a significant risk of contamination of the local water course and the Lugg caused by run-off from machinery and chippings. The proposal to "pump the water over grassland" under #4 of the Surface Water Management Plan is opposed for reasons of contamination.

5.3 Leominster Town Council: Request that the Planning Authority takes into account full consideration the comments submitted by Luston Group Parish Council

5.3 13 letters of objections have been received from residents living in the surrounding area. A number of objectors have made further representations to amended plans and additional supporting documents which have been submitted throughout the application. The letters raise the issue of noise generated from the change of use and industrial nature of the business in the rural area. The content of the letters are summarised as follows: -

Impact upon amenity of neighbours

- Level of noise generated from chipper site unacceptable and detrimental to daily lives and enjoyment of residential properties
- Noise can be heard in doors as well as outside
- Use generates a dramatic increase in heavy lorries which is a nuisance to residents due to noise and vibration, noise is already an issue from the B4361
- B2 uses are not suitable neighbours for residential properties due to noise and dust and detriment to the amenity

- Noise Impact Assessment takes no consideration to vehicle movements to and from the site

Detrimental to landscape character and amenity

- Use in industrial not rural or agriculture and shouldn't be located in the open countryside close to residential properties
- Out of keeping with overall character of the landscape and location
- Business could intensify taking up more agricultural land for the storage of logs and wood chip
- Detrimental to the enjoyment of the PROW and poses a risk to walkers
- No agricultural activities take place on the site therefore detrimental to the countryside
- Too large for its location therefore detrimental to the overall character of the rural setting

Other issues

- Too close to residential properties
- Contrary to the Luston Neighbourhood Development Plan that doesn't support industry beyond settlements
- Wood chip being sold off site therefore use is industrial which is not acceptable on this location
- Proposal represent an introduction of a significantly sized B2 use far greater than the diversification to support an agricultural enterprise
- Mile End Farm in not employment land
- Contrary to Policy SD2 of the CS as it adversely impacts on the residential amenity of neighbours
- Application contrary to Policy RA6 as it is not of a scale which would be commensurate with its location and setting and would cause adverse impacts to the amenity of nearby residents

5.4 **22 Letters of support** have been received for the application largely from customers of the business. The contents of the letters are summarised as follows: -

- Provides a local and much needed service for fuel for biomass boilers when there is no other
- Generates revenue and jobs in the town and surrounding area supporting a number of other local businesses
- Business is a proponent of sustainable development
- Location acceptable for type of business given that it is former agricultural site, with buildings being re-used by a rural business
- Growing need, demand and reliance for woodchip within the county
- Applicant does his own deliveries which reduces lorries on the highway and is increasingly chipping on sites which further reduces the lorries on the highway
- Encourages sustainable management of woodlands.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174097&search=174097

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

6.1 The applicant is seeking planning permission to authorise the use of the site for the production of wood chipping as a biomass fuel. The application includes the authorisation of 6 biomass boilers which have been installed (2 in a newly constructed building), all to be used to heat and dry the wood chip produced before being transported off site.

- 6.2 For clarification Biomass is defined as any organic matter recently derived from plants or animals and can be produced by farming, land management and forestry sectors and can be used for the generation of renewable energy. Biomass fuels are those that can be converted into energy and therefore can be regarded as a renewable energy. In this case the fuel is wood chip that is burned to generate heat to be consumed on the site.

Policy context and Principle of Development

- 6.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.4 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Luston Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on the 2nd January 2018.
- 6.5 The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the Government’s planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). The revised NPPF replaces the previous NPPF published in March 2012.
- 6.5 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- An **economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - A **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being, and
 - An **environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.6 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.7 So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:
- Approving development proposals that accord with an up-to-date development plan without delay; or

- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.8 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. The relevant sections within the NPPF which have been considered and are relevant to the determination of this planning application are identified under section 2.4 above.
- 6.9 The NPPF at section 6 seeks to promote strong rural economies through the sustainable growth and expansion of business in rural areas and the development and diversification of agricultural and other land based rural businesses. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.10 Paragraph 83 of the NPPF seeks to ensure that planning policies and decisions enable the growth and expansion of all types of business in rural area to support a prosperous rural economy. Whilst Paragraph 84 recognises that to meet the need for business in rural areas sites may need to be found adjacent to or beyond settlements, and in locations that are not well served by public transport. In these circumstance's it is important to ensure development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- 6.11 Paragraph 148 of the NPPF states that "the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".
- 6.12 Paragraph 154 of the NPPF states that "when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas".
- 6.13 There are policies within the adopted CS that support the continued development of the more traditional employment sectors such as farming and food manufacture, as well as the diversification of the business base, through the development of knowledge intensive industries, environmental technologies and creative industries (Policy SS5). Paragraph 3.71 within the CS recognises that land based industries are seen as a strength of the county of Herefordshire since they foster other business enterprises such as renewable energy technologies and creative industries.

