

PLANNING COMMITTEE AGENDA - 13th January 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|--|
| 1. | <p>15/01034/MFUL - Erection of a 500kW anaerobic digester and associated works with 2 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers at Land at NGR 299621 112764, (Red Linhay), Crown Hill.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 2. | <p>15/01548/MFUL - Erection of industrial units (Use Classes B1& B2) and formation of access and parking at Land at NGR 283829 99476 (Former Railway Land), Crediton, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 3. | <p>15/01571/MFUL - Erection of 5 additional poultry units (5040 sq.m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure at Land at NGR 283175 113696 (Menchine Farm), Nomansland, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 4. | <p>15/01611/MFUL - Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure at Land at NGR 285047 114124 (Edgeworthy Farm), Nomansland, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 15/01034/MFUL

Plans List No.

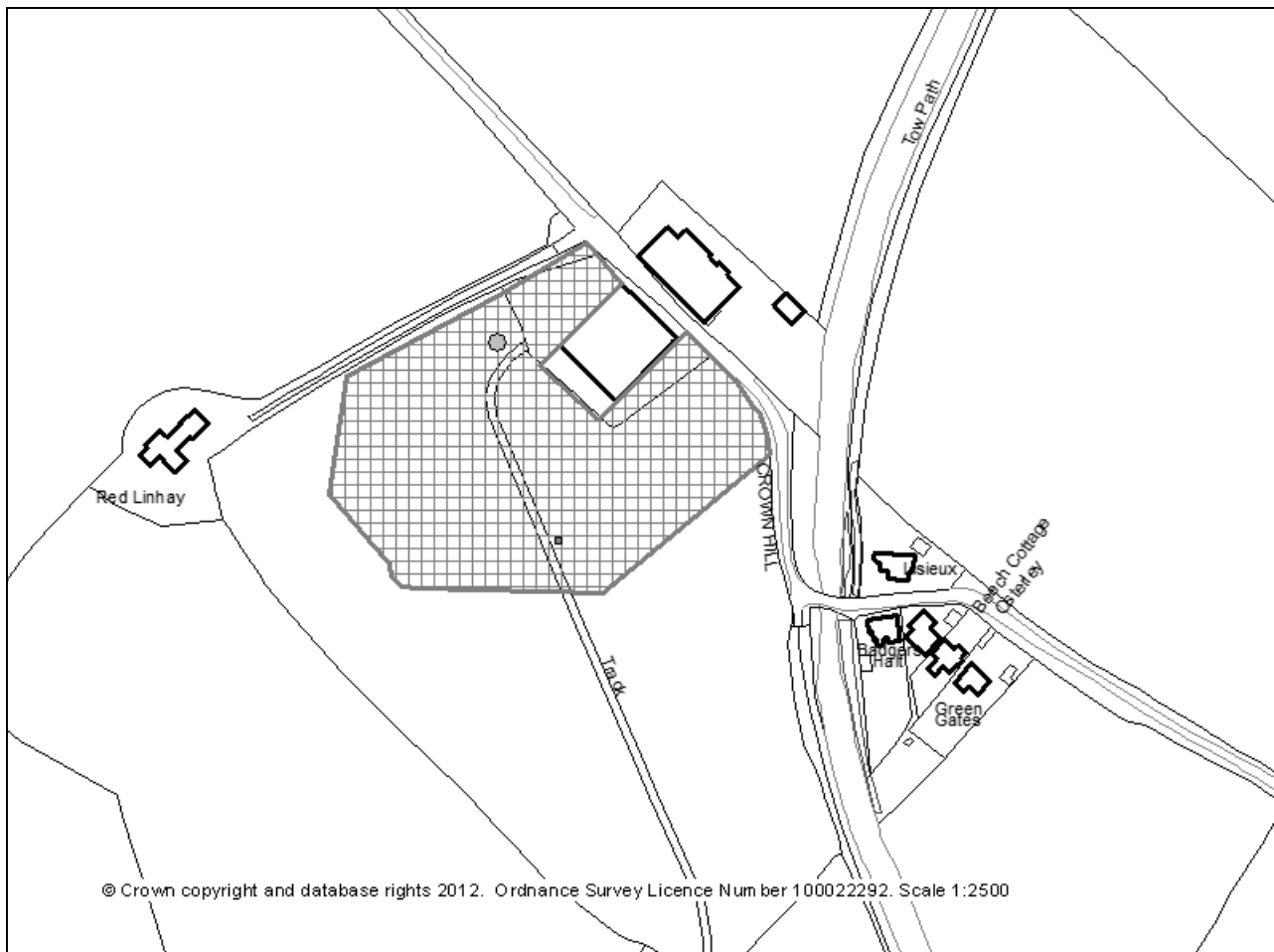
Grid Ref: 299621 : 112764

Applicant: Mr David Manley

Location: Land at NGR 299621 112764 (Red Linhay) Crown Hill Halberton

Proposal: Erection of a 500kW anaerobic digester and associated works with 2 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers

Date Valid: 17th July 2015



Application No. 15/01034/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposed development is for a revised scheme for the installation of an anaerobic digester (AD) to generate 500kW of electricity converted from biogas via a combined heat and power unit (CHP). Some of the power will be used to run the site with the remainder exported to the National Grid. The site was a pasture field which formed part of the Hartnoll Farm agricultural holding accessed via the existing access on Crown Hill and is adjacent to existing agricultural buildings associated with Hartnoll Farm. Works have already commenced on site and this application is to regularise the proposed scheme following approval under 13/01605/MFUL.

The current proposal is not to consider if the principle of the AD plant is appropriate as this has been established previously, but to consider if the changes to site layout and additional items within the site which vary the current scheme from that previously approved under 13/01605/MFUL are acceptable. The scheme is essentially the same as that approved under 13/01605/MFUL. A synopsis of the changes proposed is attached as **Appendix 1**.

The AD plant comprises:

- A digester tank: height 8m, diameter 25m and capacity 3926 cubic metres with a gas collection dome above of height 5.5m. overall height from excavated site is 13.5m
- A digestate storage tank: height 8m, diameter 25m and capacity of 3926 cubic metres.
- A buffer tank: height 4m and diameter 9m.
- A control cabin housing the control panels for the anaerobic digester: 12 long, 3m wide and 2m high
- 1 x CHP unit (combined heat and power unit): 13.5m long and 3 m wide contained in an acoustic box including a chimney of 7m
- Control building 14m long x 7m wide x 3m high
- Gas compressor building 8m x 3.5m x 3m high
- Transformer, HV switch each 2.5m x 2.5m x 2.4m high
- LV panel 12m x 2.5m x 2.5m high
- Office 13.5m x 2.5m x 2.5m high
- Solids feeder 9m x 4m x 4m high
- 2 x Dryers 43m x 6m x 3.5m high
- Gas flare 6m x 3m x 4.8m high
- A separator frame and clamp: 9m long, 7m wide and 5.5m high
- Feedstock clamps comprising 2 bays: 60m x 30m x 4m high proposed to hold material
- A concrete yard for vehicular movements
- A GRP kiosk to house metering circuit breaker

The buffer tank, separator frame and clamp and solids feeder would be contained within a bund recessed into the ground by 2.0m metres. The digester tank and digestate store will be set a further 2.5m below these. The overall area covered by the plant will be approximately 1.23 hectares, with an additional area to accommodate planting for screening.

The AD will be fed by approximately 14,231 tonnes of feedstock per annum comprising the following as set out in the Odour Management Plan:

- Cow slurry - 2,000 tonnes
- Farmyard manure - 1,000
- Chicken manure - 2,000 tonnes
- Maize - 4,444 tonnes
- Grass Silage - 2981 tonnes
- Beet - 1500 tonnes

No animal by-products will be processed at the plant. The manures will be sourced from Swanhams Farm located approximately 4.25 km east of Halberton and Rix Farm located immediately north of the A361 between Tiverton and Bolham. The maize, grass and beet silage will be sourced from a number of local sites named by the applicant as Hartnoll Farm, Manley Lane, Maunders and 'Plots' all located within approximately 3km of the AD site and Wellington Farm which is located approximately 20km away.

The resulting products from the AD plant are digestate, heat and biogas which generate electricity via the CHP. The heat will be used on site to heat the digester and control cabin. The digestate will be in two forms, liquid and solid and used as a soil conditioner/fertiliser on land at Hartnoll Farm and Manley Lane. The electricity will be used to run the plant itself and the rest exported to the National Grid.

Summary of changes from the previously approved scheme

- 1 The site has increased in size from 0.91 hectares to 1.23 hectares the majority of the area is the increase to the length of the silage units and a larger bunded area. The site now extends further to the South/South-east by 36 metres to the internal base of the bund and 46 metres to the outside edge of the bund and is therefore closer to the Grand Western Canal.
- 2 The main AD structures have re-aligned to a North South axis from an East West axis
- 3 The silage clamps have reduced in number from 4 to 2 but have increased in size and capacity from 3381 cubic metres to 3926 cubic metres an increase of 545 cubic metres sizes shown in **appendix 1**
- 4 Re-location of the digester tank to the site directly to the south of the AD unit which is located in approximately the same point as the previous approval 13/01605/Full
- 5 The digester tank is slightly larger an increase from 3409 cubic metres to 3927 cubic metres an increase of 518 cubic metres (sizes shown in the appendix 1).
- 6 Buffer tank is 1m higher than the approved sizes shown in the **Appendix 1**.
- 7 CHP unit is 1.5m longer and 0.4m wider, but of the same height.
- 8 Additional structures are Control Building, Gas compressor building, Transformer HV and LV, Office Building, 2 x Dryers. All sizes set out in Appendix
- 9 Additional Information Submitted Historic Environment site assessment, Landscape response (East Devon), Ground water Vulnerability Plan, additional Noise Assessment Document

APPLICANT'S SUPPORTING INFORMATION

Waste Minimisation Statement
Odour Management Plan (dated March 2014)
Appendix 10 (showing Swanhams farm and Rix Farm - chicken, farmyard and slurry source sites)
Photograph (to illustrate GRP kiosk to house HV metering circuit breaker)
Nutrient Management Plan
Manure Management Plan
Written Scheme of Investigation for Archaeological Watching Brief
Landscape and Visual Impact Assessment
GroundSure - Flood Insight report
Pre-Development Flood Risk Assessment
Extended Phase 1 Habitat Survey Report
Envirocheck Report
Volume 1 - Supporting Information (Post Submission Amended) - February 2014
Volume 2 - Process Information - November 2013
Transport Statement - October 2013
Volume 3 - Environmental Review (post Submission Amended) - February 2014
Historic environment site assessment
Landscape response (East Devon)
Ground water Vulnerability Plan
Environmental Noise Assessment

PLANNING HISTORY

08/00282/PNAG Prior notification for the erection of an agricultural storage building - NO OBJECTION
MARCH 2008

12/00585/PNAG Prior notification for the erection of an agricultural storage building - PRIOR APPROVAL
REQUIRED - LETTER SENT MAY 2012 -
NO OBJECTION

12/00630/FULL Erection of an agricultural livestock building - PERMIT JUNE 2012

13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - NON
MATERIAL AMENDMENT GRANTED 24TH MARCH 2015 - PERMIT

13/01605/MFUL/NMA Erection of a 500kW anaerobic digester and associated works with 4 silage clamps -
Non Material Amendment to amend the route of a buried high voltage cable - PERMIT JULY 2014

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR5 - Climate Change

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM5 - Renewable and low carbon energy

DM6 - Transport and air quality

DM7 - Pollution

DM8 - Parking

DM22 - Agricultural development

DM27 - Development affecting heritage assets

CONSULTATIONS

ENVIRONMENTAL HEALTH - 30th July 2015

Contaminated Land - no objections

Air Quality - no objections

Drainage - no objections

Noise and other nuisances - Further information has been asked for before I can make a recommendation.

Health and safety - no objections.

9th September 2015

Contaminated Land - No objections.

Air Quality - No objections

Drainage - No objections.

Noise and other substances - As per previous comments.

Housing standards - N/A.

Licensing - N/A.

Food Hygiene - N/A.

Private Water Supplies - N/A.

Health and Safety - Health and Safety Executive enforced premises - no objections.

29th September 2015

I have reviewed the noise assessment but there is no new information in relation to night-time vehicle movements and noise levels. Therefore, my comments are as follows:

It has been indicated that at peak times deliveries may take place throughout the night-time, in essence a 24 hour operation. The noise assessment has not taken this into consideration. The assessment of the site during night-time hours must take into account vehicle movements, reversing alarms and site deliveries.

These vehicle movements will be a significant contributor if not the greatest contributor to the overall night-time noise level.

Until this information has been provided I cannot support this application and therefore I would recommend refusal.

5th October 2015

In response to the applicants comments please find detailed below my recommendation:

In the original application no information was provided detailing that deliveries could take place 24hrs a day during peak times. No information has been provided quantifying how long peak times may continue for. I still maintain that during peak times (especially during night-time hours) the operation of this site will be dominated by vehicle movements and deliveries possibly including reversing alarms and these will be a significant contributor if not the greatest contributor to the overall night-time noise level.

Therefore, I recommend that a new BS4142 assessment is carried out. The assessment should be carried out and produced by a suitably qualified Acoustic Consultant to the standards laid out in BS 7445: Part 1 2003 'Description and Measurement of Environmental Noise' and should be carried out in accordance to BS4142: 2014 'Methods for Rating and Assessing Industrial and Commercial Sound'.

The report must demonstrate that:

- o the source/s of noise are fully understood and quantified, paying particular attraction to night time noise levels, site vehicle movements, deliveries and if applicable, audible reversing alarms
- o all nearby noise sensitive receptors have been identified
- o the impact on any receptors has been determined with reference to noise standards
- o Noise mitigation measures have been identified where necessary

6th October 2015

I consider that insufficient information has been submitted with the application. Due to the close proximity of the 3 neighbouring residential properties a specific Odour Management Plan along with an Odour Impact Assessment is required. An Odour Impact Assessment is necessary to establish the potential implication of odour generated from the storage of slurry and manure upon these neighbouring residential properties. The assessment would detail the following;

- a. Level of odour generated by a slurry and manure storage facility as the odour emission rate of OUE m-2s-1 (odour units per square metre per second).
- b. Local meteorological data with particular reference to wind direction.
- c. Distance and orientation to neighbouring amenity areas.
- d. Production of modelled odour levels at neighbouring amenity areas at the 98th percentile odour level (OUE m-3) in relation to an odour assessment criterion of 3 OUE m-3.

To ensure that the well-being of the community is safeguarded while maintaining an efficient and viable farming industry a minimum protective distance of 200m will normally be required unless an effective treatment system which reduces odour is going to be used.

Independent evidence must be provided to help demonstrate that effective treatment measures could be put into place and that they will successfully mitigate against the possible nuisance that might arise as a result of odour from the stored slurry. Only in situations where the effectiveness of the mitigation measures can be demonstrated will any siting of a slurry store within 200m of residential properties be recommended for approval.

In the absence of an Odour Management Plan and an Odour Impact Assessment or details with regards to any other mitigation measures I would have to take the view that the operation of a slurry store in a location so close to residential properties would adversely affect the residential amenity of these properties and therefore, I would recommend that the application is refused on the basis of odour nuisance.

Contaminated Land - No objections.

Air Quality - No objections.

Drainage - No objections

Noise and other substances - It has been indicated that at peak times deliveries may take place throughout the night-time, in essence a 24 hour operation. The noise assessment has not taken this into consideration.

The assessment of the site during night-time hours must take into account vehicle movements, reversing alarms and site deliveries. These vehicle movements will be a significant contributor if not the greatest contributor to the overall night-time noise level.

Until this information has been provided I cannot support this application and therefore I would recommend refusal.

Housing standards - No comments.

Licensing - N/A.

Food Hygiene - N/A.

Private Water Supplies - N/A.

Health and Safety - Health and Safety Executive enforced activity - No objections.

17th November 2015

Recommended noise Conditions

1. Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am - 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm - 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm - 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00-07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

2. It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the operator provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant.

This assessment must be submitted to the planning authority within 3 months from the completion of the AD unit.

Should this assessment identify that suitable screening has not been provided the operator shall at its expense, within 21 days or such longer period as approved by the Local Planning Authority, undertake an assessment of the noise in accordance with the requirements of the Local Planning Authority.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

Relevant Guidance

The potential impacts of noise from the proposed anaerobic digester, associated plant and vehicle movements have been assessed against the existing noise environment surrounding the development and assessed with reference to the following guidance:

National Planning Policy Framework

The 'National Planning Policy Framework' (NPPF) is the current planning policy guidance. It sets out the Government's planning policies for England and how these are expected to be applied. However, the NPPF does not contain any methodology for objective assessment. So we must therefore consider the suitability of each proposed scheme, based on evidence such as the noise impact assessment that has been submitted with the application.

In terms of noise paragraph 123 of the NPPF details that planning decisions should aim to:

Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

With regard to 'adverse impacts' the NPPF refers to the 'Noise Policy Statement for England' (NPSE), which defines three categories of effects, as:

'NOEL - No Observed Effect Level. This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL - Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected.

SOAEL - Significant Observed Adverse Effect Level. This is the level above which significant adverse effects on health and quality of life occur'.

The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided. The second aim refers to the situation where the impact lies somewhere between LOAEL and SOAEL, and it requires that all reasonable steps are taken to mitigate and minimise the adverse effects of noise. However, this does not mean that such adverse effects cannot occur.

The Planning Practice Guidance (PPG) provides further detail about how the effect levels can be recognised. Above the NOEL noise becomes noticeable, however it has no adverse effect as it does not cause any change in behaviour or attitude. Once noise crosses the LOAEL threshold it begins to have an adverse effect and consideration needs to be given to mitigating and minimising those effects, taking account of the economic and social benefits being derived from the activity causing the noise. Increasing noise exposure further might cause the SOAEL threshold to be crossed. If the exposure is above this level the planning process should be used to avoid the effect occurring by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused. At the highest extreme the situation should be prevented from occurring regardless of the benefits which might arise.

Using the noise data provided in the applicants noise assessment it is perceived that there will be virtually no increase in the current background acoustic environment from the operation of the AD unit as long as suitable screening has been added to provide a 24dB reduction across the octave band (this 24dB reduction is a figure given by the applicant). To ensure that the noise has no adverse effects so that it crosses from the lowest observed adverse effect level boundary to starting to have an adverse effect, consideration needs to be given to mitigating and minimising these effects.

It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the applicant provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background (given by the applicant) sound level 22dB (LA90 15min) is not breached from the operation of the plant

It is likely that the noise from the anaerobic digester and associated plant could slightly affect the acoustic character of an area. However, conditioning the site to ensure that noise level are no greater than 5dB in excess of background sound will offer a good degree of protection to local residents and local amenities to the extent that the development should not offer any perceived change in quality of life and therefore, at this level no additional measures beyond the recommend planning conditions are required to manage the acoustic environment from the operation of the site.

BS 8233: 2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'

This document provides recommendations for the control of noise in and around buildings. BS8233: 2014 recommends the design criteria for internal noise levels within residential properties. The standard recommends noise limits for:

Bedroom night-time	30dB (LAeq 8hr).
Bedroom day-time	35 dB (LAeq 16hr)
Living room	35 dB (LAeq 16hr)
Dining room	40 dB (LAeq 16hr)

The suggested planning conditions would ensure that the noise levels within neighbouring residential properties are well below the BS8233 recommended levels.

WHO Night Noise Guidelines for Europe, 2009

The World Health Organisation's (WHO) Guidelines for Community Noise recommends that to avoid impacts on health including interruptions to sleep, an internal night-time limit of 30 dB LAeq avoiding peaks of 45 dB(A).

The WHO guidelines provide an additional criterion for outside noise levels at night-time at 1m from the facades of living spaces. Therefore, the recommendation for night-time LAFmax noise levels presented in the WHO guidelines should be conditioned to offer protection from instantaneous noise events from the site. It is generally accepted that the effects of an open window (opened in a typical manner for ventilation) will achieve a decibel reduction of around 10 dB. Taking this into consideration, it is recommended that a planning condition is applied specifying the Maximum Instantaneous Noise Levels to offer a greater level to protection to local residents.

The suggested planning conditions ensure that the noise levels within the neighbouring residential properties are well below the recommended levels set within the WHO's Night Noise Guidelines and that a greater level of protection is offered to protect the evening and night-time noise environment.

4.6 BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound

BS 4142 describes a method of determining the level of a noise of an industrial nature, together with procedures for assessing whether the noise in question is likely to give rise to complaints from persons living in the vicinity. The methods described in BS 4142 use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes. This standard is applicable for the determination of ambient, background and residual sound levels for the purpose of assessing the sound of proposed, new sources of sound of an industrial and/or commercial nature and assessing that sound at nearby premises used for residential purposes.

BS 4142 sets the standard for assessing the likelihood of complaints based on the difference between the measured background level and the rating level of the sources under consideration.

The BS4142 assessment criteria is as follows:

Greater than +10dB

Likely to be an indication of a significant adverse impact, depending on the context

Greater than +5 dB

Likely to be an indication of an adverse impact, depending on the context

Less than +5 dB below

Lower the rating level is relative to the measured background level, the less likely it is that the sound will have an adverse impact. Where the rating level does not exceed the background level, this is an indication of the specific sound source having a low impact, depending on the context

The applicant has detailed that with suitable screening in place, noise levels from the operation of the plant will not go above the typical minimum background sound level for the site. It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the applicant provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant

Taking this into consideration, the application sits within the Less than +5 dB below criteria. As the rating level does not exceed the background level, this is an indication of the specific sound sources having a low impact of the surrounding environment. However, this does not take vehicle movements into consideration.

Further Suggested Mitigating Measures

Other mitigating measures may also be considered to control the emanation of vehicle movement noise to surrounding residences by adopting a mindful approach to operational procedures. These include:

All tractor drivers delivering AD feed stocks/waste collection etc. must have an automatic opening device for the gate. The gate should be operated prior to the driver reaching the entrance. The purpose of this is to reduce the time vehicles will have to sit at the site entrance thus reducing the noise impact on new house.

