Application No. 19/01156/FULL

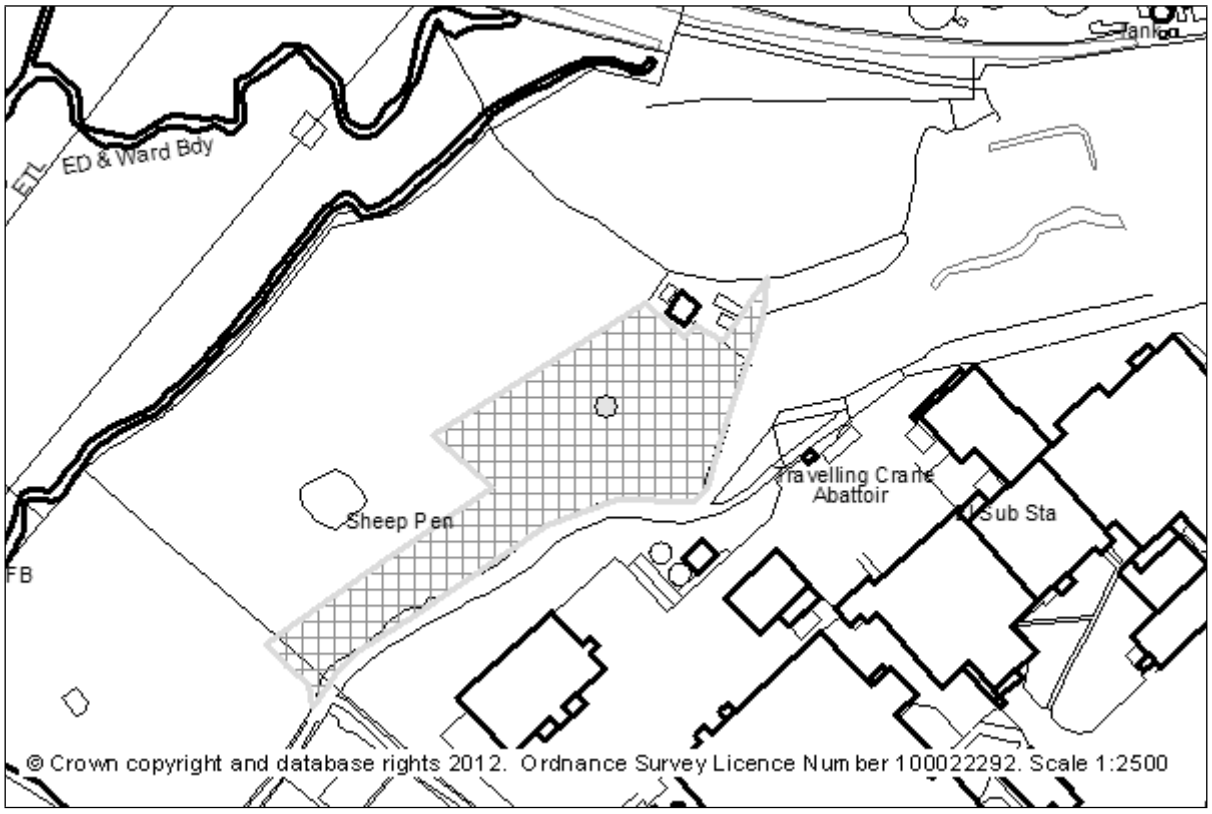
Grid Ref: 302789 : 111147

Applicant: Mr W Green, Amzco Development Ltd

Location: Land at NGR 302839 111143
Lloyd Maunder Road
Willand
Devon

Proposal: Installation of a 24MW Reserve Power Plant with associated infrastructure

Date Valid: 21st August 2019



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MEMBER CALL-IN

The application was called in by Councillor Barry Warren, for the following reasons:

1. The proposed site, although adjacent to the current AD plant, is outside of the Willand Settlement limit and therefore should be treated as open Countryside.
2. There is no evidence produced of need or agreement with Western Power other than the statement of the agent.
3. The capacity of the current planning permission for the AD plant is given as the equivalent of 2MW of electricity, which falls well short of the capacity being sought.
4. Cumulative impact of this and other proposals.

RECOMMENDATION

Grant planning permission, subject to the conditions detailed below.

PROPOSED DEVELOPMENT

This planning application proposes the installation of a 24 megawatt (MW) power plant with associated infrastructure on land off Lloyd Maunder Road in Willand. The site is a 0.5ha area of open agricultural land outside settlement limits, but located in close proximity to existing development, mainly to the east and north of the site, which has an industrial character. The M5 motorway is located around 200m to the east. The nearest residential property is located approximately 160m to the south west.