Paragraph 3.76 within the CS states:

'The rural economy is populated by small businesses, often sole traders or the self-employed working from home. This is higher than the national average and is driven by increasing opportunities to use technologies to work from any location. Businesses in rural areas support the sustainability of local services and communities (Taylor Review of Rural Economy and Affordable Housing, July 2008). Therefore in the rural areas, businesses will be supported by taking into account local demand, the ability to retain, grow or diversify employment opportunities and options to reuse existing buildings and sites, as well as contribution to the sustainability of the area.'

- 6.14 Policy RA6 with the CS specifically deals with the rural economy and supports proposals that diversify the rural economy providing they are of a scale which would be commensurate with its location and setting; which do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell; do not generate traffic movements that cannot be safely accommodated within the local road network; and which do not undermine the achievements of water quality targets in accordance with Policies SD3 and SD4 of the CS.
- 6.15 Policy SD2 of the CS deals specifically with renewable and low carbon energy generation. The policy recognises that the overarching principle of the planning system is to support the transition to a low carbon future and a significant means of achieving this goal is through the use of renewable energy sources development proposals which seek to deliver renewable and low carbon energy will be supported where they do not adversely impact upon international and national designated natural and heritage assets; they do not adversely affect residential amenity; they do not result in any significant detrimental impact upon the character of the landscape and historic environment.
- 6.16 The Luston Group Parish NDP does not have any specific policies for rural businesses or renewable energy. However it does offer support for home working and small businesses providing proposals are of a scale appropriate to its immediate surroundings, do not have a detrimental impact of surrounding residential amenity and are located close to existing highways and do not have an unacceptable impact of traffic (Policy LG8 Supporting and enhancing existing small scale local employment).
- 6.17 From the evidence which has been submitted and within the planning history of the site, it is clear that the site has long been established for the storage and distribution of logs, alongside the historic agricultural use. In recent years the growing need and demand for wood chip as a biomass fuel was identified by the applicant and led to the wood business diversifying in to the processing of the logs into wood chip. The agricultural use has declined and the site is now primarily used for the manufacturing of logs into wood chip which falls within the B2 use class of the Town and Country Planning (Use Classes) Order 1987. The wood chip is distributed locally both to commercial and residential properties.
- 6.18 It is evident that the change of use which has occurred has had benefit to the local economy, through the creation of jobs. There are also economic and social benefits with regards to meeting the increasing demand for wood chip to fuel biomass boilers supporting communities with a locally sourced fuel. In relation to the environmental benefits, biomass is recognised as a renewable energy source which can play an important role in adapting to climate change and moving towards a low carbon economy.
- 6.19 The location of the wood chipping and storage yard is on a former agricultural site in close proximity to the Market Town of Leominster, although for planning purposes is in an open countryside location. The scheme largely utilises existing buildings on the site and has direct access on to the B4361 highway. In terms of its location, the site is considered to be sustainable

and one that is appropriate for this type of development given the nature of the land based business and the former use of the site both for agricultural and wood storage.

6.20 The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development. The main material planning issues which need to be considered are:

- The impact the proposal has on air quality;
- The impact the proposal has on the amenity of neighbouring residential properties with regards to noise and nuisance;
- The impact the development has on the landscape character and visual impacts
- The impact upon the local highways; and
- The impact the proposal has upon the local water environment

The impact of the proposal on Air Quality

- 6.21 The change of use has led to the introduction of 6 biomass boilers and combined heat and power gasification plant on site with a combined total of 3MW of heat to be utilised on site to heat and dry the wood chip before it is sold. When sourcing wood chip as a biomass fuel, the customer will want to ensure that the moisture content is consistent and matched to the type of boiler they have. Dried woodchip with reduced moisture content can create higher efficiency, with clean and more consistent combustion. However, it is now recognised that biomass Nitrogen Dioxide particulate matters from biomass burning in on an increase. The distribution and characteristic of emissions are likely to vary between biomass boilers depending on the type of appliance, burn rate, fuel moisture content, and the type of wood used. Generally a well maintained biomass boiler will produce more pollution than a similar gas system, but less than an equivalent coal or oil fired boiler. The maintenance of the boiler and its associated equipment will also affect pollutant emissions, i.e. poor maintenance will lead to higher emissions.
- 6.22 There is no specific policy within the LNDP which deals specifically with air quality issues, although Policy LG1 deals with general development principles and requires new development to ensure no detrimental effect on residential amenity occurs as a result of the development.
- 6.23 CS policy SD1 requires that all development proposals ensure that new development does not contribute to, or suffer from, adverse impacts arising from air contamination. The burning of wood in heating appliances results in the release of pollution emissions that can have an impact on air quality, with the principle pollutants of concern being Nitrogen Dioxide and particulates. The actual levels of emissions in the flue gases depend on the biomass boiler design, the fuel characteristics and how the boiler is operated. The impact of emissions on the environment, in particular local receptors, is related to the dispersion of emissions influenced by the height of the boiler exhaust stack.
- 6.24 The application has been supported by an air quality assessment which assesses the nitrogen dioxide (NO₂) and fine particles matters (PM₁₀ and PM_{2.5}) against the Air Quality Standards (AQSs) at the nearest receptors. A full detailed dispersion model was undertaken using an advanced dispersion model developed for regulatory purposes. The findings along with recommendations are presented in the Air Quality Assessment report. The conclusion of the assessment is that the predicted hourly and annual mean NO₂ concentration (µg/m³) exceeded the respective AQS, with the largest contribution likely to be due to the ground level horizontal discharges of the CHP units. It was therefore recommended that the CHP discharged into vertical stacks with a minimum 12 m discharge height in order to provide sufficient pollutant dispersion.