No vehicles to leave the engine idling' within the vicinity of the site entrance.

Quiet please signs, to be placed within the vicinity of the site entrance.

On site vehicle speed of 6.2 mph (10kmph)

Applicants Averaged Noise Data results Night-time and Daytime

Night-time	Background sound level (LA90 1hr)	Residual sound level (LAeq 1hr)	Daytime	Background sound level (LA90 1hr)	Residual sound level (LAeq 1hr)
11.00pm-12.00am	27.3	35.5	7.00am – 8.00am	35.8	42
12.00am – 1.00am	23.8	29.9	8.00am – 9.00am	37.9	46.8
1.00am – 2.00am	25	31	9.00am – 10.00am	37.3	48
2.00am – 3.00am	24.4	27.8	10.00am – 11.00am	35.8	42
3.00am – 4.00am	25.4	38	11.00am – 12.00pm	35.8	45
4.00am – 5.00am	27.1	30.1	12.00pm – 1.00pm	No Data	No Data
5.00am – 6.00am	28.9	31.6	13.20 – 14.20pm	36.7	40.9
6.00am – 7.00am	33.1	34.7	14.20 – 15.20pm	37.8	44.1
			15.20 – 16.20pm	38	42.4
			16.20 – 17.20pm	37.6	42.4
			17.20 – 18.20pm	37.7	42.8
			18.20 -19.20pm	34.5	40.8
			19.20 – 20.20pm	33.6	38.4
			20.20 – 21.20pm	33.2	43.5
			21.20 – 22.20pm	31	34.6
			22.20 – 23.00pm	28.4	34.8
Averaged Night time	28 (LA90 1hr)	33.5 (LAeq 1hr)	Averaged Daytime	36.1 (LA90 1 hr)	43.2 (LAeq 1hr)

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance.

- It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the operator provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant.

This assessment must be submitted to the planning authority within 3 months from the completion of the AD unit.

Should this assessment identify that suitable screening has not been provided the operator shall at its expense, within 21 days or such longer period as approved by the Local Planning Authority, undertake an assessment of the noise in accordance with the requirements of the Local Planning Authority.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

23rd November 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting Environment Agency A1 Permit required

Drainage - no objections to this proposal

Noise & other nuisances - recommend approval with conditions. For conditions please see below*

Housing Standards - No Comments

Licensing - No Comments

Food Hygiene - N/A

Private Water Supplies Not applicable

Health and Safety - no objections to this proposal

*Recommended noise Conditions

- 1 Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

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Daytime (Evening) & Night-time Noise Level 19.00pm - 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00-07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

NATURAL ENGLAND –

4th September 2015 - No comments

28th September 2015 - Natural England has previously commented on this proposal and made comments to the authority in our email sent 03 September 2015.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

11th November 2015

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 03 September 2015 & 25th September 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (15/01034/MFUL).

ENVIRONMENT AGENCY – 1st September 2015

Whilst we have no objections to the application subject to the site obtaining and complying with the terms of an appropriate Environmental Permit, we do however have the following areas of concern with regards to this application which are as follows:

Noise and odour from the site: The site is very close to a number of sensitive receptors who could be adversely impacted by the site operations. To this end we have requested the applicant supply the Environment Agency site specific Odour Management Plan and Noise & Vibration Management Plans. These will need to be agreed with the Agency before the site can commence operations.

We are concerned about the possible impact on the Grand Western Canal due to its proximity to the proposed site. We feel the applicant needs to demonstrate the operation of the plant will not adversely impact this widely used local facility.

Currently we do not have sufficient details with regards to the site's proposed internal drainage scheme. Additional details have been requested from the applicant with regards to the sites proposed drainage design to ensure there is appropriate separation and containment of clean and dirty surface water.

Additional details are required from the applicant to ensure the sites silage clamps and associated drainage system complies with the requirements of The Water Resources (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 as amended.

Additional detail is required with regards to the site proposing to import digestate from other AD plants, specifically why the site wishes to accept this waste and how and where the site proposes to store this waste material. The need for this material and its waste status may also impact upon the waste status of the digestate the site produces which in turn could impact upon the sites ability to spread and disposed of the digestate they produce.

With the increase in the proposed area of the site the applicant needs to provide additional details with regards the external containment bund around the outside of the site to ensure the bund is of an appropriate construction and has sufficient capacity to fully contain the site in the event of the AD plant failing.

28th September 2015 - No comments.

11th November 2015

While we have no objections to the proposal, it is important that the site complies with the agreed Noise Management Plan (NMP) that has been agreed as part of the permit. The submitted documents (NWP) have been sent to our Permitting Officer to ensure there is consistency between the planning application and the permit. If we have any additional comments we will contact you.

26th November 2015

I refer to my response dated 11th November 2015, in the interests of clarity, I can confirm the Permit has not been granted yet, it is currently under consideration. My letter inferred that a Permit had been issued.

HALBERTON PARISH COUNCIL – 13th August 2015

Recommend refusal of this application based on the following grounds:

The application would have a significant and detrimental effect on the Grand Western Canal Country Park due to it now being in closer proximity. The canal towpath, which is a public footpath and part of the Sustrans National Cycle Way, actually crossed Crown Hill Bridge. From here, the massive industrial unit was visible. Concerns centred around the smell and noise which would emanate from the application site detracting from users enjoyment of the amenity.

The previously approved application provided that there would be less vehicle movements once the AD plant was in operation than for normal farming operations. This fact was borne out by Devon County Council's traffic assessment comments, dated 23.01.2014. It was understood that the new application included two CHP units, each producing 500kw. The feedstock consumption on the approved application was for 9,230 tonnes. However, the new application showed 24,374 tonnes. It was considered that this would result in increased traffic movements along the narrow lanes including the use of the difficult junction onto the main road.

Parishioners were extremely concerned about these issues and the increase in vehicle numbers travelling through the village. A condition of the previous application stipulated that no chicken manure would be stored on site. In the new application, information was given to the Environment Agency ('EA'), stating that chicken litter would be stored on site. This undoubtedly would affect the quality of life for local residents and the many users of the Grand Western Canal Country Park.

In the planning application, it stated that two new dryers would be used to dry digestate but in the submission to the EA, the dryers would be used to dry wood chips/grain. It was believed that this would also necessitate much more traffic movement, as well as noise and possibly dust. Parishioners felt that the photographs in the application were very misleading, as they appeared to try and minimise any impact on the local area.

9th September 2015

The decision agreed at the Parish Council's Planning Committee Meeting of 11th August remain, with the proviso that the Parish Council be able to submit any additional comments within any permitted extended timescales of Mid Devon District Council.

19th October 2015

The Parish Council would send a statement to Mid Devon District Council to be read out at MDDC's Planning Committee Meeting, at which this application is to be discussed, in view of there being nobody available in person to represent the Parish Council.

27th November 2015

The previous comments submitted in respect of this application by the Parish Council remain unchanged.

WILLAND PARISH COUNCIL - 17th August 2015

Willand Parish Council offered no observations on the original application as it was not likely to directly affect the Parish. That position has been reconsidered in the light of the revised application and what is now visible on the site.

We have concerns that the revised scheme will have some elements of the development closer to and detrimentally impacting on the benefits of the facilities of the canal walks and picnic areas.

There will now be additional structures and these together with recently approved farm buildings will have a cumulative detrimental negative impact on the countryside views even after taking account of the proposed landscaping and screening. The size of the site is also to be increased.

There are concerns that the current application has no transport implications report. This site, and the recently approved one at Willand, will undoubtedly impact on transport provision when slow and large vehicle combination movements on the roads in the area are taking materials to the sites. Storage provision and quantities of some of these materials brought to site is also unclear.

Although this submission is made to meet the published target date for consultation as there appears to be more information needed to make an informed decision the Parish Council would wish to reserve the right to make additional representations when the further information is available in the public domain.

14th September 2015

Willand Parish Council discussed the revised scheme at a meeting on 10 September and conclude that the additional documents do nothing to alter the concerns and observations expressed in the letter of 16 August 2015.

The Transport Statement submitted is dated October 2013 which is well before the current revisions, which suggest an increase in capacity of output and a considerable increase in tonnage of imported material and thus more vehicle movements. These increases are consistent with the experience of other sites operated by this company in the area. Current information and areas from which materials are to be brought to this plant and others indicate that it will be virtually impossible to gauge what materials will be coming from where to which plant.

The email from the Planning Officer dated 28/08/2015 raises a number of concerning issues as to the veracity of the information being provided to support the application. On the information available refusal is recommended with suitable robust enforcement action.

15th October 2015

Willand Parish Council note nothing in this additional information to alter its original opposition and concerns as to what is happening at this site. Their concerns in relation to increased traffic flow on the surrounding roads over a potential wide area are heightened by the latest information.

27th November 2015

Willand Parish Council discussed the additional information regarding noise assessment at the meeting on 26 November. There is nothing in this additional information to alter its original opposition and concerns as to what is happening at this site. They questioned as to whether the latest Highways response addressed the concerns of objectors.

The Parish Council also expressed increased concern in relation to the apparent breach of the original planning application, and the lack of enforcement by MDCC.

BURLESCOMBE PARISH COUNCIL – 3rd August 2015

Burlescombe Parish Council discussed the application at their planning committee on Monday 24th July 2015 and have not altered their opinions from the initial application and object to this application. The vote was unanimous and the Councillors were in agreement with the Friends of the Grand Western Canal that it is not in keeping for the rural country park which depends on tourism. In addition there will be increased vehicle activity along minor roads.

8th September 2015

Burlescombe Parish Council object unanimously to this application.

24th September 2015

No further comments

DEVON & CORNWALL POLICE AUTHORITY

20th July 2015 - No comments.

24th August 2015 - No comments.

NATURAL ENGLAND - 29th July 2015 - No comments

SOUTH WEST WATER –

24th September 2015 - No objection

10th November 2015 - No comment upon the further additional information.

HIGHWAY AUTHORITY – 21st September 2015

The above development is a resubmission of a previous consented development with the siting within the site amended and an increase in the drying capacity of the development. The proposed application does not propose to increase feedstock or change the accepted traffic movements from the original application, as a result of which the Highway Authority recommended that the site be considered as standing advice by the Planning Authority with the only change being that of siting.

The application transport statement remains unaltered from that of the existing permission and no increase in traffic is predicted. The Highway Authority in its previous comments required the developer to provide suitable visibilities for its access on to Crown Hill and the provision of a passing bay. The applicant has fulfilled this obligation.

The application and transport statement refers primarily to average movements and as such the analysis shows this would give an overall reduction in vehicle numbers on the extended network. It should be noted that these vehicle movements exist on the wider network already but may have alternative end destinations to that of the AD plant. Notwithstanding this, the Highway Authority recognised that there was an increase in seasonal activity with feed stocks to this particular destination over Crown Hill. The Highway Authority considered that the provision of the additional passing opportunity would provide for adequate inter-visibility between passing opportunities between the site, the bend in Crown Hill, and its junction and given the small increase in seasonal traffic this would be acceptable.

In its decision to have a separate bay to the existing wider section, the Highway Authority felt this necessary to maintain safe entry and exit to the field gate. Having viewed the completed bay, the remaining separation, and in consideration of the open nature of post and rail fence adjacent to the gate, it can be seen that satisfactory visibility can be gained from the gate if the residual hedge and verge were to be removed, and the new bay and existing widening were to merge. This would be beneficial to the movement of traffic on the bend. However this is not conditional given compliance with the existing requirements and would be a matter for the applicant to consider. The Highway Authority would advise and encourage the applicant to undertake this work which would benefit their own operation as well as the general public providing a longer section of highway with a carriageway width of 5.5 to 6.0 over the outer circumference of the bend which is sufficient under Manual for Streets for 2 commercial vehicles to pass.

Concerns over a possible expansion to a larger output capacity have been raised but this is a matter for a future application and the Highway Authority is obliged to comment on the application before the committee, nonetheless, should such an application be submitted, the Highway Authority would need to consider the further increase in traffic and seek additional mitigation if found necessary at that time.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, has no objection to the proposed development.

26th November 2015

I am in receipt of a number of emails from a resident with regard to the above planning application and in particular highway issues, I have also received emails with regard to recent deliveries to the site through Halberton.

Much of the concern relates to the capacity of the silage clamps and the resident indicating that the size would increase by 75%. I confirm my conversation with the planning officer and that the size increase is in the order of only 2% and not the 75%. I can also confirm that having read through the documentation that applicant is indicating that the volumes of feedstock etc. do not change from the existing and consented AD plant therefore the traffic generated by the application will not change.

There is suggestion that the existing traffic generations of Red Linhay are incorrect and the access being used by the site was not the primary point of access therefore giving rise to significant traffic generation over Crown hill. The Highway Authority without definitive proof has to take the applicants figures at face value. Notwithstanding this the Highway Authority in its response to the previous application 13/01605 conditioned a passing bay, which has been constructed and provides inter visibility from the site access to the widening on the bend, and from the widening on the bend to the junction.

The Highway Authority comments dated 21st September 2015 remain relevant, however should the Local Planning Authority consider the assertion by members of the public to be correct about the use of the existing access and volumes of traffic identified by the applicant not to be the case then the advised improvements to the passing bay in my response to make a single localised widening of the bend could be conditional of any consent. The introduction of additional passing opportunity between the bend and the junction with post hill would be beneficial, but can only be conditioned if the residents assertions are proven, and the land required for the passing bay was within the applicants control. It is unclear if this land is in the control of the applicant albeit land under the control of Hartnol farm. However if the applicants generations are considered acceptable then the improvements would remain advisory. The Local Planning Authority may wish to consider through its requirements for logs to be taken, that a future assessment of the traffic generation from the site be considered and should they be shown to be greater than that indicated by the applicant further improvements taken to address the potential conflicts by provision of additional passing opportunities and or road widening. This could form part of the traffic management plan and be agreed through a section 106 agreement.

The recent seasonal delivery of feedstock through Halberton has raised concerns, and residents have indicated volumes of between 60 and 200 tractor and trailer movements in a single day. Leaving aside Crown hill the volume of traffic on Post hill is measured at 7194 movements in a 24hour period of which there are 3.5% are HGV(300 movements)in a 12 hour period. In pure volume of movements 200(the worst

figures given) represents 2% of the daily volume and in Capacity / planning terms is not considered significant, and not a material consideration. However the type of vehicle would be classed as HGV and it represents a 60% increase on the daily volume. It is matter for the Local Planning Authority to consider if the short term seasonal generation of this figure is an amenity issue to the village, more over the Local Planning Authority should also take into consideration the granted consent for the new junction onto the A361 as part of the Tiverton EUE which would mitigate this movements with a more attractive route for suppliers which will avoid Halberton and through a conditional traffic management plan could form the preferred route.

Therefore given that this site already has a consent for the same size of AD plant, the variations in design not necessitating additional movements the Highway Authority have no further observations and the conditions previously required should be imposed and the inclusion of the traffic management plan is essential to the continued management of the site and reflect any future changes to feedstock availability and routing. Such a TMP should be subject to the appropriate legal agreements/ conditions.

HISTORIC ENVIRONMENT SERVICE - 24th July 2015

The consent granted for the earlier planning application (13/01605/MFUL) was conditional (Condition 6) upon a programme of archaeological work being undertaken for the impact of the development upon any heritage assets affected.

I would therefore advise that any consent granted for this current planning application should also be subject to the same worded condition, namely:

The development shall proceed in accordance with the approved document: Proposed development at Hartnoll Farm, Post Hill, Tiverton, Devon - Written Scheme of Investigation for an archaeological watching brief, version 1.4, received by the Local Planning Authority on 17th February 2014.

23rd September 2015

Despite the disturbance of the site by the on-going construction work, I would regard - because of the archaeological potential of the site - that it would be worth undertaking some intrusive archaeological investigations to determine whether prehistoric archaeological features run into the development site. This work would consist of the excavation of the archaeological controlled removal of topsoil in areas not already disturbed by the construction works, namely the areas to be occupied by the earth bunds and the tree planting areas. These works would enable the identification, investigation and recording of any archaeological features in these areas, and would be implemented through the application of an appropriately worded archaeological condition upon any consent that may be granted, such as:

"Within two months of the date of the consent granted for this development a programme of archaeological work shall be implemented in accordance with a written scheme of investigation submitted by the applicant or their agent and approved by the Local Planning Authority."

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would regard the short period for the implementation of these work was appropriate given the already advanced state of development on the site.

GRAND WESTERN CANAL – 11th August 2015

The Grand Western Canal Joint Advisory Committee (GWCJAC) is opposed to this Application. It objected to the previous Application 13/01605/MFUL for an Anaerobic Digester (AD) installation at Red Linhay, Halberton citing the following areas of concern;

- The impact of the AD would be significant and detrimental to the amenity of the country park.
- The extra traffic movements caused by activity at the site would be beyond the capacity of the existing minor road to the site and be damaged by this extra usage.

- Possible dangerous conflict between traffic using the site travelling from the Ash Thomas direction over Crownhill Bridge and towpath users who have to cross the road to re-join the towpath. The GWCJAC called for the Planners to impose a Condition preventing this traffic approaching the site via Crownhill.

The GWCJAC remains very disappointed that 13/01605/MFUL was approved by the Planning Committee and carries forward the above points of objection to its objection to 15/01034/MFUL.

The 2014 decision to approve 13/01605/MFUL means that the GWCJAC has to accept an AD plant at that site but feels that it has to highlight and object to the expansion proposed since the expansion would exacerbate the negative impact on the acknowledged, valued canal amenity.

The GWCJAC has noted various matters below that support its objection.

The Applicant appears to be giving the impression that this new scheme is only a revision rather than an expanded project. (Work has started on site but appears to be following the new, revised scheme and has been issued with a Stop Notice.)

The current proposal differs from the approved scheme in the following ways;

- 1 0.32 hectare increase in the site area.
- 2 Site boundary closer to the Grand Western Canal and residential properties at Crownhill.
- 3 Re-alignment of the digester structures; and more importantly the addition of;
- 4 Containers for office provision.
- 5 Extra control apparatus and LV panel.
- 6 Gas compressors.
- 7 A second CHP unit (digestate gas-powered electricity generator)
- 8 Two Newtainer digestate driers (each of the smallest Newtainer unit consumes 7kw, presumably most of that electricity is to power its fans)
- 9 A gas flare.

Items 1 - 9 suggest indicate that the proposed installation will have a greater capacity.
Items 6 - 9 have the potential to increase noise nuisance and some light pollution.

The GWCJAC has several concerns arising from Applicant's Design and Access Statement;

Paragraph 21 draws attention to the consideration of specific Policies encompassed by the Mid Devon Core Strategy (Local Plan 1) adopted in July 2007 and the Local Plan Part 3 adopted in October 2013.
COR 2 - Local Distinctiveness.

This requires that the "Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets." The proposed AD does not appear to comply with this since it will introduce an industrial-type installation into what the Applicant describes as open countryside. The proposed AD appears to be in conflict with most of the aspirations of COR2.

DM7 - Pollution

The Applicant does not seem to present enough information to judge the impact of noise and smell from the proposal and is dismissive of the need to provide mitigation. A Condition imposed on the previous approval of 13/01605/MFUL was that no chicken litter was to be stored on site. It has been noted that chicken litter is already being stored at Hartnoll Farm. When chicken litter has been stored for a few weeks and then moved it creates a great deal of smell.

The Environmental Health department has requested more information before making a recommendation. This concern suggests that a formal Environmental Impact Assessment should be undertaken.

DM27 - Development Affecting Heritage Assets.

The Applicant acknowledges that the site is in an area of high archaeological interest and is close to the Grand Western Canal but it appears that work to install an AD has started without any demonstration of adherence to the previous approved and agreed Written Scheme of Investigation.

Paragraph 26 states that

"The size of the new layout is as per the already approved layout and is directly related to the volume of feedstock to be processed at the site." This is at variance with Paragraph 7 which notes that the proposed site area is increased from 0.91 to 1.23 hectares.

Paragraph 30 contains the comment; "while there is a network of public byways, footpaths and bridleways in the surrounding area, the closest is the footpath in the vicinity of Ash Thomas, approximately 1.5km southeast of the proposed development."

The Grand Western Canal towpath (a Public Right of Way) passes about 60m to the south east of the site at its closest so that users of the picnic site and towpath will be first in line for any nuisance generated by the AD.

Paragraph 33 refers to the previously approved Transport Statement and suggests that the anaerobic digester will reduce the traffic volume visiting the site. The GWCJAC feels that this is untrue. In correspondence with the Head of Planning & Regeneration the Applicant states that he farms 900 acres and that the approved anaerobic digester would use the output from 426 acres. He concludes that he farms more than enough to provide for the anaerobic digester. I note that Hartnoll Farm is about 274 acres. If Hartnoll's entire acreage were to be used for the anaerobic digester then the output from 152 acres would need to be imported to the site by road transport. It is likely that part of Hartnoll's acreage would be consumed by stock rearing and this would increase the amount of imported material necessary to operate the anaerobic digester. The extra traffic movements that this will cause will create greater pressures on and damage to the minor roads leading to the site. The AD will produce about 5 tanker loads of digestate every day of the year. Some of this can be spread on Hartnoll Farm's 274 acres but it is unlikely that all of it can be used there. The excess will have to be exported by road to other locations.

The logical conclusion is that the AD will create more traffic on the minor roads leading to the site because it will need to both import and export substantial amounts of material in excess of what Hartnoll Farm can produce and absorb. Crownhill Bridge over the canal will be at risk of damage from the increased traffic. The Applicant has not suggested upgrading this road nor any means of protecting the bridge.

In conclusion, the Grand Western Canal Joint Advisory Committee calls for the Planners to reject this Application since its approval would damage the canal amenity due to the extra noise, odours and traffic that it will create. The extra importing and exporting of materials will create significant environmental damage negating its environmentally friendly aspirations.