The site's south-eastern boundary adjoins land occupied by a food manufacturer and characterised by a complex of large industrial buildings. The north-eastern boundary lies adjacent to an anaerobic digestion (AD) facility. The north-western and south-western boundaries mostly adjoin open fields, although there is a small abattoir located immediately to the north of the site. The site would be accessed from a lane running north-west from Lloyd Maunder Road, and would also be connected to the AD facility.

The proposal would result in the creation of a compound containing:

- 24 containerised combined heat and power (CHP) units in two rows of twelve, and each measuring 115sqm in area and 3.4m in height, although each would have a chimney measuring 6m in height.
- Two switchboard buildings in 12.2m long and 2.6m high shipping containers.
- Four transformer and metering position units measuring up to 3.7m in height.
- Subsurface run-off culvert measuring 45m in length.
- 530m of export cabling.
- 110m of gas connection piping.
- Access track.

Whilst not mentioned on the submitted plans, the proposal would presumably involve the construction of an area of hardstanding to support the above elements, along with fencing to secure the compound. The proposal would be a generally passive land use, providing employment for two full-time members of staff.

The submitted information states that the proposed power plant would be fuelled using bio-methane, derived from both the national grid and the neighbouring AD facility. The applicant has stated that the proposed location has been chosen for its proximity to the AD facility; the location of a mains gas connector; and the Western Power compound to the north for an electricity connection. In terms of the need for the development, it is stated that:

"The purpose of the project is to support a supply of secure, sustainable and affordable electricity. To achieve this the UK needs investment in new generation projects…

The National Grid experiences a large fluctuation of demand throughout the day and throughout different times of the year. During periods of high demand, the National Grid aim to increase supply to maintain a 20% supply margin which is essential in seeking to eliminate, as far as possible, the risk of power shortages and blackouts, when there is an unexpected change in demand, or a sudden loss of supply. Historically, conventional power stations could be operated with some certainty. However, as the UK moves towards a more environmentally sustainable energy supply system, with an increase in renewable energy sources, there is an increased risk of electricity supply fluctuations, depending on prevailing weather conditions, and therefore an increased need for RPPs. Thus, the proposed development will support the increase in renewable energy generation and the transition to a lower carbon energy supply system throughout the UK."

It is anticipated that the proposal would be used for around four hours per day, during the mornings and evenings when demand for electricity peaks.

APPLICANT'S SUPPORTING INFORMATION

Application form, plans, supporting information.

RELEVANT PLANNING HISTORY

The previous planning decisions of most relevance to the proposal are as follows, and relate to the neighbouring land to the north-east:

DCC/4153/2019 - County Matter Application relating to variation of Condition 7 of DCC/4074/2018 to alter the current restriction on road delivery tonnage from 55,000 tonnes per annum to 120,000 per annum.

DCC/4074/2018 - Extension to site area of Existing AD plant to accommodate: 1 additional digestate storage tank, 2 separated digestate tanks (relocated from within the existing approved site layout); 2 new batch tanks; 1 new lime storage tank; 3 new propane tanks; 1 new feeder tank and extension to viewing gantry; and Variation of Condition 2 of Permission DCC/4037/2017 Amendment to layout of existing AD plant area to accommodate: 1 Additional Purac "Puregas" gas upgrade unit; 2 new boiler units; 1 additional Siemens gas grid entry point; 1 additional flare, chiller and blower unit; 2 additional buffer tanks and the removal of 2 separated digestate tanks at Willand AD Plant.

DCC/4037/2017 - Variation of Condition 6 of permissions DCC/3725/2014 and DCC/3850/2016 to remove the restriction on the importation of poultry products by road; Willand Anaerobic Digester, Lloyd Maunder Road, Willand.

DCC/3850/2016 - Variation of condition 2 (to enable revised plant design) of planning permission DCC/3725/2014 for Construction of a 2MW anaerobic digestion plant with new access road and

weighbridge on land adjacent to existing abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding and turning area at Burn Rew Farm, Willand.

DCC/3725/2014 - Construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding and turning area at Burn Rew Farm, Willand.

DEVELOPMENT PLAN POLICIES
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration.

Mid Devon Core Strategy (Local Plan 1)
COR2 – Local Distinctiveness
COR5 – Climate Change
COR9 - Access
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)
DM2 – High Quality Design
DM5 – Renewable and Low Carbon Energy
DM7 - Pollution

The National Planning Policy Framework ("the NPPF")

CONSULTATIONS

Willand Parish Council – Objection raised on the following grounds: the proposal does not appear to be for renewable energy; there is a lack of information about the noise impact; the submitted plans and information lack details about the associated AD plant and connections to the power infrastructure; the impact on highway capacity and safety is unclear; the proposal is contrary to policy; the site is not allocated for development and is located outside development limits.