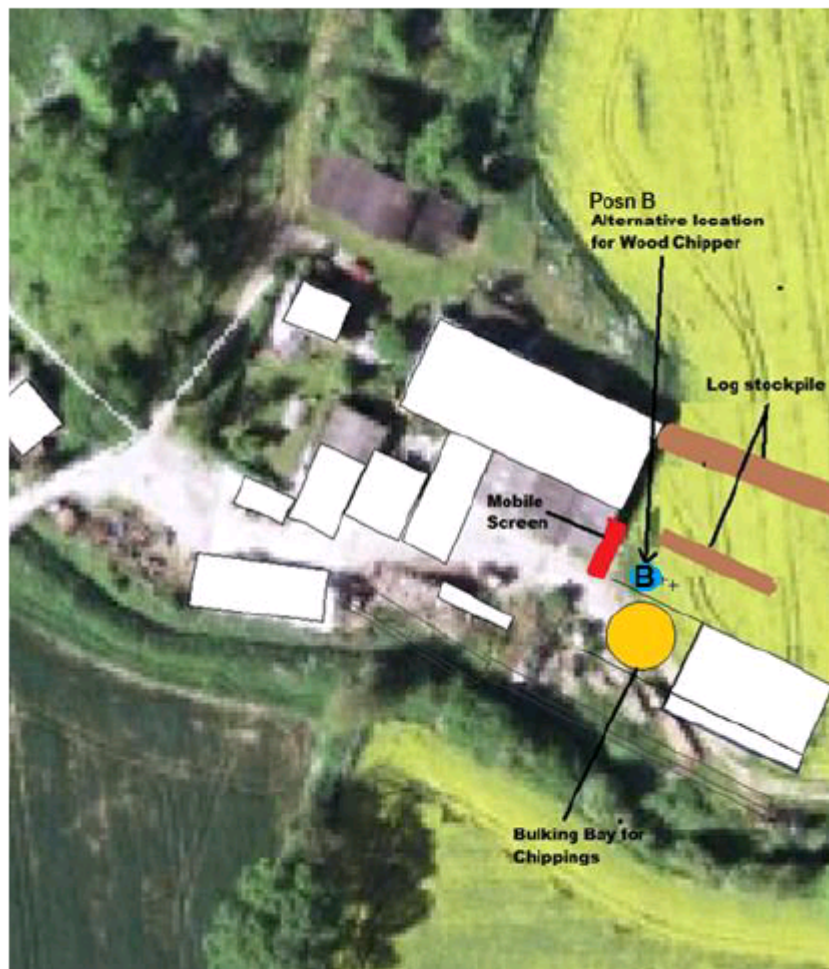
- 6.25 The Environmental Health Officer which deals specifically with Air Quality agreed with the findings and assessment and the applicant amended the plans to include 2 x 12m high flues from the CHP units. It is noted that the assessment assumed that the biomass and CHP plant would operate continuously throughout the year. Onsite buildings and the local terrain were also considered in the assessment, as these factors can affect the dispersion of pollutants. On the basis of the information submitted in the air quality assessment and providing that the mitigation of the increased stack height to the CHP plant is put in place, it is considered that the proposals accord with policy SD1 of the CS and LG1 of the LNDP with regards to air quality and contamination. It is suggested that should permission be granted that a condition is included requiring the increase in stack height to 12m to be completed within 3 months.