REPRESENTATIONS

101 objections received, summarised as follows:

1. Concern regarding odour from the digester, silage clamps, unloading of feedstock materials on the site and the spreading of digestate
2. Concern about the volume of additional traffic movements - in particular through Halberton
3. Potential for congestion when considered alongside other local development e.g. Waddington Park, Junction 27, Tiverton Eastern Urban extension developments and general congestion in the local area
4. Visual impact for residents, on landscape of the wider area and in particular upon the Grand Western Canal
5. Odour impact upon local residents, the wider area and in particular the Grand Western Canal
6. Adequacy of the road access to site for large vehicles and lack of passing places
7. Noise from related vehicular movements on the highway and reversing alarms within the site especially if deliveries are made throughout the night
8. Risk of vermin being attracted to the site
9. Concern that this site will become an industrial estate - more appropriate location at Hartnoll Business Park
10. Water run-off from hard surfaced areas and the impact on existing localised flooding of the highway

11. Visual impact on Grand Western Canal and introduction of an uncharacteristic structure
12. Visual impact on the general locality and lack of proposed screening
13. Noise impact on peace of Grand Western Canal
14. Questioning figures which state that solid digestate will be used as animal bedding as there are no animal shelters on site
15. Questioning whether the stated existing figures relate to the existing site access or in fact the Hartnoll Business park access further east
16. Not seen as a farming activity
17. Loss of Grade 1 agricultural land which should be used for food production rather than energy crops
18. Impact on recent reconstruction works carried out to Grand Western Canal
19. Traffic impact on Blundells Road and Sampford Peverell
20. Impacts on Grand Western canal may reduce leisure use and important economic income from it as a visitor attraction
21. Impacts on local holiday let businesses
22. The impact of noise from the digester and machinery on local residents and stress it may cause
23. Risk of pollution incidents from digester materials, in particular risk of pollution of Grand Western Canal
24. Lack of an Environmental Impact Assessment
25. Unacceptable impact on amenity of nearby residents
26. Lack of related employment benefits
27. Impact on archaeological interests
28. Resulting traffic on Crown Hill conflicting with pedestrians, cyclist and other road users
29. Health hazard from transporting feedstocks on the public highway
30. Air pollutions
31. HGVs damaging road verges
32. Lack of need - inappropriate use of agricultural land
33. Lack of control over the applicant's stated feedstock source sites which cannot be secured by planning condition
34. Difficulty controlling odour and enforcing controls on operations
35. Flood risk on the site and adequacy of the proposed soak-away to deal with clean surface water
36. Potential for mess on roads
37. Impact upon wildlife of Grand Western Canal
38. Inappropriate location for a 'commercial waste processing plant'
39. Would be better sited nearer agricultural waste sources
40. Carbon footprint from materials being brought to site
41. Concern that this is a petrochemical industrial activity
42. Misleading visuals stitching photographs together and taken with vegetation in full leaf
43. Lack of information addressing points set out in national policy statements relating to energy and renewable energy
44. The use of land for energy crops with the environmental implications of this
45. The AD will encroach upon the green buffer between Tiverton and Halberton
46. Concern that the feedstock source sites will not produce enough material and so additional will need to be transported in from further away
47. Concern that the silage clamps may leak and cause a pollution incident impacting the Grand Western Canal
48. Preference for location of such a development at the Hartnoll Farm Business Park
49. Highlighting apparent inaccuracies in the photographs which are provided in the Landscape and Visual Impact Assessment.
50. Concern that despite statements to the contrary the site will include external storage of feedstocks.
51. The storage area is 75% larger in capacity by volume.
52. Habitats survey associated with EUE in 2014 contradicts the phase 1 habitat survey associated with the application

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Policy**
2. **Access and transport**
3. **Landscape and visual impacts**
4. **Impact on neighbouring residents**
5. **Drainage**
6. **Other impacts**
7. **Planning balance**
8. **Benefits**

1. Policy

Mid Devon Core Strategy (LP1)

Policy COR1 seeks ensure that growth is managed so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work.

Policy COR2 seeks to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, preserve Mid Devon's landscape character, and promote the efficient use and conservation of natural resources of land, water and energy.

Policy COR5 seeks to contribute towards targets for the reduction of greenhouse gas emissions and support the development of renewable energy capacity in locations with an acceptable local impact including, visual, on nearby residents and wildlife.

Policy COR18 seeks to control development in the open countryside and specifically permits renewable energy developments.

Local Plan Part 3 (Development Management Policies)

Policy DM1 states that the Council will take a positive approach to sustainable development and approve wherever possible proposals that improve the economic, social and environmental conditions in the area.

Policy DM2 requires development to demonstrate a clear understanding of the site and surrounding area and to take into account impacts on local character and landscapes, biodiversity and heritage assets, impacts on neighbouring uses and appropriate drainage solutions.

Policy DM5 states that proposals for renewable or low carbon 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, within the parish or adjoining parishes.

Policy DM5 is designed to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily.

Policy DM6 requires development proposals that would give rise to significant levels of vehicular movement to be accompanied by a transport assessment to include mitigation measures.

Policy DM7 permits development where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

Policy DM22 permits agricultural development where it is reasonably necessary to support farming activity on the farm or in the immediate agricultural community, where it is located to minimise adverse effects on the living conditions of local residents and to respect the character and appearance of the area, and where it will not have an unacceptable adverse impact on the environment or the local road network.

Policy DM27 Seeks to protect heritage assets and their settings, including Conservation Areas recognising that they are an irreplaceable resource.

Heritage Assets: Conservation Areas

Although the site is not within the conservation area associated with the Canal it is however considered appropriate to assess the structure and its impact on the conservation area. Objections to both this and the previous AD Plant have been received from the Grand Western Canal Joint Advisory Committee in terms of impact upon the canal.

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

National Planning Policy Framework (NPPF)

The NPPF has a presumption in favour of sustainable development which requires development which accords with the development plan to be approved without delay. It specifically requires planning to encourage the use of renewable resources, for example, by the development of renewable energy and requires significant weight to be placed on the need to support economic growth through the planning system.

The NPPF sets out core planning principles which include: seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and; supporting the transition to a low carbon future in a changing climate, encouraging the reuse of existing resource and encouraging the use of renewable resources (for example by the development of renewable energy).

The NPPF suggests that developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies.

The NPPF states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

The NPPF supports the rural economy by promoting the development and diversification of agricultural businesses taking a positive approach to sustainable development in rural areas.

The NPPF requires a safe and suitable access to be provided to the site and for improvements to be made to the transport network which cost-effectively limit the significant impacts of development. It states that development should only be refused on transport grounds where the residual cumulative impacts are severe.

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and design their policies to maximise renewable developments whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative impacts. It states that applicants should not need to demonstrate the overall need for renewable energy and requires local planning authorities to approve applications where the impacts are (or can be made) acceptable.

The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The NPPF states that planning policies and decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Devon Waste Local Plan

Policy WPC1 (Sustainable Waste Management) states that planning applications for waste management facilities will only be permitted where they accord with the objectives of the Waste Local Plan and form part of an integrated and sustainable waste management strategy for the County. When assessing a planning application for a waste management facility, regard will be had to:

- (i) the waste hierarchy;
- (ii) minimising the transportation of waste;

(iii) self-sufficiency; and

(iv) whether any potential adverse effects on the environment which cannot be mitigated are outweighed by wider environmental benefits.

Recent Case Law considered by the Secretary of State

Appeal by Peel Environmental Services Ltd and Marshalls Mono Ltd: Fletcher Bank Quarry, Ramsbottom. APP/T4210/A/14/2224754 for the erection of an AD Plant.

This appeal has been considered by the Secretary of State under call in proceedings of the approach of both the Secretary of State and are of assistance.

The Council had two reasons for refusal:

- The proposed development would constitute inappropriate development within the green Belt and does not meet exceptions.
- The proposed development is likely to result in a severely detrimental impact upon the residential amenity of nearby sensitive receptors result of odours arising through the operations and lack of accurate local micro climate data.

The intention is not to go through the case in detail but to give a very brief synopsis of the case.

- It was agreed that the approach to determination is by way of statute, the Framework, Development plans, and the golden thread running through planning is the presumption in favour of sustainable development.
- The planning history of the site was taken into consideration.
- Paragraph 109 of the framework confirms that existing development should not be 'put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'. However there are no statutory limit levels for use in England.
- Noise this did not constitute a reason for refusal and was only briefly touched on.
- Highway capacity and safety although not a reason for refusal it was raised as an impact on the area. With respect to the scheme's generation of HGV trips it is evident that existing and proposed trips were taken into consideration when determine this case.
- Light pollution: although no substantive evidence was produced it was considered by the applicant and a proposal was put forward with more directional lighting and lower wattage.
- Conservation area reference was made to nearby conservation areas and the impact on them. It was considered there was no impact on the conservation area.
- Landscape impacts were considered in the round as opposed to the green belt.
- Economic impacts and tourism, public health and ecology were also considered.

The inspector commented upon the relationship between planning permission and the Environment Agency environmental permitting regime:

The inspector's conclusions:

"The Framework (NPPF) provides that planning decision makers should focus on whether the development itself is an acceptable use of the land, and the impact of the use rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The EA's planning application consultation response (PACR) confirms that the proposed activity would require an Environmental Permit from the EA before it can operate. The Framework indicates that planning decision makers should assume that these regimes will operate effectively."

"I have had regard to the views of my colleague...to the effect that as odour control forms part of the EA's regulatory responsibility, it is not something that is a material planning consideration unless the extent of regulation the EA can impose would not deliver a level of odour commensurate with the other surrounding land uses. However, in the case before me, whilst the EA's PACR indicates that the Permit would require the operator of the installation to minimise any potential impact upon the environment and human health through the use of appropriate abatement measures and management procedures, it points out that this does not mean there would be no impact from the proposed activities. The IAQM guidance indicates that even with some residual odour and there any be some situations where such residual effects would make a

development an unsuitable use of land at its proposed location".

The EA's guidance indicates that where all appropriate measures are being used but are not completely preventing odour pollution, a level of residual odour will have to be accepted unless it amounts to serious pollution that justifies suspension or revocation of the Permit."

Under these circumstances, I consider that, having regard to the extent of regulation the EA can impose, the likely residual effects of odour on nearby sensitive receptors is a material planning consideration".

The Inspector also gave useful consideration of appropriate planning conditions as follows:

"In my judgement, the following conditions would be difficult for the local planning authority to monitor and require an intolerable level of supervision. They are day to day operational matters more appropriately controlled through the Environmental Permit. Therefore I do not support them. They involve control over: the outside storage of waste; how many of the process building's vehicular access doors may be open at a time and for how long; as well as the performance and monitoring of the proposed odour control plant and emissions from the CHP plant."

He also concluded that seeking to prohibit HGV movements from using the local road network at certain times would be difficult to monitor and require an intolerable level of supervision and be impractical to enforce.

The Inspector considered the following conditions to be appropriate in the event permission was granted by the Secretary of State:

1. Removal from site and site restoration at the end of the temporary period.
2. Development to be carried out in accordance with the approved plans.
3. Limit the hours the material can be imported to /exported from the site by vehicles.
4. Loading / unloading of skips within the process building.
5. Limitation on noise levels from the facility including control on reversing alarms.
6. Limit number of HGV movements.
7. Implementation of a construction method statement including dust suppression measures.
8. Access improvements.
9. Retention of vegetation along the site boundary.
10. Control of materials for the external surfaces of the structures and external plant /machinery.
11. Landscaping.
12. Control use of external lighting.
13. Control finished floor levels of buildings and structures.
14. Adequate drainage.
15. Installation of sampling points to monitor impacts upon ground water quality.
16. Habitat enhancement and management plan.

It is to be noted that these conditions reflected the circumstances of the case in question. Conditions need to be tailored to the application and may not be appropriate in other instances.

2. Access and transport

The agricultural element of the business at Hartnoll Farm (Red Linhay) is predominantly arable farming comprising in the main of maize/corn production which is then exported from the farm. However two recent planning approvals for livestock have been approved adjacent to the site, these are to accommodate cattle associated with the farm at Red Linhay.

The application site is located approximately 1.5km west of Halberton and 5km east of Tiverton. The site is positioned south of Crown Hill. The applicant states that the site has been chosen for its proximity to the land which will provide the necessary feedstocks and the land over which the digestate can be spread.

The Transport Statement (TS) states that vehicles related to the proposed AD plant would travel to and from the application site via Post Hill only. This is the same route taken by traffic generated by existing agricultural activities at Hartnoll Farm for the delivery of grain to the two storage barns and products for

conditioning/fertilising land. The site access currently serves the landowner's dwelling as well as the existing two agricultural barns and the proposed AD site. Plans show that there are adequate visibility splays at this access and HGV's can turn into the site and turn within the site using the space at the mouth of the silage clamps.

The feedstock for the AD plant would be provided by the farm business run by the owner of Hartnoll Farm - this refers to their wider holdings and not just the Hartnoll Farm site. Farmyard manure and slurry would be sourced from Rix Farm and chicken manure from Swanhams Farm. Sites identified on the submitted plans as 'Plots', Manley Lane, Maunders, Hartnoll Farm and Wellington Farm would provide maize, beet, wheat for use in the AD on a rotational process.

Silage would be delivered in trailers and stored in silage clamps and farmyard manure also delivered to site in trailers. Slurry would be brought to site in 10 tonne tankers over the course of a day and held in the buffer tank before being used in the digester.

The supporting documentation states that there will be a considerable reduction in traffic going to and from the wider Hartnoll Farm site (which covers 148.92 hectares) as a result of the proposal. The figures provided for the vehicle movements at present show:

- Slurry, compost, chicken manure, fertiliser and farmyard manure transported to the site - 809 loads annually
- Silage, maize, wheat and straw leaving the site - 449 loads annually

Averaged over the year this represents an average of approximately 4 loads (8 vehicle movements) per day based on a 6 day working week across the year.

In comparison, the proposal is anticipated to reduce the volume of material being transported to the site and also the volume of material leaving the site. This is partly because where crops are currently transported to the adjacent agricultural barns for drying and storage and then transportation off site, fewer loads of these crops will be required as feedstock for the AD and there will be fewer movements associated with removing the digestate as some will be pumped by pipe to adjacent fields, some will be dried in the driers reducing the overall weight and mass of the digestate. Therefore, the proposed development is anticipated to generate the following:

- Slurry and manure transported to the site - 300 loads annually
- Grass, maize, silage and beet loads transported to the site - 339 loads annually
- Digestate transported by road off the site - 145 loads annually (this may be less with the use of the driers)

Averaged over the year this represents an average of approximately 3 loads per day (6 vehicle movements) based on a 6 day working week across the year.

It should be noted that the total loads of digestate stated here does not account for the total amount of digestate produced or removed from site - the remainder will be pumped from the AD to surrounding Hartnoll and Manley Lane fields for spreading using a temporary roll out 'umbilical pipe' which feeds spreading equipment on a tractor. Furthermore, the operation of the AD plant will remove the need for fertiliser and compost to be delivered to the site as the digestate will be used instead.

These figures show that in terms of traffic generation, the proposed development would reduce the number of vehicle movements on the local highway network by 474 loads (948 movements per year), therefore resulting in a net decrease in traffic when compared to the existing traffic movements occurring at the same site.

Respondents to the consultation have queried whether these existing traffic movements actually relate to the access to the site that will serve the AD plant, or in fact the Hartnoll Business Park located on the landowner's wider holding approximately 300m northwest of the site. However, the landowner has confirmed that the traffic movements stated relate to the agricultural access which is the subject of this application.

The Highway Authority notes that, as there is no land in the ownership of the applicant (Greener for Life Energy Ltd), planning conditions cannot be used to secure the feedstock sources and pumping and destinations of digestate. This means that the LPA must consider the possibility that the applicant would be able to source the feedstock and deliver to alternative locations which could have an impact on the validity of the figures in the Transport Statement provided and on which this application is being assessed. Recognising this, the Highway Authority recommended that a passing place be provided between the site access and the junction of Crown Hill with Post Hill.

While it is noted that a high proportion of the neighbour objections received in relation to this proposal raise concern about the impact of traffic on amenity and road conditions, the Inspector for the recent Edgeworthy Farm appeal which was allowed (Ref: APP/Y1138/A/14/2211282) accepted that this could not constitute a reason for refusal as the vehicles involved in serving the site would be a legal size for the highway and the roads would be used legally. It would therefore be unreasonable for the Highway Authority to seek any improvements or maintenance for such use or to restrict the use of that road.

Furthermore, the Highway Authority has raised no objection to the proposal since it includes the provision of a passing place on Crown Hill to accommodate the traffic serving the site.

3. Landscape and visual impacts

The AD site is proposed to be located in a field adjacent to two existing buildings used as grain stores and farm equipment storage and within fields used as grassland for grazing and harvesting. There is also a large timber yard located on the far side of the Crown Hill lane from which the AD site is accessed, though this is less prominent in the local landscape. The site is located on land that is typical of the Mid Devon lowland plains landscape character area and is bordered on all four sides by hedgerows with some small trees. The land slopes from north to south away from the proposed location for the plant. The plant will therefore be prominent in some local views of the site, though the impact is reduced by the location of the plant adjacent to two sizeable agricultural buildings. As such it would be seen grouped closely together with existing agricultural structures relating to the same farm business and not as a solitary new built form in the landscape.

In this application a plan has not been provided as in the previous approval showing the grid connection proposed to an existing pole approximately 210m south east of the site. It has been confirmed that the cabling will be laid underground so there would be no visual impact in that respect. Therefore a specific condition will be included to ensure this is undertaken.

All existing hedgerows would be retained and a planning condition is recommended to secure their maintenance and therefore screening properties in the longer term.

The Landscape and Visual Impact Assessment was conducted over a 5km radius study area and a total of 10 viewpoints. In summary, the assessment concludes that the significant effects of the proposed development would be limited to:

- The character of the landscape of the site and immediately surrounding area which would be limited to a small part of the Culm Valley Lowlands Landscape Character Area.
- The visual amenity of residents in properties up to approximately 1km from the proposed development, with open views towards the proposed development. These are limited to a few properties at Crown Hill Bridge as well as possible some other properties on the outskirts of Halberton and northwest near Hartnoll Cross.
- Walkers on a limited section of the Grand Western canal, boat users on the canal in the immediate vicinity of the site, cyclists on the section of Sustrans route adjacent to the site and users of a limited part of the country park adjacent to the site.

The assessment also concludes that there would not be any significant effects on the landscape fabric, the character of the landscapes beyond the immediate surroundings of the site, or the visual amenity of most residents, or walkers, equestrian and cyclists in the study area or motorists on the local highway network.

Many of the responses to the consultation raised concern based on visual impact, in particular the impact on

the Grand Western Canal (GWC) which is located approximately 200m to the north and 70m to the east of the proposed AD site and designated as a Conservation Area, Country Park and Local Nature Reserve. The appearance and setting of the GWC is important to its special character and qualities, and the impact of the development must be taken into account in this regard.

The proposed AD will introduce a large structure into the landscape close to and visible from the canal. The viewpoints provided in the Landscape and Visual Impact Assessment show that the AD will be more prominent in some views from the canal than others, depending on the density of vegetation along the canal and in the intervening landscape. However, it is noted that the viewpoints provided show the landscape in full leaf so the development may be more prominent in winter. It is also noted that the viewpoints do not include a photomontage or wireframes siting the development structures at scale in the landscape.

Neighbour consultation responses and observation made by Members during their site visit relating to application 13/01605/MFUL highlighted that the visuals providing in the planning application do not appear to accurately reflect the views of the site from the points indicated. Further photographs have been undertaken which show the existing part-built unit from some of the same vantage points as the photomontage.

For the purposes of this report, and by reading the viewpoints in conjunction with the written assessment and newly taken photos, the revised elevation plans and topographical survey, it is possible to get an adequate impression of the impact and significance of the development in the landscape. For example, the elevation plans show the tip of the dome on the AD to be lower than the height of the tallest existing agricultural building immediately adjacent to it and so this can be considered when assessing the viewpoints. It should also be noted that the AD plant will be set within a bund and the site will be subject of some cut and fill that will sit the plant into the natural slope of the site and slightly reduce the overall height above existing ground level.

The impact of the development can be further mitigated by the external finishes chosen. Correspondence from the applicant confirms that all proposed structures would be green. This is not detailed on the plans provided and so it is recommended that a planning condition is used to secure this important detail. A submitted planting plan shows goat willow and downy birch to be planted along the northern boundary of the site. There is limited potential for further planting within the site boundary therefore it has been agreed to extend the red line to be able to include an area beyond the bund for the provision of planting, along with further planting behind the existing agricultural building and the silage clamps. Therefore there is no requirement now for the applicant and the landowner to enter into a unilateral agreement to secure construction of a bund and planting in accordance with a scheme to have been submitted to and approved in writing by the Local Planning Authority. The purpose of the bund and screening is to screen the development from views from the Grand Western Canal Conservation Area where Crown Hill crosses the canal, and from properties in that location. The bund shall be approximately 10 metres wide and 3.2 metres high and shall include planting to the top of small shrubs in order to offer some additional screening of the structures which is 13.5 metres high to the top of the dome.

In order to properly assess the impact of the development upon the landscape, it is important to recognise that landscape has a perceptual aspect, not just a physical one. The European Landscape Convention defines landscape as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. The Mid Devon Landscape Character Assessment identifies the site area as Lowland Plains, the key characteristics it describes as including large scale farmsteads including modern steel framed buildings located on the rolling sides of the land above the valley floor. As such, the existing agricultural buildings and the proposed AD structures would appear to be typical of this landscape character type and could be perceived as part of the farming practices and patterns that have become part of the local rural character over time.

While many of the objections raise concern about visual impact both in relation to the wider rural landscape and the GWC in particular, it is considered that the intermittent views from the GWC and the immediate site context which includes 2 existing large scale agricultural buildings means that the proposed development will read as part of the existing landscape fabric and not a solitary lone feature unrelated to its surroundings. Combined with careful colour choice and potential for some additional screening planting the development is considered to respect the character and appearance of the area in accordance with criteria b) of policy

DM22 and will preserve the character and setting of the GWC, meeting policy DM22 of Local Plan Part 3 (Development Management Policies). The extent of any impact upon the canal as a Conservation Area has been assessed in a previous section.