Public Health – No objections.

DCC Historic Environment Team – No objections; condition recommended in relation to archaeology.

Highway Authority – No objections.

Western Power – Notification requested if planning permission is to be given.

Wales and West Utilities – Information provided about their gas infrastructure. Notification requested if planning permission is to be given.

Environment Agency – No comments received.

Campaign to Protect Rural England (CPRE) Devon – Objects to the proposal on the following grounds:

- The proposal would largely be powered by natural gas so would not be a renewable energy facility. The proposal would not be a low carbon facility either.
- No evidence has been provided about the grade of the agricultural land to be developed as part of the proposal.
- The proposed development is contrary to Local Plan policies intended to protect the countryside, promote renewable energy development, and protect the environment, along with the guidance contained in the NPPF.

REPRESENTATIONS
A letter of support has been received from a member of the general public stating that the proposal is needed to provide backup power as the UK moves more and more towards the use of less consistent forms of energy generation, e.g. solar and wind power, which depend on weather conditions. The proposal would allow for the use of renewable energy generated at the neighbouring AD facility, and could support local industries.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1) Principle of Development:

Objections have been received from a Ward Councillor, the Parish Council, and the CPRE stating that the AD facility would not provide sufficient gas to power the proposal and therefore that it would not constitute renewable energy in what is open countryside, and also that the proposal would be contrary to policies intended to protect the countryside and the environment, and encourage renewable energy. It is also stated that the need for the development has not been demonstrated.

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."

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…"

Policy COR5 of the Local Plan states that the development of renewable energy capacity will be supported in locations with an acceptable local impact.

Policy COR18 states that development in the countryside, outside settlement limits, will be strictly controlled, however, exceptions will be permitted under certain circumstances, and these include renewable energy. Policy DM5 states that proposals for renewable and low carbon energy will be

permitted, subject to given criteria, and that any significant impacts will be balanced against the wider benefits of delivering renewable and low carbon energy.

Proposals for the development of renewable energy or low carbon facilities in the open countryside are therefore considered to be acceptable in principle.

The NPPF defines renewable energy in the following way:

"Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels)."

Biomass is natural material derived from living or recently dead plants, trees and animals. The neighbouring AD facility uses organic waste to generate methane gas, and the gas generated at that facility is therefore considered to be a renewable form of energy, based on the definition provided in the NPPF. The gas generated is transferred to the national grid.

The proposal is for a 24MW gas-fired power plant comprising twenty-four 1MW CHP units. The submitted information states that the proposal would not run on a permanent basis, but only to serve as a backup when demand requires. This is likely to be for around four hours per day, during periods of peak demand in the mornings and evenings. The gas required to fuel the facility would be derived from the neighbouring AD facility and from mains gas, with the proposal being connected to both.

The original planning permission for the AD facility stated that it would produce enough gas to generate 2MW of electricity, which is equivalent to 48MW hours per day, since the facility operates 24 hours per day. The applicant has stated that the proposed power plant would be restricted to 48MW/hr per day. On this basis, the AD facility could provide the bulk of the gas required based on a 24-hour day. Indeed, it is understood that the amount of gas produced by the AD facility has been higher than 2MW in practice, and planning permission has subsequently been sought, and granted, to increase the facility's capacity (permission reference DCC/4074/2018). A planning application is also currently under consideration to significantly increase the amount of organic waste that can be imported.

Whilst the gas being produced by the AD facility, over a 24 hour period, would be sufficient to provide for the proposal's daily fuel needs, as the power plant would only be in use for limited periods each day, the gas needed would have to be drawn from the national grid to ensure there is sufficient availability of fuel during the specific peak hours it is required. In order to ensure that the proposal is fueled using bio-methane rather than natural gas, which is a fossil fuel, the applicant is committed to enrolling in the following:

a) The Renewable Energy Guarantees of Origin scheme, which is regulated by OFGEM and provides transparency to consumers about the proportion of electricity that suppliers source from renewable generation.

b) The Green Gas Certification Scheme, which tracks bio-methane ('green gas') through the supply chain for those who buy it.

A planning condition is recommended to ensure that only green gas is used to fuel the proposed power plant. This would involve the approval of a scheme that would involve the operators enrolling in the above schemes and providing the Council with documentary evidence, on request, to demonstrate that the power plant's fuel needs are being met exclusively through the use of

renewably sourced gas. This would allow the operators to use the methane generated at the neighbouring AD plant, and gas from the national grid that is also produced in a sustainable way. A further condition is recommended to require the installation of the gas connection to the AD plant prior to the first use of the power plant. Subject to the use of these conditions, it is considered that the proposal would constitute a form of renewable energy generation and is therefore in accordance with Policy COR18 of the Local Plan.