Impacts upon residential amenity – noise and nuisance

- 6.26 CS policy SD1 requires, amongst other things, that all development proposals safeguard the residential amenity or living conditions of existing residents and that they do not contribute to adverse impacts arising from noise. Whilst policy LG1 within the LNDP requires new development not to have a detrimental effect on residential amenity by reason of noise or other nuisance. Similarly, paragraph 127 of the NPPF recognises that planning policies and decisions should ensure that development functions well within their surroundings. Whilst paragraph 180 recognises that planning policies and decisions should ensure that development is appropriate for its location by mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impact on health and the quality of life.
- 6.27 Biomass facilities operate on a 24 hour, 7 day a week basis. The biomass boilers are considered to be one source of noise on the site, however it's the Wood Chipper used for the chipping of wood which is the significant generator of noise, as well as the movement of vehicles to and from the site. A number of the representations submitted have raised concerns with regards to the noise generated by the business, specifically highlighting the wood chipper and vehicle movements off the site in the early hours.
- 6.28 When first submitted the applicant was chipping in 2 different positions on the site, however on completion of a noise impact assessment the applicant now proposes to only chip on one location on the site. The noise impact assessment has been updated during the process of the application to take into consideration the change in wood chipper. The assessment was undertaken to establish the noise level and impact on existing residential properties resultant from the operation of the Wood Chipping Plant and where appropriate suggested mitigation measures to reduce noise levels to the lowest level reasonably practicable by applying 'best practicable means'.
- 6.29 The nearest sensitive receptor (NSR) boundaries are identified as the residential properties to the north west of the site directly off Broad Lane at distances of approximately 100m to 140m from the existing location of the Wood Chipping Plant. The nearest receptor is located adjacent to the access road known as Ridgemoor Cottage at a distance of approximately 70m from the current location of the plant. There are other residents to the west which are located off the B4361 road at a distance of approximately 150m to 180m from the plant location.
- 6.30 As a result of the noise survey work undertaken, the applicant now proposes to chip in only one position on the site, which is shown on the plan below by the letter 'B'. This position is further away from previous chipping areas behind existing buildings which maximises screening and distance attenuation. In addition, when they do chip, to further mitigate the impact of noise on local residents, a mobile screen is to be located northwest of the plant within the gap between the main building and store.

- 6.31 The wood chipper will only run on average for 9 hours a week and the applicants have confirmed that chipping does not take place outside of the hours 8.00 - 17.00hrs. The applicants have confirmed that the wood chipper is taken off site on various days of the week to chip wood on different sites across the local area. There are up to 600 deliveries to the site per year, averaging 2 a day. However the applicant does stress that this can vary and on some days be more than others, and a number of days with none at all depending on the availability and purchase of logs.
- 6.32 The noise impact assessment concluded that the development when mitigated represented a low impact and below an adverse impact according to BS4142: 2014. Allowing for a noise character penalty of +3dB the rating noise level would be between 7dB below and up to 1dB above representative background sound levels, indicating a low impact and below an adverse impact. The Council's own Environmental Health Officer took her own readings at the locations identified by the assessment at a time when the wood chipper was running and mitigation was in place. The readings taken corresponded with that of the noise assessment indicating a low impact below an adverse impact to BSA4142. Subject to conditions the Environmental Health Officer has supported the proposal.

Figure 2: Location of Proposed Wood Chipper & Screening Measures



- 6.33 In addition to the wood chipper, consideration has also been given to other noise generated from the biomass boilers as well as the noise and nuisance from vehicles and general activities associated with the operations at the site. The Boilers are all located within buildings which are insulated and the noise witnessed on site when running was considered to be low and unobtrusive.

- 6.34 The chipper gets moved off site throughout the week to work on other sites around the local area which are in need of wood chip, this reduces the overall movements as logs are transported direct to a site and once chipped is placed in drying stores within the customers own land. The chipper is large and transported on a HGV. It is understood from representations that its movement can be early in the morning. Consideration has been given to the need to control the timings of deliveries to and from the site, as well as vehicles leaving the site. When placing restrictive conditions on an application, Officers need to consider if a condition is reasonable, necessary and enforceable. The applicant has confirmed that often the chipper is moved around 7am to avoid busy times in Leominster, especially the school drop off time and allow time for the chipper to arrive on a site and get set up.
- 6.35 The site is on a busy B road into Leominster which has several businesses and agricultural farms located along it. There are several dwellings scattered along the roadside in the immediate location in close proximity to the entrance into the site. It is considered that occupiers of these houses are vulnerable to traffic noise emanating from vehicles using the road. A number of the representations received express concerns with the changes which have occurred over the years and the impact of the noise and nuisance associated with the type of traffic generated by the wood chipping business. It is recognised that rural areas often have relatively low levels of background noise, and therefore may be more sensitive to disturbance from intrusive noise.
- 6.36 The issue which has been considered is whether it is necessary and reasonable to place conditions on a decision to control movements in and out of the site in the interest of safeguarding the amenity of local residents. The Environmental Health Officer has requested that controls are put in place with regards to the movement of the wood chipper and delivery of logs. The applicant has explained that the wood chipper and deliveries of wood is not always regular and that haulage and delivery companies look to avoid peak travel times.
- 6.37 Officers have considered all the representations received and the comments from the Environmental Health Officers. The site is occupied by an established business which over the years has diversified into the B2 use which it is today, however there are also a number of existing residential dwellings which are already complaining of suffering from adverse effects by traffic noise. Whilst acknowledging that businesses need to be able to operate efficiently and react to changes or customer demands, a balance needs to be struck between enabling a business to respond to the reasonable expectations of customers and safeguarding the living conditions of local residents.
- 6.38 Taking all matters identified above into consideration, it is concluded that the a reasonable balance can be achieved by restricting the movement of a wood chipper off and on to the site and the delivery of logs to the site, including their unloading on Saturday mornings and Sundays and Bank/ Public holidays. It is considered reasonable, given its rural location, for residents to expect early Saturday Mornings, Sundays and Bank/Public holidays to not be disturbed or adversely impacted upon by additional noise. In addition a condition requiring a noise management plan which will monitor any complaints received and outline action to mitigate if required is recommended.
- 6.39 It is considered that subject to appropriate conditions relating to the management of the site and control on noise and operation, the proposal would have a relatively low impact on the amenity of nearby dwellings, and is capable of being compliant with policy SD1 of the CS and LG1 of the LNDP.