4. Impact on neighbouring residents

Odour

Manures will be transferred directly to the solids feeder on arrival at site for feeding into the digester. A planning condition preventing the storage of any farmyard or chicken manure in the clamps is recommended to avoid odour nuisance and addresses some of the concerns raised by respondents. The silage stored in the clamps will be sheeted restricting potential release of odours. The application states that liquid digestate will be stored in a lagoon if required temporarily, but discussions with the applicant revealed this detail is not the case and in fact the sealed digestate tanks have sufficient capacity to store the product for 6 months.

The digestate (in both solid and liquid form) will be used on land as a soil conditioner and fertiliser, in place of the slurry that is currently used. The applicant states that the digestate would have "significantly lower odour impact than slurry" as the volatile fatty acids in the raw materials is reduced in the AD process by up to 80% and so the potential for odour nuisance is significantly reduced and this would therefore reduce odour emissions during spreading.

The Inspector who determined the recent appeal in relation to an AD plant at Edgeworthy Farm, Nomansland (Ref: APP/Y1138/A/14/2211282) accepted that the reduction in fatty acids as a result of digestion means that the resulting digestates are less odorous than untreated raw slurry which is currently spread on surrounding agricultural land in its raw state and odours released unchecked.

Spreading techniques allow for digestate to be injected into the land. This is much easier to do with digestate coming from the AD compared to slurry on its own. The digester chops the fibres and with the digestion process allows a more homogeneous product, the digestate, to be either dribble barred or injected into the land minimising opportunity for release of odour.

The plant would treat the feedstock in a fully enclosed environment thus controlling odour emissions and reduce risk of odour nuisance to residents and passers-by. Slurry would be transported in tractor and (sealed) tanker and then piped from the tanker into the buffer tank so the process is completely contained. The applicant asserts that the AD process itself stabilises organic wastes avoiding uncontrolled methane (CH₄) emissions and odours.

Anaerobic digestion can only take place in the absence of oxygen and so all tanks and pipe work must be airtight to keep oxygen out of the system - this will also have the effect of largely containing odours.

It is considered that all these aspects of the AD process and management of the operation adequately address concerns relating to odour raised by respondents. Environmental Health have raised no objection to the proposed development based on the odour assessment provided and further control will be applied to the operation through the environmental permit process administered by the Environment Agency. The Inspector for the recent Edgeworthy appeal considered that these are adequate measures to protect against unacceptable odour emissions as a result of the proposed development and in line with the requirements of criteria b) and c) of policy DM22 and policy DM7 of Local Plan Part 3 (Development Management Policies).

In the appeal by Peel Environmental Services Ltd and Marshalls Mono Ltd: Fletcher Bank Quarry, Ramsbottom. APP/T4210/A/14/2224754 (AD Plant) odour was considered by the Inspector and considered the appropriate control forms part of the EA's regulatory responsibility; it is not something that is a material planning consideration unless residential odour would be unacceptable in planning terms. In this instance Environmental Health has not raised such concerns.

Other emissions to air

No gases from the anaerobic digestions process would be released into the environment. During maintenance or in the unlikely event of a breakdown of the CHP unit, gas would be burned off via the flare. The only gases that would be released into the environment as a result of the proposed plan would be

exhaust gases from the CHP unit which would need to be maintained within the statutory limits for such emissions.

The Environment Agency has raised concerns with regard to the importation of digestate from other AD Plants. It has been confirmed by the operators that the only digestate to be brought to site is for seeding of the new unit and there is no intention of bringing digestate to be stored on site from other AD Plants as general practice. Any digestate that is brought to site would be for set-up and this can be included in the Construction Environmental Management Plan.

Noise

The main sources of noise relating to this development are the related traffic movements from operations and the construction period, the unloading of materials on site, the running of the CHP unit the running of the driers and the pumping of digestate to land which will each be considered in turn.

Operating hours for deliveries, exports and maintenance would be between **7am to 6pm Monday to Sunday**. However, the applicant states that the traffic movements to and from the site would not be continuous during that period. While the transport figures given show the number of movements averaged out over the year, this is not an accurate reflection of the pattern of movements likely to take place. The applicant states that harvest of silage feedstocks will take place on approximately 20 days per year between mid-May and the end of October. At these times, delivery traffic movements may need to take place out of normal operating hours in order to complete the job while weather and light allows. This does present some level of uncertainty over the time and duration of vehicle movements, though the applicant stresses that harvests are part of normal agricultural practices and reflect the patterns of vehicle movements already taking place for deliveries of grain to the existing agricultural buildings for storage at harvest time.

Noise will occur during the construction period which would be temporary and as work is already being undertaken it would still be appropriate to include a construction environment management plan by planning condition to control the hours of potential noise disturbance as well as dust and local traffic impacts from deliveries during the remainder of the construction. In addition it is considered the management plan should also extend to the operation of the plant, to be able to ensure traffic movements are as per the information submitted as part of the application.

Respondents to the consultation raised concern regarding reversing alarms from delivery vehicles. Tractors and trailers making deliveries do not tend to have reversing alarms, it would be difficult to condition the vehicles not under the direct control of the operator when deliveries are being made. Therefore this leaves the slurry tanker deliveries and the onsite telehandler as the likely source of reversing alarm noise. It is therefore reasonable to include a condition that the telehandler and any vehicles mainly used on site have the reversing alarm replaced with a light system/or a white noise broadband system. Thus reducing the frequency of the noise on site. The existing buildings and silage tanks will also act as a noise barrier between the source of the noise and nearest properties and the Grand Western Canal (GWC).

The submitted original noise assessment considers that the maximum noise level at the nearest noise sensitive property is likely to be 20dB At the New House (110m from the AD Unit), 22dB at Lisieux (200m from the AD Unit) and 21dB at Badgers Holt (220m from the AD Unit). This takes into account the ambient noise levels, the distance to the nearest noise sensitive property, the position of existing buildings and the proposed silage clamps which would attenuate some of the noise.

Examples of familiar noise levels:

Telephone ringing	80 dB
Piano practice	60 - 70 dB
Average road noise	@ 25m - 30m 72 dB
Normal Conversation	60 -70 dB
Washing Machine	70 dB
Vacuum Cleaner	@ 1m 72 dB

At the time of the initial report no noise assessment of the equipment used to pump the digestate to adjacent

fields had been provided. However, the pump is driven by an electric motor with a standing tractor with PTO on average 1 per day (as per 5.2.10 in the transport plan), in reality there would be peaks in movements related to 4 spreading seasons for crops. These would all be within the working day and between May and October. The tractor and pump would be located within the site and so again the buildings and silage clamps would provide some attenuation for the temporary noise event.

Environmental Health has raised some concerns relating to the noise report submitted and requested a further assessment is carried out.

This report to cover

- The source/s of noise are fully understood and quantified, paying particular attention to night time noise levels, site vehicle movements, deliveries and if applicable, audible reversing alarms.
- All nearby noise sensitive receptors have been identified
- the impact on any receptors has been determined with reference to noise standards
- noise mitigation measures have been identified where necessary

Environmental Health has considered the supplementary noise report of which the officer's considerations are within the consultation section of this report.

Given that the majority of the noise would be temporary and infrequent and its source is a common agricultural practice, it is not considered to be likely to cause a statutory nuisance or present a robust reason for refusal.

5. Drainage and water impacts

Rain water from the buildings and non-silage clamp areas will be collected and channelled into a soakaway. Rain water from the clamps and effluent in the bunded area will be channelled into a drainage system and then into a buffer tank which feeds the anaerobic digester. Sewerage from the WC facilities in the staff building will drain to a septic tank. Further details of these systems are recommended to be required by planning condition.

The site is in a Groundwater Nitrate Vulnerable Zone and as such the surrounding land would benefit from the use of fertilisers which have a more uniform nutrient content so that spreading rates can be better controlled on the land. While the land surrounding the site is identified as having soils with a high leaching potential, the plant is closely controlled by electronic monitoring systems and the bund within which the plant would sit has sufficient capacity to accommodate leaked material should there be a breach. The Environment Agency permit would require a bund that can contain the entire product volume plus 10%.

6. Impact upon the Grand Western Canal Conservation Area

The significance of the canal conservation area lies in the history of industrialisation of the south west - access created by canals allowed goods to be sent to and delivered from remote rural areas and created huge change. Most canals cut through open countryside and were once considered themselves to be damaging to the rural tranquillity of areas.

The conservation area is now a peaceful way for members of the public to access the countryside and to experience the rural landscape. Views can be long or short, with many variations to those views - farm buildings, houses, fields, roads, etc. The AD plant is reasonably close to the canal and does change views.

It introduces a new structure to the landscape which is larger than the average agricultural building.

However, when seen from a distance its scale and height sit reasonably well within the landscape and does not look entirely out of place.

Closer views are interrupted by hedges and some tree planting, but nonetheless it does appear to be more industrial. My feeling is that the complex as a whole brings an appearance of industrialisation of this part of the landscape to a minor extent, but that planting between it and the canal - behind the hedge line would be

best - would break up views and lessen the harm.

When making these comments I bear in mind that this complex has an existing consent - these buildings would have been here albeit in a slightly different location. The previous consent accepted the less than significant harm and I feel that has not changed.

Summary

Whilst the complex is quite visible from the conservation area, I find that it is not more harmful to its setting than that previously given consent. With planting it will create acceptable 'less than substantial harm'.

7. Other impacts

The operation of the biogas plant would be fully automated from an on-site central control panel which would monitor information transmitted from instruments around the plant. Marches Biogas (the technology provider) would provide a remote monitoring service via internet which allows changes to be made to the system remotely, while advice can be given over the phone. A plan would be put in place to ensure that plant is well maintained. However an office building shown on the plan will be used as a maintenance office/workshop.

While the application states that the AD plant is designed to accommodate a variety of solid and liquid feedstock types to give the plant a greater degree of flexibility in the future, the application seeks permission for maize, beet, silage, slurry and chicken/farmyard manure only. Should the applicant wish to use different feedstock types in the future, an application to vary the planning permission would be required as it is proposed to be conditioned.

Although the proposal may result in just 1 additional job, the development would be operated by existing farm staff, helping to secure their employment and support diversification of this agricultural business in line with the National Planning Policy Framework.

The site does not lie within any designated wildlife site. The Phase 1 Habitat Survey (Undertaken 2013) revealed no significant evidence of protected species or flora which need special consideration as a result of the proposed development. A concern has been raised with regard to aspects of this Habitat survey in particular, the age of the survey. A further Habitat survey which was undertaken by Engain on 21st March 2014 for Hartnolls Farm Tiverton and drawn to the attention of the Authority undertook a more detailed survey of the area in and around the AD site. With regard to Dormice etc although nest tubes were laid in the vicinity of the site none showed signs of activity for dormice. No other protected species were noted on the site. It is evident that dormice and other protected species are present within the locality. However in this case no hedges are to be removed and so there is minimal impact on the presence of dormice and other protected species in the area. Therefore the existing Phase 1 habitats survey is sufficient for the needs of this development. With regard to the age of the survey it is considered that as no specific endangered species were discovered a 3 year period is considered appropriate in this case, particularly as work has already commenced as part of the previous approved application 13/01605/MFUL.

The proposed development lies in an area of potential archaeological, prehistoric activity in the immediate vicinity demonstrated by find spots of flint tools and two ring ditches in the field to the northwest. Accordingly a Written Scheme of Investigation has been submitted with the application and as the Devon County Council Historic Environment Service raised no objection to the proposal; a planning condition is recommended now to try and secure the implementation of that scheme to areas outside the bund and within the proposed planting area before any planting is undertaken.

In the previous application 13/01605/MFUL respondents raised concern about the loss of Grade 1 agricultural land for the AD plant itself, and also the crops grown as part of the feedstock. However, the application site is relatively compact and covers just over a hectare of land which has a minimal impact on ground available for other agricultural uses. The applicant states that the land used for growing the silage elements of the feedstock is already used for growing the same or similar crops and as such their use as feedstock for the AD plant would have no discernible impact on the agricultural landscape. It is also considered that there is no change of use on this land as the AD process would use farmyard and chicken manure and standard agricultural crops to produce digestate to be used as a soil conditioner. The Inspector

for the recent Edgeworthy Farm appeal which was allowed concluded that as such the AD process "would clearly be part of a productive agricultural activity. Land would thus not be taken out of productive agricultural use and nor would it become unavailable for agriculture."

Respondents also raised concern relating to the potential for mess to be brought onto the public highway. However, the site will be set on a concrete pad with only silage stored externally in the clamps which offer only limited risk of being spread onto the road. The applicant will be bound by the normal responsibilities to keep the public highway clear of debris without the need for a specific condition to try and control this further.

Concerns have been raised with regard to vermin. This would be no than that for any agricultural activity within the countryside. The operators will be bound by the normal responsibilities to keep vermin under control.

The site is within a Groundwater Nitrate Vulnerable Zone and the digestate produced by the AD process offers better control over nutrients being applied to this land as well as the resulting reduction in transport movements and odour from transporting raw materials to sites for spreading.

8. Benefits

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and that applicants should not need to demonstrate the overall need for renewable energy. It also requires local planning authorities to approve applications where the impacts are (or can be made) acceptable. The proposed development would contribute to national targets for sourcing 20% of the UK's energy from renewable sources by 2020 and this report has demonstrated that the proposed development accords with Local Plan policy and the impacts are considered to be acceptable.

The AD process is an efficient way of capturing nutrients in organic wastes, including animal manures. The AD process retains these nutrients and converts them into available forms enabling a farm to plan its nutrient management and reduce its use of fossil fuel dependant mineral fertilisers. The recycling of these wastes also reflects the priorities of the waste hierarchy and Policy WPC1 of the Devon Waste Local Plan.

Significantly, the AD produces renewable energy in the form of biogas. Biogas can be used either in a conventional boiler, or as the fuel for a combined heat & power (CHP) unit. The applicant has stated in the previous application that they are keen to work in partnership with Mid Devon District Council to support local plan priorities. The present Allocations and Infrastructure DPD expressed the LPAs commitment to renewable and low carbon energy in policy AL/TIV/5 which seeks Renewable and low carbon energy generation to provide a significant proportion of the Tiverton Eastern Urban Expansion's energy use. The proposed AD could contribute to these ambitions, through for example, a district heating scheme which the applicant stated at the time they are willing to consider should the opportunity arise. However this is not proposed and therefore not a planning benefit proposed to be delivered through this proposal.

9. Planning balance

The application submitted for this revised scheme is not for a larger processing AD plant, but for one where the structures have been re-orientated along with some additional equipment, increase in site area and variation to the design of certain aspects. The principle for a 500kW anaerobic digester at this site has been established with planning permission 13/01605/MFUL. The proposal is to change certain parts of the existing scheme as set out in the Synopsis attached to this report.

Although it has been intimated that the scheme is for a 1000kW AD plant the scheme put forward is for a 500kW AD plant as before. Consideration cannot be made as to what might or might not be proposed in the future.

Concerns have been raised with regard to many topics; these have included many and wide ranging issues the main points being noise, odour, congestion and suitability of the roads, visual impact, vermin, flooding, loss of grade1 land, and wildlife impacts. All these issues have been addressed in the report, and it is confirmed that the appropriate monitoring bodies have assessed there specific areas and concluded that

there are sufficient mitigations where needed and that the proposed meets with both Local and National Policy. Additional Information has been sought where and when required during the process of the application.

Planning permission has previously been granted for an AD plant on this site. The change to the design of the plant will have no further significant negative impacts on the surrounding area than those of the previously approved scheme. The bunded area, although larger, will have significantly more planting to the area between the site and the Grand Western Canal to that of the previous approval. It is therefore recommended that the proposed revised scheme, to undertake changes to the layout of the site and slightly increase the storage capacity is appropriate. The proposed will not have a detrimental impact on the conservation area and or the immediate amenity of occupiers and users of the area. Such as to now warrant refusal of the application. The highway network will be able to support the proposed as there is no increase in the proposed scheme to that approved under 13/01605/MFUL.

CONDITIONS

1. The date of commencement of this development shall be taken as the 17th July 2015 when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans, approved reports and statements listed in the schedule on the decision notice.
3. Details of the colour and finish of the building materials to be used (including the digester dome) are to be submitted within 1 months of the date of this approval - or prior to their use? and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. Within 1 month of the date of this approval a Construction and Operational Environment and Traffic Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:
 1. hours of working;
 2. hours of deliveries; including details of any importation of digestate associated with commencement of operations.
 3. dust suppression management measures;
 4. traffic management
 5. vehicle routing to and from the site;
 6. programme of works
 7. parking for vehicles of site personnel, operatives and visitors;
 8. storage of plant and materials;
 9. loading, unloading and movement of plant and materials within the site.
 10. Facilities for cleaning wheels on exiting vehiclesAll works shall take place in accordance with the approved details which will have been confirmed in writing by the Local Planning Authority.
5. The passing place created on Crown Hill as shown on the submitted plans associated with 13/01605/MFUL shall be permanently retained and maintained.
6. Within three months of the date of this planning permission, a programme of archaeological work indicating details of the parts of the site it shall relate to will be implemented in accordance with a written scheme of investigation submitted by the applicant or their agent and approved by the Local Planning Authority.
7. The anaerobic digester facility hereby permitted shall not be brought into operation until a drainage scheme has been implemented in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the provision for the disposal of clean surface water by a Sustainable Urban Drainage System, and separate provision for disposal of foul waste and dirty surface/ yard water. The scheme shall include specifications and a timetable for implementation. The water management system shall be completed

in accordance with the approved details and retained and maintained for that purpose at all times.

8. There shall be no storage of chicken and farmyard manures or slurry within the application site except within the sealed digestate storage tank(s) approved as part of this planning application.
9. All hedgerows within or on the boundary of the site located to the north west of the site, east adjacent to the highway shall be retained and maintained to a minimum height of 2 metres.
10. The feedstock for the anaerobic digester shall be slurry, farmyard and chicken manure, grass and arable crops only from the sites named in the application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha, Maunders 7.71ha, and Wellington 23.55ha and shown on plan/aerial photos Drawing numbers 13425/T04 Revision A and 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015). A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from (Name of Farm/plot/supplier along with date and time of delivery) No other sites are to be utilised unless written confirmation has been received from the Local Planning Authority. Such log book shall be made available at all reasonable times to the Local Planning Authority.
11. There shall be no external lighting, except for low-level safety lighting for the protection of personnel or for purposes of essential maintenance.
12. The storage of digestate or other hazardous substances must be within properly constructed bunded areas of sufficient capacity, details of which are to be provided in writing to the Local Planning Authority prior to the first storage of any digestate outside the digestate storage tank. Such approved scheme shall be so retained.
13. The Tree Planting scheme submitted and approved plan WIN01_Redlinhay2_PP_004 shall be undertaken and completed within one month of the completion of the archaeological works subject to condition 6 above or within the next planting season following completion of the archaeological works, October-March whichever is the sooner.
14. Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am - 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm - 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm - 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00-07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

15. Once the plant is fully operational, the operator shall provide a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant. This assessment must be submitted to the Local Planning Authority in writing within 3 months from the completion of the AD unit.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition, details of which shall have first been submitted in writing and approved in writing by the Local Planning Authority.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

16. The emergency flare stack shall not be operated for maintenance or testing purpose except between 0700 and 1700 hours on any day (not including Bank Holidays)
17. Heavy and light goods vehicles along with plant under the control of the operators which deliver waste, remove digestate or biofertiliser or operate at the site shall only use non-intrusive broadband (white noise) vehicle noise alarms and/or reversing cameras. On such vehicles, there shall be no use of single or multi-pitch reversing beepers.
18. Written notification confirming the cessation of operations is to be given to the Local Planning Authority 3 month prior to the cessation of the use of the Anaerobic Digester plant hereby approved.
19. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings bunds and any wastes within a period of six months from the date of cessation. After removal of the above, the surface of the site shall be regarded and be covered with topsoil to a depth of 500mm within a period of three months. The site shall then be planted in accordance with details to be agreed in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2.
5. In the interest of highway safety and to ensure that adequate passing facilities are available for vehicles attracted to the site in accordance with DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
6. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
7. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
8. To reduce odour levels within the site and to prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies).

9. In the interest of the visual amenity of the area and to protect the setting of the Grand Western Canal in accordance with policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
10. The application has been considered as a site accepting these feedstock types only and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been made on this basis and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
11. To protect the rural character of the area in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
12. To prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies).
13. To ensure the archaeological works are completed prior to the planting of the screening to minimise disturbance to the planting scheme and to provide further screening for the site and assist with reducing any potential noise.
14. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3.
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17. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3.
18. To ensure the Local Authority are made aware of the impending cessation of the use to enable proper consideration of the removal of the items on the site.
19. To achieve a satisfactory landscape/restoration.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

While a significant number of objections have been received in response to the consultation on this proposal, it is not considered that the harm to the environment, the landscape, neighbouring residents and the Grand Western Canal is significant enough to warrant refusal of the application when balanced against the benefits. The planning history of the site is also a material planning consideration as planning permission has previously been granted for an anaerobic plant. This is a revised scheme. The Anaerobic Digestion plant will process farm wastes into a product which will assist in improving land management techniques and will generate a source of renewable energy. Traffic movements on the local highway network and improvements to access to site are considered acceptable. The impact on the Grand Western Canal is considered to be limited and is considered to be outweighed by the benefits of the proposal. The change to the orientation of the units within the site will not provide further adverse impact on the local area to that which was approved under 13/01605/MFUL. Any harm likely to arise from this proposal can be adequately mitigated by the imposition of conditions. It is considered that this proposal will not cause significant harm and that the benefits of granting planning permission outweigh any limited harm that may be caused. Accordingly the application is in accordance with Mid Devon Core Strategy (Local Plan 1) policies COR1, COR2, COR5 and COR18, Local Plan Part 3 (Development Management Policies) DM1, DM2, DM5, DM6, DM7, DM8, DM22, DM27, Devon Waste Local Plan policy WPC1 and the National Planning Policy Framework.