It is also noted that, by providing backup power on-demand, the proposal would help to support the development of a low carbon, renewable energy supply in general given the challenges that exist, certainly for the time being, in maintaining a consistent supply of power from these, often weather-dependent, sources. In this sense, the proposal would also have indirect environmental benefits. Both National Grid and Western Power have publicly stated their support for such sources of energy to help iron out the fluctuations inherent in renewable energy provision.

2) Visual Impact

Policy DM2 of the Local Plan states that the design of new development must be of high quality and demonstrate a number of principles, including efficient and effective use of the site, an understanding of the local context, and appropriate siting, layout, scale, and other design characteristics to ensure visually attractive and well integrated development. Policy DM5 states that proposal's for low carbon or renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity, and visual quality of the area, including cumulative impacts of similar developments.

The site is located at the interface between two areas of dramatically contrasting character. Immediately to the north and east, the site area is dominated by large-scale development, including the AD facility and sewage treatment works along with a complex of manufacturing buildings. Immediately to the south and west, the site is mostly bounded by open countryside.

The proposed development would introduce a range of very functional, plant-like structures into what is currently an area of open grassland. The site comprises greenfield, agricultural land, and forms part of the open, rural landscape stretching to the west beyond the aforementioned facilities. To introduce the proposed development, which would have an industrial appearance and be up to 6m in height, would have an effect on the site's character, and represent encroachment into the rural landscape.

In terms of the impact on the wider landscape, the proposal's visual impact could be mitigated through the introduction of additional landscaping. The submitted plans indicate further tree planting to the south-west and north-west of the site to complement existing mature vegetation located to the north-west. This planting can be secured through the use of a planning condition. The site is already well screened to the north and east given the presence of a significant area of existing development, which has an industrial appearance and is of a greater scale than the proposal. It is worth bearing in mind that, when viewed from the south and west, in addition to any existing vegetation already present within the landscape, and the additional planting proposed, that the proposal would be set against the backdrop of this largescale development, which adjoins the site area.

Given the proposal's siting, scale, and design, and the site's context, it is considered that there would not be unacceptable visual harm within the wider landscape, subject to the use of a condition to secure a scheme of tree-planting, and a condition to secure an appropriate, i.e. inconspicuous, colour scheme for the various plant and equipment. Details relating to any

proposed fencing, external lighting, and CCTV apparatus should also be secured through the use of a planning condition.

In terms of the site itself, there would be a significant change of appearance and some visual harm as a result of the proposal, even if this harm is limited by the site's very mixed context and that the site area is of limited scenic value. Policy DM5 is clear that where significant impacts are identified, that these will be balanced against the wider benefits of delivering renewable energy. The proposal's benefits in providing renewable energy and assisting in the wider roll-out of a renewable energy supply, as discussed in the previous section, are considered sufficient to outweigh the identified visual harm in this case.

Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable having regard to Policies DM2 and DM5 of the Local Plan.

3) Amenity

Policy DM2 of the Local Plan states that development proposals should not result in unacceptable impacts on the privacy and amenities of those occupying existing or proposed dwellings. Policy DM5 states that renewable and low carbon energy development will considered in relation to the environmental amenities of nearby properties. Policy DM7 of the Local Plan states that development will be permitted where the effects of pollution would not have unacceptable impacts in relation to health, the natural environment, and general amenity.

The Parish Council has raised concerns about the proposal's potential noise impacts.

The nearest residential property is located around 160m away from the proposal. The Council's Environmental Protection team have raised no objections to the proposal in terms of its noise, air quality, contamination, or other impacts. Given the proposal's siting, scale, and design it is considered that it would not result in unacceptable harm in terms of neighbouring or local amenity. In this respect, the proposal is in accordance with Policies DM2, DM5 and DM7 of the Local Plan.

4) Access Arrangements

Policy DM2 of the Local Plan states that new development should be safe and accessible. Policy DM8 states that sufficient vehicle parking and bicycle storage must be provided.

The Parish Council has raised concerns about the proposal's impact on highway safety and amenity.

The proposal would be a generally passive use employing two full-time staff. Gas would be received through the mains supply and from a piped connection to the neighbouring AD facility. There appears to be adequate space at the site for the parking of staff and other vehicles that might need to visit the facility. The number of vehicle movements that the proposal is likely to give rise to is not considered to be of such a scale that there would be unacceptable harm to highway safety or amenity, and it is noted that the Highway Authority has not raised any objections to the proposal.