Landscape and Visual amenity

- 6.40 A number of representations have been received objecting to the proposal on the grounds of visual impact as a result of the proposal being out of character and scale with its rural location.

The application is seeking retrospective planning permission for the change of use of the site which occurred with the introduction of the wood chipper and biomass boilers in 2011. Prior to 2011 the site was used for the storage and handling of logs as part of the applicants wood business.

- 6.41 The NPPF in section 15 emphasises the importance planning policies and decision have in contributing and enhancing the natural and local environment. This is achieved by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It can also be achieved by recognising the intrinsic character and beauty of the countryside.
- 6.42 Policy LD1 in the CS requires all development proposals to demonstrate that the character of the landscape and townscape has positively influenced the design, scale, and nature and site selection. It also requires proposals to conserve and enhance the natural, historic and scenic beauty of important landscape and features and incorporate new landscaping schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.43 Policy LG1 within the LNDP requires new development not to have an unacceptable detrimental impact on the character of the area. Policy LG3 requires proposals to preserve and enhance the character. It supports the conversion of traditional farm buildings through continued and appropriate new uses.
- 6.44 The topography which surrounds the site is flat and therefore there are a number of public vantage points from the adjoin highways and PROW where the wood processing business can be viewed. Existing vegetation on field boundaries does filter these views, however the scale of the buildings and the position and height of the log piles make a number of views possible.
- 6.45 The buildings are largely steel framed construction, built within and around more traditional smaller timber buildings. There is a more substantial agricultural farm on the opposite side of the B4361 which occupies a road side frontage. It is evident that log piles have long been a characteristic of the site. The change of use is not considered to have changed the character of site or industrialised the nature of the site.
- 6.46 The Council's Landscape Officer has been consulted and has raised no objection to the proposal with regards to the landscape character. However the Officer has highlighted that the increase in flue height to 12m could potentially cause adverse visual effect on users of the PROW route which passes through the site. Having visited the site and surrounding area several times throughout the application process, it is considered that the flue will be visually more prominent from wider views to the south, especially along the B4361. When viewed from the PROW which passes through the site it is not considered that the addition of the 12m high flues will be significantly detrimental or harmful to the landscape character or enjoyment of the PROW.
- 6.47 The storage of logs has expanded along the southern boundary in an easterly direction, however this area is largely screened by existing vegetation and not visible from the public highway. The legal line of the PROW has been walked several times and has not been found to be obstructed. The footbridge which joins the footpath to the neighbouring field is currently closed but the PROW Officer has confirmed that the intention is to repair it and bring it back in to use in due course.
- 6.48 The landscape officer has suggested that the proposal would benefit from additional planting along the site boundaries with regards to gapping up in hedgerows and additional planting. However this would potentially conflict with the requirements of the River Lugg Drainage Board which require a 9m strip for maintenance along the boundary with the brook. There is the opportunity for additional planting and gapping up within the hedge to the south on the opposite side of the brook which is in the ownership of the applicant. This would assist in further filtering the views of the site from the adjoining highway and PROWs and ensure that the development

integrates appropriately into its surroundings. This can be secured via a suitably worded condition.

- 6.49 The wood chipping business, including the biomass site are not considered to have an unacceptable impact upon the character and appearance of the local area and no conflict with policy LD1 has been identified.