Application No. 15/01548/MFUL

Plans List No.

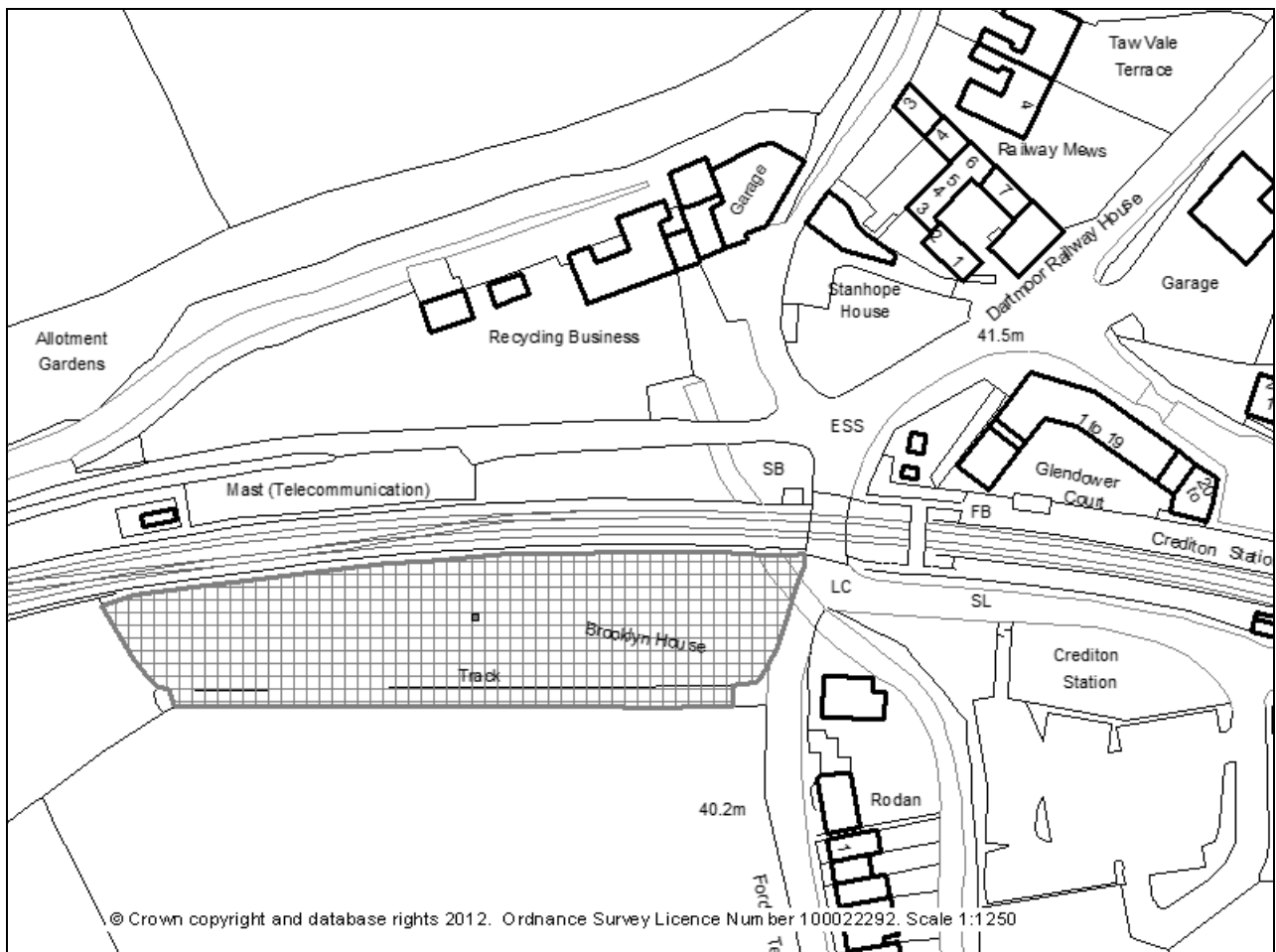
Grid Ref: 283829 : 99476

Applicant: Reliant Building Contractors Ltd

Location: Land at NGR 283829 99476 (Former Railway Land) Crediton Devon

Proposal: Erection of industrial units (Use Classes B1& B2) and formation of access and parking

Date Valid: 16th October 2015



Application No. 15/01548/MFUL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR J DOWNES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the highway, amenity, flood risk of the proposals and whether that the proposals are considered overdevelopment.

PROPOSED DEVELOPMENT

The description of development for the planning application is for the erection of industrial units (Use Classes B1& B2) and formation of access and parking.
This is a full application.

The plan shows a new access from Fordton Lane with visibility splays indicated, and a layout which shows 5 smaller units (135 square metres each) in a terrace arrangement, and one larger unit at 300 square metres. In floor space terms the proposals would deliver 975 square metres of employment floorspace.

The layout includes two areas of parking at the front of the site and adjacent to the larger unit, and 3 parking spaces in front of each of the smaller units. In total 34 spaces are shown plus two larger spaces to be shown as reserved for disabled users.

The buildings are designed so that both the terrace block and the freestanding building will stand 6.0 metres to ridge, with a materials palette comprising a brick base for the lower part of the walling with profiled metal sheeting for the upper part and also for the roof covering. Each of the terraced units has two openings on its frontage (a door and larger opening for vehicular access). The freestanding building is designed with window openings and with block walling across all the elevations.

A 2.4 metres high metal fence is shown on the northern boundary (to the adjacent railway line) and a hedgerow is proposed on the southern boundary.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, site and block plan and drawing no 5290/CR/005 and 5290/CR/003.

PLANNING HISTORY

Application 08/00307/OUT was permitted at appeal for the erection of industrial units (B1 and B2 use class) and formation of a new access at land off Fordton Road. The scope of the application was outline only with all matters reserved (access, appearance, landscaping, layout, and scale).

This application was originally refused but granted at appeal and the indicative layout that was submitted with the application was based on a layout showing 5 small units (for B1 use) and a larger unit for B2/B1 uses with 2 areas for car parking. The permission was granted subject to 11 conditions, and condition 2 established a 3 year timescale for the submission of the first reserved matters application.

For members information the LPA challenged the first Inspectors decision to grant planning permission. Following consideration of the further submissions made by the LPA, a second Inspector granted the planning permission subject to the conditions as initially recommended and on the basis that the applicant had entered into a legal agreement to make a financial contribution towards measures to improve air quality in the Crediton Air Management Area. The sum of £14,706.00 was transferred on the 27.08.2015 in accordance with the terms of the legal obligation.

13/00755/ARM: Reserved matters for the erection of one B1 industrial unit with access and parking together with construction of internal access and turning area.

This application was approved subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. No other part of the development hereby approved shall begin until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course levelOnce provided the above works shall be retained and maintained for that purpose at all times.
3. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
4. Before the commencement of the buildings hereby approved, details of the palisade fencing along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority, and shall then be completed prior to the commencement of the occupation of the commercial unit hereby approved.
5. Before the commencement of any works hereby approved, details of the hedgerow along the southern boundary shall be submitted to and approved in writing by the Local Planning Authority, and shall then be completed prior to the commencement of the occupation of the commercial unit hereby approved, or within 9 months of the substantial completion of the commercial unit. Any part of the hedgerow, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
6. Prior to the commencement of any development on site, details of a Sustainable Urban Drainage Scheme to manage the disposal of surface water from the site shall be submitted to the Local Planning Authority for approval in writing. Such scheme shall be completed before the first of the unit is occupied and thereafter be so retained in working order.

Information to discharge conditions 4, 5 and 6 has been submitted and confirmed as satisfactorily discharged. Furthermore a material start has been made in terms of implementing the approved details of the formation of the new access comprising the eastern kerb detail and formation of the proposed ground level at the proposed entrance to the site (base course only). These works comprise works to the adopted highway in part and to the land owned by the applicant in part. The development can therefore be completed at the discretion of the applicant as a lawful commencement was made on site.

12/00459/MOUT: Outline application for the erection of 8 houses and 2 flats and formation of new vehicular and pedestrian access - Refused and APPEAL DISMISSED 13/02/2013

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR9 - Access
COR11 - Flooding
COR15 - Crediton
COR18 - Countryside

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM20 - Rural employment development
DM21 - Protection of employment land

CONSULTATIONS

ECONOMIC DEVELOPMENT MANAGER - 5th November 2015 -Subject to satisfying the access and on-site parking requirements, support this proposal for much needed new employment floorspace in Crediton. The application would appear to follow on from other approvals granted for this site.

DEVON & CORNWALL POLICE AUTHORITY - 23rd October 2015 - No comments.

ENVIRONMENT AGENCY - 6th November 2015 - We object to this proposal until such time that the Flood Risk Assessment has been amended to better reflect the risks to the site. Also, we cannot see that any confirmation has been received that the Sequential Test has being passed.

The site lies on the fringes of the floodplain of the River Yeo and flooded in the flood of 1960. We question the logic in lowering the site below existing levels, as it would appear is proposed, especially given its location to the edge of Flood Zone 3. Given the sensitivity of the site to small increases in flood levels we consider that lowering of the site would result in an increase in flood risk which is contrary to the NPPF.

Another observation is that the risk of flooding from the leat hasn't been adequately appraised. The worst case scenario is that water would enter the leat and potentially affect the site, in particular should the culvert beneath the road block.

We advise that the proposed site and finished floor levels be revised slightly to reflect the above, but only following confirmation that MDDC that the Sequential Test has been satisfied.

In addition to the above formal prior written consent of the Environment Agency, under the terms of the 1991 Water Resources Act, will be required regarding the proposed extension of the existing culvert which is located on the eastern edge of the site.

25th November 2015

We are now able to withdraw our objection to the proposal, however we do advise that finished floor levels be raised marginally above those as shown on Drawing 'Scheme Proposals' 5290/CR/003 dated 14/09/2015 as included within the applicants Flood Risk Assessment.

However, bearing in mind permission has been granted previously, and in light of comments by the planning inspectorate regarding conditioning finished floor levels, we feel it is only reasonable that the control of site and floor levels be addressed by Condition along the lines of the following.

CONDITION

No development approved by this permission shall commence until such time that the proposer has submitted to, and the local planning authority approved in writing, details of site and floor levels.

REASON

For the purpose of managing flood risk.

In addition the formal prior written consent of the Environment Agency, under the terms of the 1991 Water Resources Act, will be required regarding the proposed extension of the existing culvert which is located on the eastern edge of the site.

HIGHWAY AUTHORITY - 3rd November 2015

The above development is agreed in outline and the Highway Authority would raise no further observations subject to the following conditions and the imposition of the conditions set out in the outline consent. However the parking in the car parks detailed on the plan should be made available to all units and not allocated to specific units.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Spaces within the communal car parking facilities provided as part of the development shall be retained as such, and should not be allocated to individual Units. They should be maintained free of obstructions such as chains or bollards, so as to enable their use by all occupiers of the estate and their visitors.

REASON: To ensure that adequate off street parking facilities are available for all traffic attracted to the site.

2. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site,

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no

- construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

CREDITON TOWN COUNCIL - 18th November 2015

Recommend OBJECTION for the following reasons:

Whilst it is understood that planning permission has been previously granted, the time period for development has now lapsed. During this time there have been significant changes, which now warrant the application being REFUSED, namely the historical importance of Crediton Railway Station and the economic benefits it brings to Crediton through tourism.

Crediton Railway Station is an important visitor attraction in Crediton and the tourism it brings to Crediton supports the local economy, it is imperative that its character and setting is protected and preserved.

As stated on page 86 on MDDC Local Plan point 2.7.10 "First impressions of a town or village are important." The first impression for tourists visiting Crediton, when arriving by train, is Crediton Railway station, which is situated within the "tourism envelope". Significant investment has been made in the station over numerous years. The railway footbridge has been extensively refurbished in keeping with its Victorian heritage as has the signal box, built in 1852, which is of significant historical importance and listed with English Heritage.

The proposed development is contrary MDDC Local Plan policies ENV13, ENV15, ENV18, E1, E2 and CRE/E3 for the following reasons:

The development would adversely affect and impact the character and historic features of Crediton's restored Victorian railway station and in particular the listed signal box.

The development will irretrievably harm its character and setting and the surrounding street scene.

The siting and materials used for the units will have a detrimental impact on the surrounding areas character.

The access to the site is not safe due to its proximity to the level crossing. It will adversely impact local roads and in particular will exacerbate congestion at the level crossing.

The traffic congestion and increased vehicular movement of large vehicles such as lorries will have a detrimental impact on the amenity of neighbouring properties.

ENVIRONMENTAL HEALTH - 4th November 2015

Contaminated Land - See below

Air Quality - no objections to this proposal

Environmental Permitting - no objections to this proposal

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - Not applicable

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial

element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.
Health and Safety - no objections to this proposal

Contaminated Land

Due to the previous use of the land as a railway siding the condition below will be required:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

NETWORK RAIL - 10th November 2015

Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail s adjoining land.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail s boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail s existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail s boundary must also not be disturbed.

DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail s culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail s boundary.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail s structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant s land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker s land shall be kept open at all times during and after the development.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling equipment and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

The close proximity of the proposed site could bring a risk to the railway and Asset Protection involvement may be required. The Developer should contact the Network Rail's Asset Protection Western Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwestern@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

REPRESENTATIONS

A petition has been submitted with 65 signatories on it (from 44 separate addresses in Fordton) and 3 further representations have been received objecting to the planning application. A summary of the reasons for objecting are set out below:

The proposal would represent an overdevelopment of the area.

The proposed industrial use is not compatible with the residential area.

Highway safety concerns along Fordton Rd, including position of access and relationship with level crossing.

Increase in demand for on street parking along Fordton Road.

Flood risk concerns, including off site impacts.

Ground contamination concerns.

The development will adversely affect the setting of Crediton station.

Not supported by local residents

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site is located on the west side of Fordton Lane immediately to the south side of the railway line between Exeter and Barnstaple, which passes through the southern edge of Crediton. The settlement boundary for the town is defined on the adopted proposals map. Whilst it includes the scrap yard to the north side of the railway line, the mixed use developments along Exeter Road, the Fordton trading estate to the south of the station and the extent of frontage housing on the east side of Fordton Lane, the application site is classified as outside settlement boundary. Therefore the main issues in the determination of this application are:

1. **Principle of development / Planning Policy / Planning History**
2. **Highway safety, movement issues and means of access**
3. **Design and Amenity**
4. **Flooding**

1. Principle of development/Planning Policy/Planning History

The principal of bringing forward the application site for a scheme of development comprising 6 small units for commercial uses falling within the B1/B2 use as per the layout as broadly proposed has already been granted outline planning permission, albeit with the terraced units shown as accommodating 135 square metres of employment floor space each and not 100 square metres as shown on the very indicative layout to support the outline application). Reserved matters approval has already been granted for the proposed means of access into the site and the service road, one of proposed units (135 square metres) and the first area of car parking. Furthermore as a material start has been made to implement the scope of the reserved matters details, all these aspects of the current application can be lawfully built out.

Given the planning history in relation to the site, the starting point in terms of assessing this current application is to identify if there have been any material changes in policy since the Inspector issued his decision to grant planning permission on the 11 November 2010 (a copy of the decision notice is attached as appendix A to this report). The matters covered at paragraphs 7-16 are considered particularly relevant to this part of the assessment.

Policy COR15 establishes a target of providing 2000 square metres of employment floorspace, over the plan period of the adopted Core strategy (until 2026).

Land use allocations for employment development are set out in the AIDPD with the site at Wells Park identified for 4150 square metres of employment development. Since the appeal decision outline planning permission has since been granted for upto 1935 square metres of new employment floorspace on allocation AL/CRE/7 - Wells Park. This would be in addition to existing floorspace within the existing group of buildings that form part of the allocation. The other significant allocation for employment floorspace within the AIDPD is the site at Pedlars Pool (AL/CRE/12) which is allocated as a contingency site for housing, leisure and employment development. Whilst this site continues to be promoted for a mixed use

development opportunity by the Local Planning Authority, it is not promoted for B1/B2 employment uses in the submission draft Local Plan Review (2013 -2033) under policy CRE5.

Therefore in summary the number of employment site opportunities available in Crediton has technically been reduced since the outline planning permission was granted in 2010, as is the quantum of floorspace that could be achieved across the allocated sites over the development period.

The other key changes are policy changes. There remains policy support afforded to the application scheme in part by policy COR15 on the basis that it is recognised in the Core Strategy that "given the considerable constraints to development around the town, most of the new employment development is likely to take place on smaller sites adjacent to the edge of town, which could include the application site". In addition policy DM 20 provides specific support for employment development in locations such as the application site that falls outside of a settlement boundary. The wording of policy DM20 is set out below:

In countryside locations, planning permission will be granted for newbuild employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;*
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and*
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.*

An overview on the extent to which the application scheme complies with criteria a and b are set out below.

With regards to the test outlined at criteria c), the analysis above confirms the position on the supply side relating to the availability of employment land. In addition the LA's Economic Development officer has expressed support for the application scheme, noting the need for new employment space in Crediton. Therefore in summary it is concluded that the application site is an appropriate location for employment development, for which there is a demonstrated need, and furthermore the proposals would, in principle, generally accord with policies COR15 of the Mid Devon Core Strategy (Local Plan 1) and policy DM20 of the Mid Devon Local Plan Part 3 (Development Policies).

2. Highway Safety, movement issues and means of access

Access to the site would be from the A377 with a short travel distance of just over 50.0 metres along Fordton Lane passing over the level crossing. This route is already used by traffic travelling towards the Fordton Industrial estate, Crediton Milling Company and the countryside beyond. However given the location of the site vehicles arriving will not have to drive past the houses on Fordton Road.

The application scheme proposes that the means of access would be positioned towards the southern corner of the site frontage, directly adjacent to the start of the footway on the otherside of the highway. At the junction with the highway the opening is 15.0 metres in it's width with a section of pavement for pedestrian use. The scope of visibility for drivers leaving the site is indicated on the submitted plan. In total 36 parking spaces are proposed across the site. The surface of the highway is designed to 6.0 metres in width in order to accommodate two way traffic.

The comments of the Highway officer at Devon County Council are set out above and it is noted that they are supportive of the scheme as described above, subject to the conditions as recommended. The number of parking spaces as proposed (34 plus 2 larger sized spaces) complies with the policy standards outlined at DM8 and the comments of the Highway Authority are noted regards no dedicated parking.

Therefore whilst local residents are suggesting that the application will result in an increased demand for on street parking along Fordton Lane there would not be a policy basis to support that argument given the number of spaces proposed, and technically vehicles arriving via Crediton would not have to pass the houses on Fordton Road.

The site is well located in relation to Crediton Station. A section of footway that links up with the footway on

the otherside of the road to assist pedestrian movements into the site.

In summary, from a sustainability point of view the site is well located within Crediton, with support from the Highway Authority in terms of the means of access into the site. Furthermore it is noted that the applicant has discharged the terms of the planning obligations pursuant to the outline planning permission in terms of providing a financial contribution towards off site initiatives to improve air quality within the Crediton AQMA.

Therefore in summary it is concluded that the application scheme accords with policy COR9, DM20 (a) and AL/CRE/8.

3. Design and Amenity

The current appearance of the site is unkempt within the street scene. It is recognised that the application scheme will change the site's appearance, with buildings and hardscape across land which is currently undeveloped. It is also noted that in visual terms the site sits directly adjacent to an active residential/commercial street scene with an operational railway line to the north. The site is not an isolated site in the open countryside.

The scheme has been designed so that the end of the terrace block stops approximately 20.0 metres short of the site frontage with a car parking area separating it from the street. The larger block is set back by about 100.0 metres from the front of the site.

In terms of height and scale, the new built form will sit lower than an average two storey house, and whilst the design is considered functional, a brick detail is proposed to form the lower part of the walling on the terrace block and to form the walling on the larger independent block. A new natural hedgerow is to be planted along the southern boundary to help soften the visual impact from the south.

Given the separation distance and juxtaposition between the development and the residential properties along Fordton Road it is not considered that the application will interfere with the living conditions of these occupiers in terms of overlooking, overshadowing and/or creation of an oppressive environment. Palisade fencing is proposed along the common boundary with the railway line, but the visual impact of this detail will be blocked out by the proposed buildings.

Overall given that nature of the proposed scheme it is considered that the proposals accord with policy COR2, DM2 and criterion b of DM20.

4. Flooding

Whilst historically local residents point to incidents of the site flooding given the culverted watercourse at the north corner of the site, the application is accompanied by a Flood Risk Assessment.

The submitted evidence base has been considered by the Environment Agency and they have confirmed that they do not raise any objection to the proposals subject to a condition regarding the proposed floor levels. In addition a condition will be imposed to ensure the delivery of a Sustainable Urban Drainage Scheme to manage the disposal of surface water from the site.

On this basis it is not considered that there would be any policy support to refuse the application on flood risk grounds for future occupiers and/or to the existing environment, and therefore the application is considered to accord with policy COR11.

5. Other matters

Conditions are recommended to deal with potential ground contamination issues as recommended by the Environmental Health office, and as raised by Local residents.

Conclusion

It is acknowledged that the Town Council and local residents remain concerned regarding the site being brought forward for development. However, given the scope of the outline approval and the fact that the

means of access into the site and the first section of development as proposed in this application can be lawfully implemented, the scope of policy support available to the scheme in principal and technical assessment of the other material considerations as set out above, the application is recommended for approval subject to the following conditions.