A condition can be imposed to secure the details and provision of a parking and manoeuvring area to accommodate any vehicles that might need to access the site.

Subject to the use of this condition, in terms of its access and parking arrangements, the proposal is considered to be in accordance with Policies DM2 and DM8 of the Local Plan.

5) Drainage Arrangements

The proposal would involve the use of an underground culvert and soakaways for the management of surface water drainage. Subject to the use of a condition to secure these arrangements, the proposal is considered to be acceptable and in accordance with Policy DM2 of the Local Plan.

6) Nature Conservation

Policy DM5 of the Local Plan states that proposals for renewable energy and low carbon development must consider the effects on biodiversity and avoid habitat fragmentation.

The submitted ecological assessment concludes that the proposal would not result in unacceptable harm to protected species or biodiversity in general subject to the use of mitigation and enhancement measures. Subject to the use of conditions to secure these arrangements, the proposal is considered to be acceptable and in accordance with Policy DM5 of the Local Plan.

7) Agricultural Land Classification

Policy DM5 of the Local Plan states that proposals for renewable energy and low carbon development must consider the quality and productivity of the best and most versatile agricultural land.

Paragraph 170 of the NPPF states that:

"*Planning policies and decisions should contribute to and enhance the natural and local environment by….*

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land…"

The CPRE has objected to the proposal stating that the agricultural grade of the land has not been demonstrated.

The submitted information includes information from the Department of the Environment, Food and Rural Affairs, which demonstrates that the site is classified as Grade 4 agricultural land, which means that it is low quality. The proposal would not result in the loss of the most versatile agricultural land.

8) Conclusion

The proposal is considered to be unacceptable, having regard to the Development Plan and all other material considerations, subject to the use of the conditions outlined below.

REASON FOR DECISION

The following conclusions are reached subject to the use of those conditions detailed. The proposal would result in the creation of a power plant which conditions can ensure would be fuelled using renewably sourced gas. As a renewable energy facility, the proposal's location within the countryside is acceptable in principle according to Policy COR18 of the Mid Devon Local Plan. The limited visual harm that the proposal would give rise to would be outweighed by the environmental benefits of allowing it. It is considered that the proposal would not result in unacceptable harm in terms of local and residential amenity; highway safety; surface water drainage arrangements; ecology or in relation to the availability of agricultural land.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

3. No development shall take place until a scheme to ensure the use of renewable gas has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the measures proposed to ensure that the approved power plant is only fuelled using bio-methane or renewable electricity for battery recharge. Such measures shall include enrolment in the "Renewable Energy Guarantees of Origin" scheme and the "Green Gas Certification Scheme", and a system of rigorous documentary recording, to demonstrate to the Local Planning Authority on request, that all of the gas being used is in accordance with the above schemes. The development shall be operated at all times in accordance with the approved scheme, for the life of the development.

4. Prior to the first use of the development hereby approved, the bio-methane outflow infrastructure connecting the proposal to the neighbouring Anaerobic Digester facility, and depicted on the approved plans, shall be fully installed and thereafter retained for the life of the development.

5. Prior to the first operation of the development hereby approved, a scheme of hard and soft landscaping, including specimens to be retained, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the commencement of development and any trees or plants, including existing specimens to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

6. The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.

7. The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the sub-surface storm water attenuation depicted on the

approved plans, have been provided in full. The approved measures shall thereafter be retained for the life of the development.

8. Prior to the first operation of the development hereby approved, sufficient on-site space shall be provided to allow for the parking of vehicles at the site and to allow for manoeuvring so that vehicles can exit the site in a forward gear, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, these approved elements shall be retained for the life of the development.

9. No development shall take place until a detailed scheme of ecological mitigation and enhancement measures, in accordance with the recommendations of the submitted Ecological Appraisal (Dated September 2018), has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include proposals for protective measures during the construction process; external lighting; and planting, including a timetable for implementation. The development shall thereafter be undertaken in accordance with the approved details.

10. Boundary fencing, CCTV apparatus, and external lighting at the site shall be installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained as such.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in the interests of proper planning.

3. To ensure that the development is for the development of renewable energy, so that it accords with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).

4. To encourage synergies between the proposal and the neighbouring anaerobic digester facility and to encourage the use of renewable gas in the approved facility so that it accords with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).

5. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).

7. In the interests of sustainable drainage and in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

8. In the interests of highway safety and amenity, and in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

9. In the interests of biodiversity and in accordance with Policy DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).

10. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVES

Protected Species

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.