Impact upon the local highway network

- 6.50 Traffic generation arising from the proposed change of use in connection with the delivery of logs and distribution of wood chip is a key issue that needs considering. A number of the representations which have been received reference the increase in vehicle movement over the years since chipping has taken place at the site.
- 6.51 Policy MT1 of the CS requires all new development to demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network. Policies LG1, LG2 and LG8 of the LNDP all require that new development be located close to existing highways and not have an unacceptable impact upon highways safety and traffic movement.
- 6.52 The Councils Highways Officer has been to site and has confirmed that the visibility is good in both directions out of the entrance and that there are no records of any accidents recorded in the vicinity. The planning statement identifies that the business on average generate 5 HGV's a day Monday – Friday, with occasional movements on a Saturday morning. This represents a worst case scenario, as the number of movement's fluctuate through the week. In addition to the business the access also serves 5 residential dwellings, 3 of which are lived in by family members. The Highways Officer does not believe that the vehicle movements generated by the wood chipping business presents any adverse impact on highway safety and that the local highway network can safely accommodate the increase in movements.
- 6.53 In accordance with policy MT1 of the CS and LNDP policies LG1, LG2 and LG8 the application site is considered to have a safe entrance into the site, with more than sufficient space within the site to allow vehicles to manoeuvre and operate safely. Consideration has been given to the PROW, and it is considered that the wood chipping business can operate without causing obstruction or prevent the use of the legal line of the prowl. Overall no conflict with policy MT1 has been identified. The nuisance of the vehicle movements on the amenity of neighbours has been considered above.

Impact upon local water environment

- 6.54 The impact of the proposal upon surface water run-off rates and the implication for localised flooding is a material planning considerations which many of the representations have raised. The application has been supported by a Flood Risk Assessment and Surface Water Management Plan. The application site is located within flood zone 1 and therefore has a low risk of flooding and the sequential and exception tests required by policy SD3 of the CS and chapter 14 of the NPPF are not required.
- 6.55 Policy SD3 in the Core Strategy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Within the LNDP policy LG5 deals with flood risk water management and surface water run-off. The policy requires new development to be designed to maximise the retention of surface water on the development site and minimise runoff.

- 6.56 The Councils Drainage Consultant has confirmed that the site is not located within an area identified as significant risk of surface water flooding. The applicants are proposing a new surface water managements system on the site which has been designed and supported with a plan designed by ADAS. The scheme is identified as representing a Sustainable Urban Drainage Systems (SuDS) to attenuate storm water flows from the site. The new scheme was informed following infiltration tests across the site and information from soils mapping. The scheme is designed to attenuate flows to permitted levels and provide storage for up to the 100 year storm of critical duration for the site plus an allowance for climate change. The effective maintenance of the SuDS in this case will remain the responsibility of the landowner.
- 6.57 The new system will install new drains to intercept with all existing surface water drains discharging to the brook, blocking them off and redirecting the water to a flow control chamber in the eastern corner of the site which has an outflow chamber controlling flow to the east of the site. All work is to be within land owned by the applicant. The Councils Drainage Consultant considered that the scheme has been well informed and designed and raises no objection to the proposal.
- 6.58 The River Lugg Drainage Board (RLDB) have made representations through the application process expressing concerns with regards to the need for the applicant to apply to the Board for their consent in relation to the additional surface water run off to the adjacent watercourse. The applicants have made a submission to the Board on the latest design. The consent is in connection with the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010. This is separate legislation to The Town and Country Planning Act 1990 and the regulatory body in this case is the River Lugg Drainage Board.
- 6.59 Consideration has been given to the RLDB overall comments and the scheme overall is considered to reduce the surface water run-off to the adjacent watercourse and allows a 9 meter plant access strip alongside the Board Ditch for watercourse maintenance purposes.
- 6.60 Foul water is captured and handled entirely separately from the surface water drainage system. The only additional foul water is from a toilet in the office building.
- 6.61 The application is considered to have demonstrated that the scheme is capable of delivering sustainable water management throughout which will protect and enhance groundwater resources. The Drainage Consultant has concluded that the scheme is, having regard to SD3 and SD4 of the CS, and LG5 of the LNDP and NPPF section 14 principally to be acceptable. Informatives are recommended below to highlight the comments of the Lugg Drainage Board and the requirements of S15 of the Land Drainage Act 1991.

Impact upon the Ecology and Biodiversity

- 6.62 Policy LD2 of the CS requires development proposals to conserve restore and enhance the biodiversity and geodiversity assets of Herefordshire through ensuring new development does not reduce the coherence and effectiveness of the ecological networks of sites and through the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological network. The policy also seeks to support the creation of new biodiversity features and wildlife habitats where possible.
- 6.63 The site falls within the “Any discharge of water or liquid, including to mains sewer” SSSI/SAC Impact Risk Zone. This means that this LPA has a legal duty of care under habitat Regulations (as well as NPPF, NERC Act and Core Strategy policies LD2 and SD4) to ensure that all ‘Likely Significant Effects’ from the development are fully mitigated.
- 6.64 The applicant has confirmed that only foul drainage on the site is located within the office building which has been connected to an existing septic tank which serves the residential

property immediately adjoining the site (owned by the applicants, with a final discharge to a soakaway to the north of the site. The Councils Planning ecologist has raised no further issues with the application.