CONDITIONS

1. Communal car parking spaces provided as part of the development shall be retained as such, and shall not be allocated to individual units. They shall be maintained free of obstructions such as chains or bollards, so as to enable their use by all occupiers of the estate and their visitors.
2. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
3. Prior to commencement of development of any part of the site the Local Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site,
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes.
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;Construction shall take place in accordance with the approved details.
4. The palisade fencing along the northern boundary of the site shall be completed in accordance with the details shown on the drawing entitled: Details of Proposed fencing to be erected by British Rail Contracting along the Northern Boundary of the site: submitted to and approved by the local planning authority to discharge condition 4 pursuant to reserved matters approval ref: 13/00755/ARM. The fencing shall be completed in accordance with the approved details prior to the first occupation of any commercial unit hereby approved and so retained.
5. The hedgerow along the, southern boundary shall be planted in accordance with the details shown on the drawing entitled: Details of Proposed Hedge Planting along the Southern Boundary of the Site: submitted to and approved by the Local Planning Authority to discharge Condition 5 pursuant to reserved matters approval ref: 13/00755/ARM. The hedge shall be planted in accordance with the

approved details prior to the first occupation of any commercial unit hereby granted or within 9 months of the substantial completion of any commercial unit and so retained. Any part of the hedgerow, within a period of five years from the completion of the development that dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with other plants of similar size and species.

6. The surface water drainage scheme shall be completed in accordance with the details shown on the engineering layout drawing (drawing no: 151-1101-CIV-10):submitted to and approved by the local planning authority to discharge in part condition 6 pursuant to reserved matters approval ref: 13/00755/ARM. The drainage scheme shall be completed in accordance with a delivery strategy which shall be submitted to and approved in writing by the Local Planning Authority, and following implementation shall be so retained in working order.
7. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall first be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to the Local Planning Authority prior to the commencement of the development. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

9. Subject to the recommendations of the investigation and risk assessment report as agreed in writing by the Local Planning Authority under Condition 8 above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10. The remediation works shall be carried out in accordance with the scheme approved under Condition 9 prior to the commencement of development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
11. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, shall be submitted to and approved in writing by the Local Planning Authority.
12. In the event that contamination not previously identified is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared and implemented in accordance with the requirements of Condition 9, 10 and 11 subject to the approval in writing of the Local Planning Authority.

REASONS FOR CONDITIONS

1. To ensure that adequate off street parking facilities are available for all traffic attracted to the site in accordance with Policy DM8 of Mid Devon Local Plan Part 3 (Development Management Policies).
2. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
3. To ensure the provision of adequate facilities throughout the construction period and in the interest of highway safety in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
4. To ensure that adequate information is available for the proper consideration of the detailed proposals and in the interest of the amenity of the area and in accordance with policy DM2.
5. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2
6. To ensure that surface water drainage is managed in a sustainable way in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
7. For the avoidance of doubt and in the interests of proper planning.
8. In order to satisfactorily manage any ground contaminants that be uncovered on the site in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. In order to satisfactorily manage any ground contaminants that be uncovered on the site in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. In order to satisfactorily manage any ground contaminants that be uncovered on the site in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. In order to satisfactorily manage any ground contaminants that be uncovered on the site in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

12. In order to satisfactorily manage any ground contaminants that be uncovered on the site in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This planning application seeks a new permission following outline planning permission 08/00307/OUT (LPA ref: 08/00307/OUT) which has now become time expired. However the proposed means of access into the site and the service road, the first unit within the proposed terrace and the proposed area of car parking adjacent to the highway can be lawfully implemented as reserved matters for these aspects have been approved and work commenced on site. Furthermore following an assessment of the application scheme it is considered that the proposals are supportable in policy terms as a matter of principle. The proposed access into the site remains acceptable in terms of the visibility splays that can be achieved and the level of on site parking is policy compliant. The building designs are functional but the height, scale and massing of the new buildings and their site locations are such that the scheme would sit comfortably in its context and in relation to it's neighbours. Various conditions are recommended in order to safeguard local amenity and mitigate contamination risk. On this basis the proposals are considered in accordance with the relevant policies: policy COR2, COR9, COR 11, COR15, COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and policies DM1, DM2, DM8, DM20 of the Local Plan Part 3: (Development Management Policies) and advice in the National Planning Policy Framework.

Application No. 15/01571/MFUL

Plans List No.

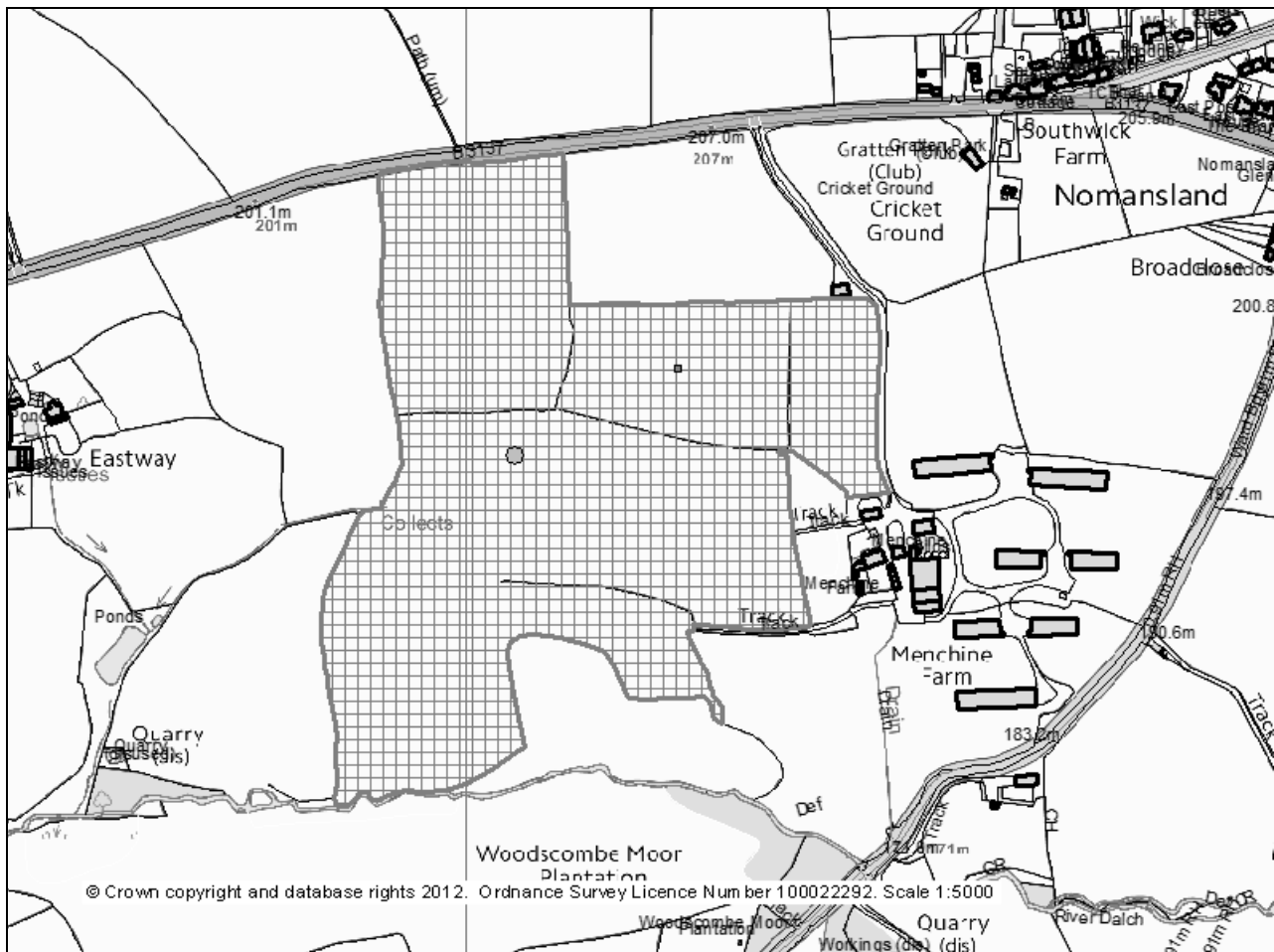
Grid Ref: 283175 : 113696

Applicant: SM & MA Cole

Location: Land at NGR 283175 113696
(Menchine Farm) Nomansland Devon

Proposal: Erection of 5 additional poultry units
(5040 sq.m) and biomass boiler unit;
formation of attenuation pond, access
track, and hardstanding; landscaping;
and associated infrastructure

Date Valid: 5th October 2015



Application No. 15/01571/MFUL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR MRS J BINKS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

1. To consider the environmental impacts of the application scheme for local residents and businesses in the vicinity, to include odour and noise impacts arising from the storage of chickens on the site and impacts on the highway network and air quality in the locality arising from the increased number of vehicles arriving and departing from the site as a result of the development.
2. To consider the cumulative impact of the development in conjunction with the existing activities on the site.

PROPOSED DEVELOPMENT

The description of development is for the erection of 5 additional poultry units (5040sq.m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure.

The proposals are for a self contained unit which will be able to accommodate upto 60,000 free range birds per cycle, on a separate part of the Menchine farm holding to the existing 7 poultry rearing units that sit due east of the main farmhouse .The site location is proposed across 4 fields of gently sloping agricultural land sandwiched due south of the B3137 and due west of the AD plant.

- The total site area covers 5.4 hectares and the proposed layout includes a new spur road to provide direct access into the site and then to each individual unit and the associated infrastructure as follows:
- Five Poultry Sheds with a footprint of 1,008 square metres each (12.6 metres in width and 80 metres in length). The sheds will constructed using a steel frame system with a timber roof structure to support a pitched roof. The buildings will stand 2.9 to eaves and just below 4.3 metres with a box profiled sheet roof detail. The walling will be formed from insulated panels and will extend to 1.0 metre above ground level, incorporating polycarbonate sections, and with an open section above. Double opening door units are formed within each gable end and underground tanks. Each shed will set a concrete base with apron beyond the building dimensions
- A Biomass plant room designed with a mono pitch roof dimensions 11.4 m by 38.3m and standing 5.8m high)
- At the end of each shed there will be two feed silos standing just under 7.0 metres in height
- A site office (dimensions 6m by 3m standing just under 3.0 metres high)
- An attenuation pond beyond the main development area for the management of surface water drainage.

As per the current operations at the site, the poultry sheds will operate on a 56 day cycle, with seven to ten days between cycles reserved for the cleaning of the sheds. This equates to up to six cycles per year. The proposed poultry sheds will operate on an alternative cycle to those existing sheds at the site, and will generate waste equivalent to 120 tonnes per cycle, so 820 tonnes per annum. The waste which would be generated would be used as feedstock for the operation of AD plant.

It is proposed that the unit would be managed by 1 employee. Excluding the arrival and departure of the employee (which would generate 730 chicken trips), the total number of vehicular trips that can be expected to arrive and depart from the site per cycle is set out below:

- At the start of each cycle, there will be up to two deliveries to the site for the delivery of chicks from the hatchery in Kentisbere. These deliveries will be undertaken over two days, this will therefore generate one trip to the site per day or two vehicular movements. (4 vehicular movements)
- Up to ten articulated vehicles delivering feed to the site throughout each cycle. This will generate a maximum of two vehicular trips to site each week, (20 vehicular movements).
- It is expected that nine loads will be required to transport the birds to the processing plant at the end of each cycle, generating nine trips. This is currently undertaken overnight and it is anticipated that this system will continue. However, it should be noted that collection times are set by the processing plant's requirement over which the farmer has no control. (18 vehicular movements)
- At the end of the cycle, cleaners will visit the site to clear, wash and disinfect the poultry sheds. Over a period of two days they will use a 12 metre rigid HGV to transport their equipment onto site. This will result in a maximum of two trips. (4 vehicular movements)
- Transfer of waste water after clean out using tanker (2 vehicular movements).
- Transfer of bedding material for sheds and wood chip for the Biomass boiler (30 vehicular movements).

This is the equivalent of 468 additional vehicular movements per annum (78 per cycle).

The complex is located directly adjacent to the AD plant so the removal of waste from the site will not generate any vehicular trips on the public highway.

The application has been submitted by SM & MA Cole

Two other applications for identical proposals at Edgeworthy Farm and Gibbet Moor Farm have been submitted to the LPA for consideration. The waste generated by these two schemes of development is proposed to be transported to Menchine farm and used as feed stock to operate the AD plant. The implications of this strategy will be considered as part of the assessment of these applications respectively under LPA ref: 15/01694/MFUL and 15/01611/MFUL.

All three applications have been submitted individually but working as part of the Greener for Life group (GFL), and are submitted as Schedule 2 development under the EIA regulations.

APPLICANT'S SUPPORTING INFORMATION

When the application was first submitted the scope of the application submission included the following:

Application form, design and access statement & planning statement

Environmental Statement Volume 1: Main report

Environmental Statement Volume 2: technical Appendices

Consultation Report

Site Location Plan drawing

Development Area Plan drawing

Biomass Plant Room drawing

Office drawing

Package Plant drawing

Free Range Shed Elevations and Silo drawing

Shed Cross Section

3D Render Drawings

Further information and clarification on various issues have been submitted as follows:

Email dated 2/12 from agent regards:

Waste Water.

I refer to the email thread below and confirm that the waste water will not be used at the AD plant. It will be collected in waste water tanks situated at the end of each shed and then a vehicle with a hose and pump will empty the tanks at the end of every crop (1 vehicle every 6 weeks) and dispose of at a South West Water Treatment Plant or via a site with an appropriate environmental permit.

Email dated 24/11 from agent regards:

A Factual error in the submission documents.

Please be aware that there is a factual error contained within the planning application submission which identifies how 'Greener for life represents a group of free range farmers, known as the West Country Free Range farmers Co-operative'. This is not the case and Greener for Life will be a member of that farmers co-op group. The factual error appears in multiple documents including the DAS and Planning statement and whilst I appreciate that you may not focus on this issue in the committee report it may be prudent if the presenting officer has this to hand as such to clarify this issue should it arise in the debate.

Email from agent 19/11

Clarification on various matters:

Site Location Plan

There is no change to the planning application boundary and the plan has been updated to show the additional infrastructure that is located within the wider farmstead.

Mechanical Ventilation

I can confirm that there are no mechanical ventilation systems associated with the development proposal.

Farming Cycle

The planning statement states that the cycle is 56 days which includes 10 days clean out. This is incorrect. The actual proposal cycle is now 56 days (for growth) followed by an additional 10 days for clean out.

Ecology

The ES Ecology chapter advised that an additional ecological report would be provided as an annex to the document during the determination period, this is now attached.

Natural England

Responding to NE request for additional information we duly attach the initial ammonia screening assessment undertaken by the Environment Agency. To summarise, the EA conclude that detailed modelling is not required at the site.

Technical Note regards Surface Water Management Issues (including swale drainage plan in response to concerns expressed by DCC Flood Risk Management Team: received by email 29/11

Technical Note regards in response to concerns expressed by MDDc Environmental Health Officer. received via email 24/11

Technical Note on Transport Matters prepared by TPA; received on 15 December 2015.

Site Layout and indicative Planting Plan: received on 15 December 2015.

PLANNING HISTORY

10/00956/DCC County Matter application for erection of anaerobic digestion plant, ancillary equipment and associated works - REFUSAL OF PLANNING PERMISSION 15TH DECEMBER 2010 and subsequent appeal dismissed - This application was refused for 3 reasons, including the increase in traffic and resultant additional hazards that will be caused for existing highway users

12/01659/MFUL: Erection of an Anaerobic Digestion Facility (APPEAL FOR NON DETERMINATION) - ALLOWED JULY 2013

14/00575/MFUL: Erection of an Anaerobic Digestion Facility (Revised Scheme) - this application was considered by committee on the 30th June and approved subject to 10 conditions, including condition 10, as set out above, and to which this current application relates to.

14/01887/FULL: Erection of extension to existing office premises (The cricket barn) and provision of 10 additional parking spaces was permitted on 6th January 2014.

14/01915/FULL: This application has been submitted to vary the terms of condition 10 of planning approval 14/00575/MFUL to allow for the installation of an Anaerobic Digestion facility with 1,000Kw installed capacity. THIS APPLICATION IS CURRENTLY SUBJECT TO AN APPEAL: AGAINST NON-DETERMINATION.

15/00573/FULL: Erection of new building for processing digestate fibre, and a section of pathway. The application scheme is for an agricultural style building (450 square metres), standing at 6.25 metres high (north elevation) and 9.3 metres high (south elevation).

This application was presented to the Planning Committee at their meeting on the 29th July, but members voted to defer making a decision on this application until the appeal against 14/01915/FULL has taken place and a decision issued. Accordingly the applicant has agreed an extension of time until 30th March for a decision to be taken

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM20 - Rural employment development

DM22 - Agricultural development

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 3rd November 2015

At last night's meeting of Morchard Bishop Parish Council the above application unanimously was not supported on the following grounds:

- o Increase in traffic. It is believed that material for the AD plant is being carried far further than the original 6km originally permitted
- o Lack of clarity about protection of the River Dalch, which forms part of Morchard Bishop's boundary
- o The cumulative effect of the rapid development of Menchine Farm

It was recommended that this application should be called in to the Planning Committee.

CRUWYS MORCHARD PARISH COUNCIL - 19th October 2015

No decision was made on this planning application.

PUDDINGTON PARISH COUNCIL - 6th November 2015

Since December 2012 Puddington Parish Council has repeatedly objected to the erection of the Anaerobic Digester at Menchine Farm and all subsequent changes that this applicant has applied for which we believe is a cynical attempt to subvert the legal Planning Process. As nearby neighbours we are fully aware of the apocryphal evidence of increased traffic in and around Menchine Farm including a slow moving convoy of overloaded trailers carrying maize to supply the Digester. This convoy was clearly from outside of the designated zone that was integral to the Planning consent and as such is a significant breach of that

consent and further monitoring of traffic is urgently required to support this apocryphal evidence. We have also become aware of Nomansland residents suffering from smells, light pollution and noise from Menchine Farm.

We would like to register our objection to the erection of these new chicken sheds. It is quite clear that the litter from the proposed chickens would end up in the Digester, our concern is that the amount of litter would be sufficient in quantity to then qualify under the Devon Waste Plan in which case this application should be with DCC and not MDDC. Menchine Farm is fast becoming an industrial size complex in the heart of our very rural countryside and the effects of increased traffic flow on our narrow roads, noise and light pollution and the smells that such a complex would produce is detrimental to health, well being and safety of the residents and neighbours alike

THELBRIDGE PARISH COUNCIL - 2nd November 2015

The councillors voted unanimously to refuse. Grounds, environmental damaged caused by prominent and offensive smell, augmented and unwanted traffic. Cumulative effect (DM5 and DM7)

HIGHWAY AUTHORITY - 6th November 2015

Observations:

The access from Menchine farm onto the B3137 is suitable for the traffic generated by the proposal. and the B3137 is a suitable route for the vehicles .The proposed development will generate approximately 922 movements over the course of 365 days Which averages to 2.52 movements per day, however the most on any one day as worst case scenario is 17 movements, potentially every 56 days, but this would be for the removal of the birds to coincide with a vets visit, maintenance visit and managers travel. Reality would be for this to be less.

The combination of this movement with the AD plants average movements is not of concerns with regards to the capacity of the access and even taking into account the seasonal variations of deliveries to the AD plant would not generate movements that require anything more than a simple junction. Therefore the Highway Authority would have no objection to the poultry house operation from the access onto the B3137. The Local Planning Authority and the applicant should consider the use of a travel plan in order to minimise the impact and to plan the deliveries, visits etc. so as not to conflict as far as is reasonably practicable.

The proposed Chicken waste is to be used in the AD plant and it is a matter for the Local Planning Authority to consider whether or not this changes the nature of the plant from a predominately fodder fed plant to waste., However the introduction of this additional feed stock, could reduce the fodder deliveries for the approved output, but digestate movements will not be by back loaded for this feedstock so while there is potential for a small reduction in AD plant movements this is likely to be unaltered with no net gain or loss to the traffic movements.

The Highway Authority would therefore raise no further observations subject to the following conditions

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

ENVIRONMENTAL HEALTH - 23rd October 2015

Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - A qualitative odour assessment has been submitted with the application. I am happy with the findings of the assessment in that only Eastway Farm should notice a slight adverse effect during the clean out and restocking phases. Otherwise the odour impact should be negligible at all other times all nearby residential properties.

In regards to noise nuisance - no information has been included with the EIA in regards to noise nuisance.

Further information should be supplied on any ventilation systems to be installed detailing the sound power level (SPL) of any mechanical systems which are going to be in operation on the site along with a BS4142 (2014) noise assessment detailing what the impacts of the noise will be on the nearest noise sensitive properties. This information is required before I can make a recommendation.

Health and Safety - no objections

3rd November 2015

I've reviewed this application again taking into consideration the additional information with regards to the other applications being made. Please find below my new comments of this application:

Further to my comments made on the 20th October, it has come to my attention that a number of other planning applications have been or are in the process of being submitted involving the housing of boiler chickens and the disposal of chicken manure at the AD unit at Menchine Farm all connected with Greener for Life.

These existing and proposed developments are all relevant in determining whether any significant adverse effects are likely as a consequence of the cumulative odour effects arising from their manure management and removal. I believe that in these circumstances these applications should be considered together.

The Environmental Impact Assessment's submitted for the applications do not demonstrate the possible cumulative effect of the manure management and removal from 240,000 or more birds. Further information is required on the EIA's detailing the cumulative effect on Menchine Farm in the terms of odour, transport movements and clean out days.

LEAD LOCAL FLOOD AUTHORITY - 3rd December 2015

Thank you very much indeed for your detailed e-mail which has addressed all of the points raised in my recent letter (FRM/2015/195) dated 23rd October 2015.

I am happy that the downslope intercepting swale you have now proposed is satisfactory in terms of both location and design.

As alluded to in your message, I would request that if this application is granted permission, a planning condition should be imposed which requires a final detailed drainage scheme to be submitted to the Local Planning Authority before any work is undertaken. I would advise that this should take the form of a revision/addendum to the Flood Risk Assessment, containing the justifications you have provided below, and a revised Site Plan showing the final drainage strategy.

26th October 2015

At present, I am not satisfied that the applicant has provided sufficient detail to demonstrate how the site's full surface water management system will function.

Geology

Section 9.1.6 of the Environmental Statement (Volume 1: Part 2) states that the site's geology has low permeability according to the British Geological Survey maps. Given this statement, I question the use of WRAP type 2 in the MasterDrain calculations as this classification is reserved for very permeable soils. The applicant will therefore need to reassign a more realistic WRAP classification and conduct the MasterDrain analysis again, as this is likely to have an impact on the greenfield runoff rate calculated, and consequently the agreed discharge from the attenuation pond. Furthermore, infiltration testing will need to be conducted in accordance with BRE Digest 365 to rigorously justify why the first level of the drainage hierarchy (infiltration via a soakaway system) is not suitable for this site.

Rainwater Harvesting

Section 3.4 of the Planning Statement states that a rainwater harvesting system will be installed to capture precipitation falling on the shed roofs, but the dimensions and capacity of this arrangement need to be provided, particularly the exceedance methods when this system is full. Section 9.5.3 of the Environmental Statement (Volume 1: Part 2) also implies that some roof runoff will be conveyed in a conventional gravity underground drainage system to an attenuation pond, not within an above-ground SuDS feature. The applicant will therefore need to provide technical details for this part of the system, and justify why a traditional drainage system, and not a SuDS feature, has been proposed element of the drainage system.

Attenuation Pond and Swale.

Section 4.3.20 of the Environmental Statement (Volume 1: Main Report) states that the drainage will lead to an attenuation pond, with a swale leading to the watercourse to the south. I am unable to find any detail of the swale on the Site Location Plan, which the applicant will need to provide to assess the suitability of this feature in managing the discharge of surface water into the River Dalch.

Section 9.3.3 of the Environmental Statement (Volume 1: Part 2) states that the development should not cause downstream pollution. I would therefore advise that no work is undertaken until a wide perimeter cross-contour vegetated swale is constructed around the downstream boundary of the site, to the north of the proposed attenuation pond. It is essential that this swale is constructed to intercept flows and limit the aforementioned impacts to the nearby watercourse. This would particularly address the concern raised in section 9.6.2 which states that increased areas of bare earth due to free ranging chickens could increase rates of runoff and cause the increased flow into the watercourse.

Section 9.5.4 states that the attenuation pond will be constructed with a flow control device at the outlet to restrict the outflow to 2 l/s. Section 7 of the Flood Risk Assessment makes reference to a Hydrobrake, but does not confirm that this is the intended flow control device. The applicant needs to clarify this, particularly because if an orifice plate is used, it will be incredibly vulnerable to blockage given the small aperture required.

Section 7 of the Flood Risk Assessment also states that the pond and swale will be vegetated with native grass. This arrangement is satisfactory for the swale, but the pond should be planted with a variety of native vegetation to provide the required water quality and biodiversity benefits. I therefore refer the applicant to an RSPB publication entitled 'Sustainable Drainage Systems: Maximising the Potential for People and Wildlife', which can be accessed at the following address: https://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf.

Access Tracks.

Section 9.5.6 of the Environmental Statement (Volume 1: Part 2) states that the tracks leading to the sheds will be of permeable construction to disperse water into the soil locally. However, it was previously mentioned that the site is not suitable for infiltration, so the applicant needs to clarify the construction of the tracks, and consider features such as swales to manage any exceedance from the surface.

Wastewater Disposal

Section 9.8.5 also suggests that washing effluent will be collected by an underground drainage system within the chicken sheds and taken off-site for disposal. It is not clear whether this drainage system is separate from that employed to manage the roof runoff. It is vital that such wastewater is managed separately from the comparatively cleaner roof runoff from the poultry sheds, and the applicant will be required to clarify this.

To summarise, I require the applicant to provide further detail before I can be satisfied that the surface water drainage strategy has been suitably designed, namely, information regarding the:

Rainwater harvesting system;
Geology and viability or otherwise of infiltration;
Attenuation pond and associated swale;
Advisory wide perimeter cross-contour vegetated swale;
Access track system;
Separation of surface water and washing effluent.

I would be more than happy to provide a further substantive response when this detail is provided.

NATURAL ENGLAND - 20th October 2015

We have considered the proposal against the full range of Natural England's interests in the natural environment and have the following comments.

Designated sites - further information required

Internationally and nationally designated sites

The proposed development is within 7km of the following designated sites:

- The Culm Grasslands Special Area of Conservation (SAC) - a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').
- Hare's Down, Knowstone and Rackenford Moors Site of Special Scientific Interest (SSSI) - notified at a national level and a component site of the Culm Grasslands SAC.

These sites are special because of their grassland and heathland habitats and butterflies. Further information can be found at www.magic.gov.uk.

Natural England's Impact Risk Zones² have identified the sites as being sensitive to impacts from aerial pollutants, such as those emitted from this proposed development, due to the scale, nature and location of the proposal.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have³. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided do not include any assessment of air quality impacts. As the farm is located within the following specified distance criteria, our advice is that the applicant should complete an initial simple screening assessment to provide your Authority with assurance as to whether air quality impacts are likely or not:

Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within 10km
Sites of Special Scientific Interest (SSSIs) within 5 km

Simple screening tools are available via the internet or by contacting the Environment Agency. E.g. Useful guidance on simple screening can be found on the Environment Agency's website at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298236/geho0410bsih-e-

e.pdf. Simple Calculation of Atmospheric Impact Limits for Agriculture (SCAIL-Agriculture) is another screening tool for assessing the impact from livestock units on semi-natural areas like SSSIs and SACs.

Critical levels should be taken as 1 µg/m³ for nature conservation sites where sensitive lichens and bryophytes are an important part of the site integrity as is the case here.

If a nature conservation site cannot be screened out using a screening tool, the applicant will be required to undertake detailed modelling of emissions which may need to be carried out by experienced consultants. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior to determination.

If the proposed development will also require an environment permit, we strongly recommend that the Environment Agency (EA) is consulted for permitting pre-application advice as soon as possible to ensure that there are no permitting concerns that are relevant to the design of the proposal or the determination of the planning decision. Information on the criteria for requiring a permit can be found on the EA website here <https://www.gov.uk/environmental-permit-how-to-apply>

Habitat Regulations assessment - further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore, taking a precautionary approach, determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

We recommend you obtain the screening information referred to in the previous section of this letter to help undertake a Habitats Regulations Assessment: The steps and tests that form the HRA process are set out within Regulation 61 and 62 of the Habitats Regulations⁴. If likely significant effects cannot be ruled out, then your authority should undertake an Appropriate Assessment. Natural England must be consulted at the Appropriate Assessment stage and your Authority must have regard to any representations made.

The Conservation Objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. The Conservation Objectives for the Culm Grasslands SAC can be found on the gov.uk website at <http://publications.naturalengland.org.uk/publication/5051046850199552?category=5374002071601152>

Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Biodiversity Enhancements

Your authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Any design layout for the site should work towards a net gain in biodiversity (NPPF paragraph 9). We welcome the tree planting as part of the proposal and would suggest that if Sustainable Drainage Systems (SUDs) are proposed guidance on the design of SUDs for wildlife by the RSPB is followed. The guidance can be found at www.rspb.org.uk/sustainabledevelopment. There is also some useful guidance by WWT on constructed wetlands SuDS for farmers at http://www.wwt.org.uk/uploads/documents/1429707026_WWTConstructedFarmWetlands150422.pdf

Additional matters In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

HISTORIC ENVIRONMENT SERVICE - 22nd October 2015 - No comments

REPRESENTATIONS

128 letters of notification have been sent out to local residents in locality notifying them of the proposed development. Further notifications (2/12 and 16/12) have also been sent out to advise (of the further information and clarification points that the applicants agent submitted after the application was registered.

19 letters have been submitted by local stakeholders in response to the consultation undertaken on the application, predominantly objecting to the application scheme for the following reasons.

1. Statement from West Country Free Range farmers: The association has clarified for the record that it has no affiliation with the Greener for Life group, and whilst Mr Cole's current poultry enterprise is supported by the group there is no guarantee that the new unit would be.
2. It is noted that the Arboricultural assessment was carried out on behalf of a company called Luminicity, and it is suggested that the application scheme is proposed to enable the applicant and partners to receive vast sums of feed in tariff payments.
3. Has the need for this new development in the open countryside been satisfactorily made.
4. Increased traffic and resulting pollution along the country roads that serve the site, from the North Devon Link Road. The application is long way from both the hatchery and processing plant in Kentisbere and Willand respectively
5. The application scheme will add to the industrial character of this part of the countryside especially from the footpath to Puddington.
6. Increase levels of noise, odour and impact on the Tourism Industry and businesses in the area that rely on visitors.
7. The submission states that the Dirty water will be processed through the AD plant - the applicant agent has since confirmed it will be transported off site.
8. The development will increase the levels of night time traffic.
9. The chicken litter generated will create a security and health hazard
10. Discrepancies in the submission regards the length of each cycle
11. The proposals will create cumulative impacts (transport, noise, visual impact) that are not

considered within the submissions made by the applicant.

12. The application is contrary to policy DM 5 and DM7
13. The application scheme will have an impact of the River Dalch.

One letter of support has been received on the basis that the odour control measures will be satisfactory.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1. Policy**
- 2. Impact on the landscape character and appearance of the area,**
- 3. Impact on amenity of residents**
- 4. Transportation impacts**
- 5. Other matters**
- 6. Planning balance and conclusions**

1 Policy

The site is in the open countryside. Local (COR18) and national planning policies make clear that new development in the countryside should be strictly controlled. However, there is scope for essential agricultural development and development which supports the rural economy.

Policy DM20 specifies that rural employment development will be permitted where;

In countryside locations, planning permission will be granted for newbuild employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

DM22 specifies that agricultural development will be permitted where;

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network be permitted given the contribution agriculture makes to the character of the countryside and the necessity for such development to be located in rural locations.

The site is in the open countryside where Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural buildings.

The proposed scheme seeks to increase the scope of bird rearing activity at Menchine Farm, providing facilities to increase the capacity of the operation from 95,000 to 155,000 free range broilers.

The scope of the new infrastructure has been described in detail as set out above and would be set across four existing field areas occupying just over 5 hectares of existing farmland. The scope of the area that will accommodate the new buildings and hardscape equates to approximately 10% of the site area, with new woodland and tree planting across the site.

Menchine Farm has been an established bird rearing unit for a number of years now and therefore the principal of the application has policy support subject to considerations in relation to the landscape impact, general amenity issues and transportation impacts, as discussed below.. Both processes require a permit

from the Environment Agency.

Therefore the principal of the application has policy support subject to considerations in relation to the landscape impact, general amenity issues and transportation impacts, as discussed below.

2. Impact on the landscape character and visual amenities of the area

The new unit would be located on part of the holding adjacent to the AD plant developed. The site is approximately 20 square metres from the edge of the silage clamp and 100 square metres from the main intake building. A new section of farm track will spur off from the existing farm track that provides access into AD complex from the B3137. The first chicken shed would sit approximately 170 metres from the public highway along the B3137

The applicant has submitted an appraisal of the landscape character and visual impacts of the proposed, including an assessment of how visible the development would be within the locality. This work confirms that clear views of the complex are evident from the south along the public footpath (No.12) that leads away from the site, and that within other views there are pinched glimpses of the site and the existing built structures on site.

Some local residents argue that the area has become industrialised by the proliferation of buildings that have been constructed over recent years which has resulted in detriment to the visual amenities of the area and the special character of this part of the open Countryside.

The view from the south clearly shows the spectrum of development which would stretch for approximately 600 metres as a panoramic.

Whilst the spread of structures is clear in the landscape the existing tree coverage (native), hedgerows and grassed areas help to soften how the wider developed group sits in the landscape. Whilst the height and overall massing of the spread of existing buildings varies, it is considered that the proliferation of buildings remain at farm scale with the farm house cottage clearly sitting as the centre piece, with the intake building digester tank and lagoon appearing taller to the west.

The new unit will be set further to the west of AD plant further extending the development footprint as set out above. The range of buildings that are proposed are considered modest in height and will sit below the skyline. The silos will stand higher than the building but will remain below the height of AD intake building. The proposals will result in the loss of a limited amount of existing hedging and a two existing tree in order to facilitate the construction of the development, principally the access tracks.

The site is not located within a statutory or non-statutory local landscape designation, falling within landscape character type IF: Farmed lowland moorland and culm grassland and landscape character area DCA65: Witheridge and Rackenford Moor. Some of the key landscape characteristics of the wider area to the application site are:

- The land rises in a series of irregular hills that are flattish with peak at the same level.
- Small to medium scale deciduous woodland areas set around
- Regular hedgebank and hedge network.
- Sparse settlement pattern with scattered farmsteads, small clustered hamlets and nucleated villages often sited around on cross roads, with houses and farmsteads often prominent in the landscape and set within wide sweeping interrupted views.

The application site sits on the down slope of a modest valley leading down to the River Dulch comprising in the main grasslands and area of woodland towards the southern boundary of the site, set along from Nomansland crossroads.

The applicant has completed a detailed assessment as outlined in the landscape and visual chapter of the Environment Statement. The analysis concludes that the development can be accommodated on the landscape without unacceptable effects on the landscape character, landscape feature and/or visual amenities of the area.

The supporting analysis submitted by the applicant to reach their conclusions as set out above is dependent upon the proposed mitigation in terms of new tree and woodland planting. The plan is submitted as indicative but shows the formation of new bands of woodland and individual trees in the areas immediately adjacent to the sheds. The applicant's agent has requested that the detailed planting plan and planting schedule are made a conditional requirement of any planning permission.

From an assessment point of view, the application scheme will clearly have an impact on the landscape character and the visual amenities of the area. In allowing the appeal under LPA ref: 12/01659/MFUL the Inspector concluded that the plant AD would result in some limited impact to the landscape character and visual quality of the area. The scope of harm is now evident to be judged, although it is noted that landscaping and new planting required as a conditional requirement has not yet been planted, although the applicants agent has confirmed that it should take place later on this winter.

For members information it is condition 5 pursuant to planning permission ref: 14/00575/MFUL as set out below:

5. The proposed scheme of landscaping, including; all planting, seeding, bunding and turfing as set out on the proposed landscaping plan (MF/AD/06A) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. In addition the identified measures for the protection of the existing trees on site during the construction process shall be retained on site until the development has been completed.

If this current application is approved some of the new planting as required by the above condition as shown on drawing no MF/AD/06A plan would not be deliverable. Variation of the previously approved landscaping scheme would be required.

Clearly any additional landscaping which is planted will assist maintain the rural setting and help manage the spread of buildings and thus mitigate against the delivery of a highly visible proliferation of buildings when viewed from the south and south west, and better screen those view from the north and north west. It would also help off-set the loss of the tree and hedging that would need to be removed to deliver the new section of access track.

In terms of how the proposal affect the landscape character, the proposed development area would mean the Menchine farm built footprint would exceed the footprint of the linear hamlet of Nomansland Cross. However the buildings are agricultural in their appearance and are of a scale and mass which will remain subservient to the AD plant and infrastructure and are proposed on a part of the holding immediately adjacent to the existing buildings.

The new complex will be clearly visible within the context of the surrounding landscape adding to the built up area of on the existing farmstead. If it is considered, following an assessment of all the issues (planning balance), that the application scheme is supportable, a condition would be recommended to deal with the landscaping details. Given the importance of the additional landscaping and planting, the applicants own consultants consider it necessary to make the development acceptable, the condition will be drafted to require the details to be agreed prior to the commencement of any development and for the agreed scheme to be planted out prior to the construction of the sheds.

3. Impact on amenity of residents (noise and odour)

The closest residential property to the site is that which belongs to the applicant with the nearest dwelling outside of the site located approximately 500 metres away from the position of the first shed. The properties at Nomansland Cross are some 700m distant.

Residents continue to suggest that noise in the area and general disturbance issues arise in connection with other operations at Menchine Farm is an ongoing problem.

A summary of the concerns expressed by the LA's Environmental Health Officer are set out below and relate

to noise and odour arising from operations on the holding and transport movements to and from the holding on clean out days, and including an assessment of cumulative impacts other two proposed chicken farms at Edgeworth and Gibbett Moor Farm as referred above.

In terms of the scope of the response to these concerns the applicant's agent has supplied the following information in relation to all three of the proposed chicken farms as set out below.

Odour Effects : Following a review of the proposed locations of the poultry farm planning application sites and the location of existing residential receptors (including farmhouses), there are no receptors within proximity to more than one of the planning application sites and therefore the operation of the poultry farms are unlikely to result in any cumulative odour impacts. The clean out days will be staggered to allow a more even feed of litter into the AD plant. Clean out would only happen 5 or 6 times a year. Given the distance between the sites and the staggering of the fill days there will be no cumulative effect during the clean out days.

In terms of fugitive odours from the transport of poultry litter to the existing AD unit at Menchine Farm and from the operation of the AD unit there have been no complaints to date relating to odours from vehicles or from the operational AD plant, which has been operating for a year. Additionally the AD unit at Menchine Farm currently operates by importing the majority of its set requirement of poultry litter feedstock from off-site producers via road, the increase in operations at Menchine Farm would result in an additional 1,000 tonnes of poultry litter being produced on-site. Based on the information set out in the AD planning application (14/01915/FULL & 14/00515/MFUL) the increase of operations at Menchine Farm and the use of litter from Edgeworthy and Gibbett Moor Farms would result in a decrease of 100 annual average transport movements. As per the existing situation, all loads being transported to the AD plant would be sheeted. Given that current operation of the AD unit has not resulted in any odour complaints and that the number of vehicles importing poultry litter to the AD unit would decrease, it is considered there would be no cumulative impact but there is the potential for a beneficial impact.

Transport Trips: As stated above, the operational AD plant at Menchine Farm currently imports poultry litter from other poultry producers located off-site. The proposals at Menchine Farm and Edgeworthy and Gibbett Moor would remove 100 annual average transport movements from the road network.

In response the EHO officer has confirmed as follows:

I am satisfied with the answers from the applicant with regards to the questions I have raised over the cumulative effects of the 3 planning applications 15/01611, 15/01571 & 15/01604. This demonstrates that if the supplied information is correct that there should not be an increase in the transportation of chicken litter and in essence there should be a reduction in the amount of transport movements per year resulting from the expansion of menchine farm and having to import less chicken litter from other sites. Taking this information into consideration I have no further objections to each of the three planning applications and I would recommend approval of all three.

In conclusion reflecting on: the location of the site in relation other residential properties, the explanations provided by the applicant regards the manner in which the clean out process would be undertaken for the application scheme and the other farms that will transfer chicken waste to Menchine Farm and the views expressed by the LA's EH officer, it is not considered that there are residential properties/uses (that are not associated with the business) nearby that would be affected in terms of noise and/or, odour impacts arising from the proposed operations on site and with regards to the movement of the chicken litter that would be generated by the development to the extent that a refusal of planning permission would be justified on these grounds.

Please also refer to comments below regards the impact on the amenities of the area in terms of wider transport trips arising from the development.

4. Transportation Issues

In addition to the arrival and departure of the employee who will manage the site, the applicants' agent has confirmed that the proposed chicken unit would generate 78 vehicular trips per cycle as described above, which equates 468 additional vehicular movements per annum on the Highway which is a classified B Road.

The formation of the new access into the site from the public highway with improved visibility splays (a conditional requirement of the AD plant scheme) has now been implemented, and this would be the access that all construction and operational traffic would use to gain access to the development area.

The Highway Authority has not raised any objections on highway safety and/or capacity grounds regarding the operational phases of the development, and have requested the submission of a construction management plan to be submitted and approved as a conditional matter.

Local residents continue to suggest that the numbers of vehicles arriving and departing at the site remains an ongoing problem in terms of how it affect the general amenities of the area, in part given the size of vehicles used and the pattern of the movements to and from the site which tend to be concentrated over short periods of time.

Members will be aware that the planning application submitted (LPA ref:14/01915/FULL) to allow for the installation of an Anaerobic Digestion facility with 1,000Kw installed capacity is currently subject to an appeal. The case which the LPA are seeking to defend at the appeal is set summarised as below:

In the opinion of the Local Planning Authority it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance). On this basis the application proposals are considered to be contrary to policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

Unlike the proposals under application 14/01915/FUL, the proposed number of additional operational trips associated with this application scheme which are likely to be completed by tractor and trailer/HGV size vehicle (approximately 468 per annum - which is considered to be reasonably justified) over and above the level that was considered by a Government Inspector (LPA case ref: 12/01659/MFUL) as being acceptable, is not considered to be of a level that would justify refusing this planning application.

The wider transportation implications of transporting the chicken waste to the AD plant at Menchine from the two farms proposed at Edgeworth and Gibbett Moor will be considered separately as part of the assessment of those planning applications.

5. Other matters:

1. Surface Water Drainage Issue:

As part of the supporting information a flood Risk assessment has been submitted to support the application. The conclusions of the assessment are set out below:

The EA Surface Water Flooding map shows the site to be largely free of risk, due to its location on the slope of a hill. Pockets of minor surface water flood risk are shown to be shallow and low risk and will be alleviated by improved continued vegetation (as opposed to periods of fallow land after harvesting). The site is considered to have poor permeability, and to rely on permeability for extreme events would not be practical. The runoff from impermeable areas, such as roofs will be attenuated within an unsealed pond (proposed swale).

The chicken run areas will be fenced to retain a vegetated buffer to the watercourse. The watercourse will be inspected and carefully restored where possible as a result of the cow trampling to seek to restore the natural channel.

In conclusion, the proposed introduction of a chicken farm onto the site complies with the policies of the NPPF and Devon's draft SUDS guidance, and brings betterment in terms of flow from the site and protects against pollution of the watercourse. It will also result in an improvement to the watercourse by the removal of cows from trampling the watercourse banks.

Following a review of this information and the submission of additional information, the Surface Water Drainage Authority have confirmed their support for the application scheme subject to the prior approval of further details relating to the design of the proposed swale and the discharge infrastructure (please refer to condition 6).

On this basis it is not considered that there would be any justification to refuse the application on flooding grounds (policy COR11).