Conclusion

- 6.65 The proposed scheme seeks permission to authorise the use of the site for the processing of logs into wood chip and the installation of 6 biomass boilers to heat and dry the wood chip before being sold on. For clarification the use falls within the B2 use class. Taking into consideration the history of the site and the context of the site with direct access on to a B road and the nature of the business the site represents a sustainable location.
- 6.66 When considering the three dimensions of sustainable development, economic and social benefits of the scheme are those arising from the creation of jobs (not just on the site but associated industries) and the availability of locally sourced fuel for biomass Boilers. In terms of environmental benefit the proposal represents a form of diversification and continued use of a former agricultural holding with a land based industry that produces a renewable fuel which overall plays a role in moving to a low carbon economy.
- 6.67 The proposed development is not considered to have an unacceptable impact upon the character and appearance of the local area and subject to appropriate conditions will not have any adverse noise or emissions upon the residential amenity or the surrounding environment subject to conditions. The proposal is not considered to have any unacceptable impact upon traffic or highway safety or upon the water environment, subject to the imposition of appropriate conditions.
- 6.68 Taking all of the above into account, Officers are content that there are no other matters of such material weight that would justify withholding planning permission. The proposal in terms of its location, design, scale and other associated impacts is considered to represent a sustainable form of development which complies with the relevant policies. On this basis the proposal is compliant with the Herefordshire Local Plan – Core Strategy, Luston Goup Neighbourhood Development Plan and the National Planning Policy Framework and the application is accordingly recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. C06 - Development in accordance with approved plans**
- 2. Within 3 months of the date of this permission the CHP exhausts identified on the plan 7393/4 Rev 1 shall be installed with a height of 12m as outlined within section 5.2 of the Air Dispersion Modelling Assessment. The details and colour shall be agreed with the Local Planning Authority prior to its installation and shall subsequently be carried out in accordance with the approved details.**

Reason: To prevent air contamination to local receptors and to comply with Policy SD1 of the Herefordshire Local Plan (2015), Policy LG1 of the Luston Group Neighbourhood Development Plan (2017) and National Planning Policy Framework.

- 3. The movement of a wood chipper on and off the site and the deliveries of logs, shall not take place between the hours of 1730 of Friday to 0830 on Saturday and not at all on Sundays or Bank and Public Holidays.**

Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy (2015), Policy LG1 of the Luston Group Neighbourhood Development Plan (2017) and the National Planning Policy Framework.

- 4. Only one wood chipper shall operate from the site at any given one time.**

Reason: To protect the amenity of local residents and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy (2015), Policy LG1 of the Luston Group Neighbourhood Plan (2017) and the National Planning Policy Framework

- 5. The wood chipping operation shall only take place in the area marked B and C as outlined in the noise consultant NVC's letter of 22nd March 2018 and the maximum noise emission level of the wood chipper at 10m shall at no point exceed 91dB LAeq nor an LaMAXF of 94dB. In addition, a permanent noise mitigation shall be on site in the form of a barrier of minimum height 5m in the form of a log stack and the retention of the existing embankment as shown in Figure 2 of the noise consultant NVC's letter of 22nd March 2018.**

- 6. Reason: To protect the amenity of local residents and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy (2015), Policy LG1 of the Luston Group Neighbourhood Plan (2017) and the National Planning Policy Framework**

The hours during which chipping of wood may take place shall be restricted to 0900 to 1800 Monday to Friday and 0900 to 1300 on a Saturday and at no time on a Sunday, Bank or Public Holiday.

- 7. Reason: To protect the amenity of local residents and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy (2015), Policy LG1 of the Luston Group Neighbourhood Plan (2017) and the National Planning Policy Framework**

A temporary mobile screen in the form of a 44 tonne lorry to be placed across the site in the location shown in Figure 2 of the noise consultant NVC's letter of 22nd March 2018.

Reason: To protect the amenity of local residents and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy (2015), Policy LG1 of the Luston Group Neighbourhood Plan (2017) and the National Planning Policy Framework

- 8. CC1 – Details of external lighting**

- 9. The premises shall be used for the processing and manufacturing of wood chip and associated drying and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Class) Order 1987, or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: The Local Planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. Within 3 months of the date of this permission a detailed Noise Management Plan**

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions or training recorded) that have arisen) annually thereafter by the 1st March in each successive year. Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The use of the site shall be carried out in accordance with the approved Noise Management plan.

Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policies SD1 of the Herefordshire Unitary Development Plan, Policy LG1 of the Luston Group Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework

11. Within 3 months of the date of this permission the surface water drainage system outlined in the Surface Water Management Plan reference 1010290 dated 11th January 2019 shall be implemented in accordance with the approved scheme and maintained there after.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with the requirements of Policy SD3 of the Herefordshire Local Plan (2015), Policy LG1 of the Luston Group Neighbourhood Development Plan (2017) and National Planning Policy Framework.

INFORMATIVES:

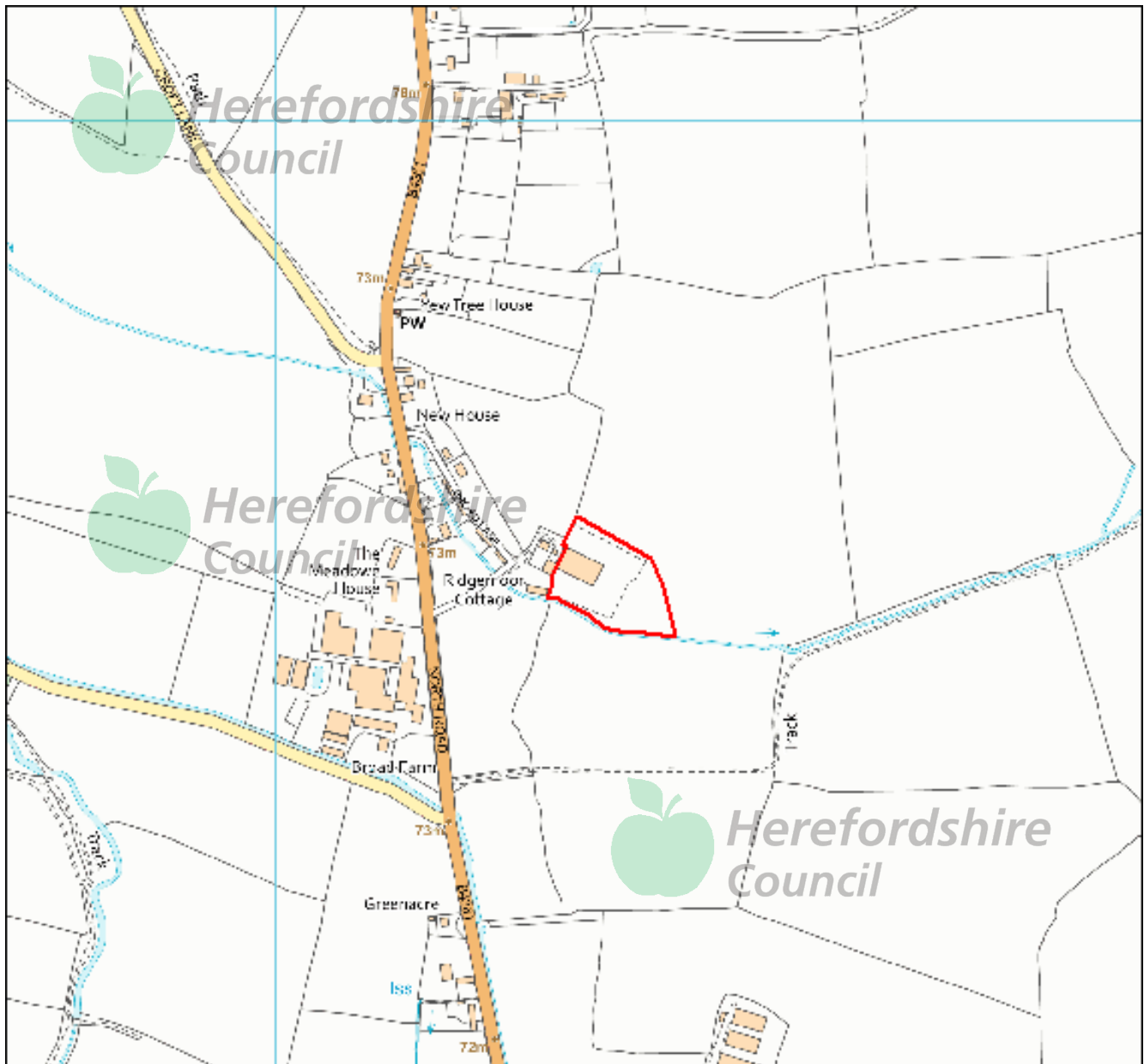
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. 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 within the National Planning Policy Framework.
- 2, HN01 – Mud on Highway
3. HN10 – No drainage to discharge to Highway
4. The applicant's attention is drawn to the comments received by the Lugg Drainage board and the requirements of the Bye Laws and S15 of the Land Drainage Act 1991 to leave a permanent 9 metre access strip watercourse for watercourse maintenance purposes. The written consent of the Board must be obtained for any structure or tree planting within 9m of any Board controlled watercourse measured from the top of the bank or on the landward side of any embankment.
5. Public rights of way affected

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 174097

SITE ADDRESS : MILE END, BROAD LANE, LEOMINSTER, HEREFORDSHIRE, HR6 0AL

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