2. Ecology

As part of the supporting information an Ecological Survey of the site has been submitted to support the application. The conclusions of the survey identified the following valued Ecological Receptors: Moor Cottage OSWI, Upcott UWS, Hedgerows, Broad-leaved Woodland, Running Water (River Dalch), Badgers, Bats, Dormice, Otters, Amphibians, Breeding Birds, Wall Butterfly, and Hedgehogs. 13 assessments are set out below:

The assessment recognises that runoff and dust deposition from construction activities may result in negative impacts on the watercourses, hedgerows, and woodland in proximity to the site. This in turn may impact the species found within these habitats, such as dormice, hedgehogs, otters, nesting birds and amphibians which are present. Temporary loss of habitat for badgers was identified, as well as permanent loss of a small extent of habitat for dormice, nesting birds and hedgehogs during the construction phases of the development. In order to redress this impact a Construction Environmental Management Plan (CEMP) will be implemented which will outline measures to be undertaken to avoid runoff, dust deposition, accidental pollution events, light spillage etc.

The proposals result in the loss of small sections of hedgerow which will be carried out adopting a precautionary approach to clearance. This will entail sensitive timing of clearance, supervision by an appropriately qualified ecologist, and cautious removal of vegetation. This will minimise the potential to injure or kill protected/notable species which may be present, including dormice, amphibians, hedgehogs and nesting birds. Temporary fencing is proposed to be installed prior to construction commencing in order to protect the field boundaries from damage.

The application scheme will potentially include ecological enhancements with the extent of new planting proposed (refer to condition 2) and the new grassland areas that will be formed between the shed locations.

In summary the submissions conclude:

Overall, all negative impacts can be mitigated or compensated. The enhancements proposed for the site mean that overall impacts during operation of the array on the majority of the habitats and species are of a positive nature. Habitat creation and enhancement will be attained by the implementation of a Landscape and Ecological Management Plan (LEMP).

On this basis it is not considered that there would be any justification to refuse the application on ecological grounds. A condition is recommended requiring the applicant to submit a Landscape and Ecological Management Plan (LEMP) to cover the issues set out in the Ecological Survey report completed by Clarkson Woods to support this application.

3. Ammonia Screening Results:

Natural England have raised the issue of the need to screen the application proposals under Regulations 61 and 62 of the habitat Regulations. In response to the issue the applicant has submitted correspondence from the Environment Agency which confirms that the applicant has submitted a screening opinion to the EA regarding this matter. The EA have confirmed that no further modelling work will be required. On this basis it is not considered that the impact will be substantial on either of the designated sites that are identified as being within 7 Kilometres of the site (Culm Grasslands SAC and Hares Down /Knowstone/Rackendford Moors SSSI)

5. Planning balance and conclusions

The appeal against 14/01915/FULL is currently being considered and it is not considered by officers that a decision to approve this application will prejudice the Local Planning Authority's position on this case.

Whilst local residents continue to raise concerns regarding further development at Menchine Farm, this current planning application scheme is considered to comply with the policies of the adopted Development Plan. Approval is therefore recommended. Conditions are recommended to ensure the delivery of the landscaping mitigation that is proposed specifying that it will need to be delivered prior to the commencement of the development of any of the buildings on the site. This is necessary to make the application scheme acceptable, and to address issues of cumulative impact of development associated with Menchine Farm as a whole.

Furthermore a screening request was submitted to the Local Planning Authority 6th May 2015, and a screening opinion was issued on 23rd June 2015. This determined the development would fall under Schedule 2 of the Environmental Impact Assessment Regulations 2015, because the proposed development would amount to an intensively installation rearing 60,000 broilers. The main environmental impacts likely to arise from the proposed development were identified as the cumulative impact with existing and other similar planned developments in the locality.

Subject to the delivery of a satisfactory scheme of landscaping (as referred above) to mitigate against the impacts of the development, in terms of how the development would affect the visual amenities and the landscape character of the area, the scope of harm that the development, including cumulative impacts with other authorised developments in the locality, have been assessed and it is considered that the impacts arising from the development on the locality would not be significant in environmental impact terms.

Finally whilst technically not a reason to refuse this application, the amount of chicken waste generates (820 tonnes annually) would not exceed the allowance for poultry litter as a proportion of the feedstock for the AD plant at Menchine Farm.

With regards to this matter, when the development was granted at appeal, the applicant confirmed that the approved anaerobic digestion facility would operate under a continuous mesophilic process, taking in some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage. These figures were reconfirmed when a subsequent planning application for the AD plant scheme was re-submitted for a revised scheme still with an output of up to 500kW, under LPA ref: 14/00575/MFUL.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of development a detailed scheme of new planting and landscaping based on the site layout and planting plan (drawing no BRS5972_08) and to include new planting adjacent to the existing AD plant shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of landscaping shall be carried out prior to the commencement of the development of any of the buildings hereby approved. Any trees or plants which within a period of 10 years from the completion of the buildings die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
3. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice. Detailed drawings confirming the existing site levels, proposed finished floor levels for the buildings, and the proposed datum levels across the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development to reflect. The development shall be completed in accordance the approved details thereafter.

4. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Works shall take place in accordance with the approved details.
5. No development shall be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved development area plan, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained.
6. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS shall thereafter be managed in accordance with the agreed details.
7. No development shall take place until details of the colour and finish of the building materials to be used has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
8. There shall be no outdoor storage of any waste materials generated by the approved scheme of development either on the application site and/or on any other land controlled by the applicant.
9. Before the commencement of any development a Landscape and Ecological Management Plan (LEMP) to cover the matters identified by the Clarkson Woods Ecological Survey report submitted to support this application shall be submitted and approved in writing. The development shall be implemented and completed in accordance with approved details.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interest of the visual amenity and landscape quality of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).

3. For the avoidance of doubt and in the interests of proper planning.
4. To prevent mud and other debris being carried onto the public highway and in the interest of public safety and to prevent damage to the highway.
5. To ensure that there are appropriate measures in place to deal with drainage from the site to prevent an increased risk of flooding.
6. To ensure that there are appropriate measures in place to deal with drainage from the site to prevent an increased risk of flooding.
7. In the interest of the visual amenity and landscape quality of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
8. In order to protect the general amenities of the area, and in accordance with Policy DM2 of the Mid Devon Local Plan (Development Management Policies).
9. To ensure the protection of any ecological interests at the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposals are for the erection of a chicken shed unit to accommodate 60,000 free range broilers on a site at Menchine Farm adjacent to the now operational AD plant. Given the nature of the proposed use the application scheme is considered supportable in policy terms as a matter of principal. Subject to delivering new tree planting and formation of new woodland across the new development area the siting, location and design of the unit (all new hardscape and individual buildings) it is not considered that the proposed development would sufficiently harm the landscape character and/or visual amenities of the area in the long term to justify refusing this application when considered individually and/or cumulatively with the existing buildings and lawful uses on the farm complex. Furthermore the proposed number of additional traffic movements on the public highway which would be generated by the application would not raise any highway safety and/or capacity concerns, or impact on the general amenities of the area to the extent that a reason for refusal would be justified. Finally it has been demonstrated that noise and odours impacts can be satisfactorily managed without resulting in detriment to general amenities of the locality.

On balance it is therefore considered that the application scheme sufficiently complies with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, and DM22 of the Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.

Application No. 15/01611/MFUL

Plans List No.

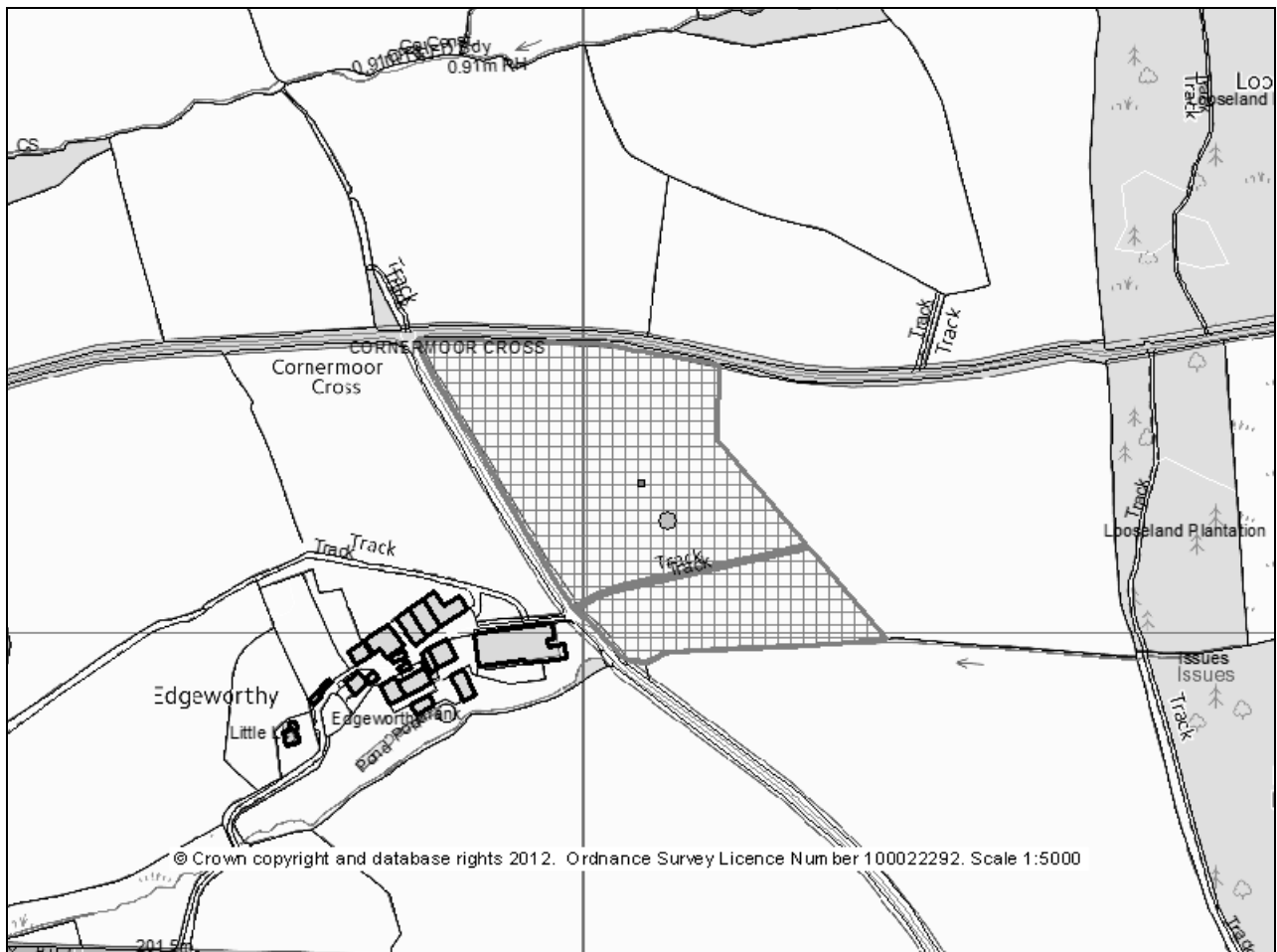
Grid Ref: 285047 : 114125

Applicant: Mr P Lake

Location: Land at NGR 285047 114124
(Edgeworthy Farm) Nomansland Devon

Proposal: Erection of 5 poultry units (5040 sq. m)
and biomass boiler unit; formation of
attenuation pond, access track, and
hardstanding; landscaping; and
associated infrastructure

Date Valid: 23rd October 2015



Application No. 15/01611/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of 5 poultry units (5040 sq. m), a biomass boiler unit, formation of attenuation pond, an access track, hardstanding, landscaping and associated infrastructure on land at Edgeworthy Farm, Nomansland. The development is on agricultural land covering approximately 5.6 hectares in area, parallel to the unclassified access road from the B3173 to Cornermoor Cross approximately 1.8 kilometres east of Nomansland. The field is on the opposite side of this road to Edgeworthy Farm and the Anaerobic Digester granted planning permission at Appeal (reference 13/01170/FULL).

The description of development is as follows:

- Each of the five poultry rearing sheds shall measure 80 metres in length by 12.6 metre width. This gives a floor area of 1008 square metres per building. The proposed eaves height of 2.9 metres and a maximum ridge height of 4.2 metres. The sheds are to be constructed using a steel frame system with a timber roof structure to support a pitched roof. The buildings will stand 2.9m to eaves. Walls will be insulated panels and will extend to 1 metre above ground level, incorporating polycarbonate sections, with an open section above. Double opening doors are proposed in each gable end and underground tanks are proposed to hold dirty water which is collected from the clean out of each shed. Each shed will set a concrete base with apron beyond the building dimensions
- A Biomass plant room designed with a mono pitch roof with dimensions 11.4 metres by 3.8 metres with a maximum height of 5.8 metres.
- Two feed silos are proposed at the end of each shed. They will have a footprint of 3.5 metres by 3.5 metres with a height of just less than 7 metres.
- A small site office building is proposed with a gable roof. The dimensions of which are 6 metres by 3 metres and just under 3 metres in height.
- An attenuation pond is proposed beyond the southernmost poultry shed close the south west boundary. This shall measure 7 metres in width and 20 metres in length.

A total of 60,000 birds are to be housed across the five sheds which will operate on a 56 day cycle, with seven to ten days between cycles reserved for the cleaning of the sheds. This equates to no more than six cycles per year. The proposed poultry sheds will operate on an alternative cycle to the proposed and existing sheds at Menchine and Gibbet Moor Farms and will generate waste equivalent to 120 tonnes per cycle, or 820 tonnes each year.

The proposal will result in the generation of additional vehicle trips using the public highway. For each cycle (of up to 66 days) the total number of vehicular trips that can be expected to arrive and depart from the site per cycle is set out below:

- At the beginning of each cycle, there would be two deliveries to the site for the delivery of chicks from the hatchery in Kentisbere. These deliveries would be undertaken over two days, generating one trip to the site per day or two vehicular movements per day (4 vehicular movements per cycle).
- Up to ten articulated vehicles delivering feed to the site throughout each cycle. This will generate a maximum of two vehicular trips to site each week (20 vehicular movements per cycle).
- It is expected there would be nine loads required to transport birds to the processing plant at the end of each cycle, generating nine trips. This is to be undertaken overnight as is the case with the existing poultry activity at Menchine. However, it should be noted that the farmer has no control over these collection times because they are set by the processing plant's requirements (18 vehicular movements per cycle).
- At the end of the cycle, cleaners would visit the site to clear, wash and disinfect the sheds. Over a period of two days they will use a 12 metre rigid HGV to transport their equipment onto site, resulting in a maximum of two trips (4 vehicular movements per cycle).
- A tanker will transfer waste water from the holding tanks after clean out resulting in an additional two vehicular movements (2 per cycle).

- Vets and maintenance teams are expected to visit the sheds with three trips (6 movements per cycle). In addition, a site manager will also generate an additional but small number of movements.
- There will be three deliveries of bedding per year and 12 deliveries of wood chip to run the boiler heating system (30 movements per annum).
- In each cycle there will be nine deliveries of poultry litter from Edgeworthy Farm to the Menchine Farm AD plant to be used as feedstock. This equates to fifty four deliveries annually. The TPA Technical Note received on 17th December confirms these trips will already be on the network because they relate to an existing process for another site. As such they are not considered to be additional, new trips to and from the site.

The cumulative total of vehicle movements associated with the proposed development would be up to 70 vehicle movements per cycle or 420 movements per annum.

Poultry litter from the proposed poultry sheds will be transported to the AD plant at Menchine Farm for processing. The estimated tonnage of waste produced per cycle per shed is 24 tonnes per shed. As such this equates to 120 tonnes per cycle. The load carrying capabilities of the trailers which will be designated for the transportation of waste from Edgeworthy Farm to Menchine Farm are trailers and tractors with the capacity to hold 14 tonnes per load. Therefore, at the end of each cycle there would be up to nine tractor and trailer movements associated with the movement of waste between Edgeworthy Farm and Menchine Farm. Trailers will be sheeted during transport.

Two other applications for identical proposals at Menchine Farm and Gibbet Moor Farm have been submitted to the Local Planning Authority for consideration. The waste generated by all of the submitted schemes is proposed to be transported to Menchine Farm and used as feed stock to operate the AD plant.

Each of the three applications has been submitted individually although they are all submitted on behalf of the Greener for Life group (GFL). The application has been submitted by Pegasus Group on behalf of Mr P Lake of Edgeworthy Farm.

Regarding additional vehicle movements, The application calculates a number of additional vehicle movements as a result of the development at Edgeworthy, however it is argued that the movement of chicken litter from the site to Menchine AD will replace existing deliveries from other existing poultry rearing units. Devon County Council Highway Authority has considered the application on the basis of a worst case scenario that the vehicle movements generated as a result of the new poultry sheds would be additional. Even on this basis the Highway Authority has concluded that the number of movements (notably from HGVs) would be a small overall increase in use of the public highway which would not result in severe or unacceptable impacts to warrant the refusal of the application. This is discussed in turn, below.

APPLICANT'S SUPPORTING INFORMATION

Statement of Community Engagement

Drainage Information

Erratum Notice

Wildlife Checklist

Addendum to Historic setting assessment

Design and Access Statement

Environmental Statement - Non Technical Summary

Heritage Desk Based Assessment

Planning Statement

Environmental Statement Vol 1

Environmental Statement Vol 2

Environmental Statement Vol 3

EA screening report Land at NGR 285047 114124 (Edgeworthy Farm) Nomansland Devon

Transport Technical Note

PLANNING HISTORY

87/02566/FULL Erection of agricultural building - PERMIT
93/01761/FULL Erection of clear span building 26m x 36.8m), to house dairy cattle and construction of slurry store - PERMIT
96/01488/FULL Erection of extension to existing cattle building to provide milking parlour and associated facilities plus external feed bin - PERMIT
05/01056/FULL Erection of silage clamp and agricultural feed store - PERMIT
07/00992/OUT Outline for the erection of an agricultural workers dwelling - REFUSE
11/01955/FULL Erection of two 20kW wind turbines mounted on 20 metre towers - PERMIT
13/01170/FULL Erection of an anaerobic digester, associated equipment and infrastructure (APPEAL ALLOWED WITH CONDITIONS 23.5.14) - REFUSE - APPEAL ALLOWED
14/00590/FULL Erection of above ground circular slurry store after demolition of existing general purpose farm building - REFUSE
14/02000/FULL Erection of an anaerobic digester, associated equipment and infrastructure (Revised scheme) - WD
15/00869/SCR Environmental Impact Assessment Screening Opinion for the erection of 5 poultry sheds - CLOSED

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR5 - Climate Change
COR9 - Access
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM4 - Waste management in major development
DM5 - Renewable and low carbon energy
DM6 - Transport and air quality
DM7 - Pollution
DM8 - Parking
DM22 - Agricultural development
DM30 - Other protected sites

CONSULTATIONS

NATURAL ENGLAND - 18th December 2015

We have considered the additional information submitted and further to our advice of 28th October 2015 (169802) we offer the following comments.

Designated sites

Internationally and nationally designated sites - no objection

The proposed development is within 7km of the following designated sites:

- The Culm Grasslands Special Area of Conservation (SAC) - a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').
- Hare's Down, Knowstone and Rackenford Moors Site of Special Scientific Interest (SSSI) - notified at a national level and a component site of the Culm Grasslands SAC

These sites are special because of their grassland and heathland habitats and their butterflies. Further information can be found at www.magic.gov.uk

Natural England's Impact Risk Zones² identified the sites as being sensitive to impacts from aerial pollutants, such as ammonia, due to the scale, nature and location of the proposal.

The Culm Grasslands Special Area of Conservation (SAC)

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that;

1. This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2. The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on 'Development in or likely to affect a Site of Special Scientific Interest' (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations³ have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment and to assist you in screening for the likelihood of significant effects, based on the information provided,

Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- pre application Environment Agency Ammonia screening report 12th May 2015 ref: EPR/LP3032AQ/A001 95,000 broiler places

Hare's Down, Knowstone and Rackenford Moors Site of Special Scientific Interest (SSSI)

Based on the additional information provided, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England. Additional matters.

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

ENVIRONMENTAL HEALTH - 14th December 2015 - Contaminated Land - No objections
Air Quality - No objections

Environmental Permitting - Environment Agency permit may be required
Drainage - No objections
Noise & other nuisances - No objections
Licensing - No comments
Health and Safety - No objections

I am satisfied with the answers from the applicant with regards to the questions I have raised over the cumulative effects of the 3 planning applications 15/01611, 15/01571 & 15/01604. This demonstrates that if the supplied information is correct that there should not be an increase in the transportation of chicken litter and in essence there should be a reduction in the amount of transport movements per year resulting from the expansion of Menchine Farm and having to import less chicken litter from other sites. Taking this information into consideration I have no further objections to each of the three planning applications and I would recommend approval of all three.

LEAD LOCAL FLOOD AUTHORITY - 14th December 2015

I am happy that the downslope intercepting swale you have now proposed is satisfactory in terms of both location and design.

As alluded to in your message, I would request that if this application is granted permission, a planning condition should be imposed which requires a final detailed drainage scheme to be submitted to the Local Planning Authority before any work is undertaken. I would advise that this should take the form of a revision/addendum to the Flood Risk Assessment, containing the justifications you have provided below, and a revised Site Plan showing the final drainage strategy.

With the provision of this condition, I am happy to confirm that our objection can be removed.

9th December 2015

At this stage, we object to this application because we believe it does not satisfactorily conform to Policy DM2 of the Mid Devon Local Plan (Part 3) which requires developments to incorporate an appropriate drainage scheme, which includes sustainable drainage systems. At present, I am not satisfied that the applicant has provided sufficient detail to demonstrate how the site's full surface water management system will function.

Section 9.1.6 of the Environment Statement (Hydrology and Flood Risk) states that the site's natural underlying geology has a low permeability according to the British Geological Survey maps. Given this statement, I question the use of WRAP type 2 in the MasterDrain calculations as this classification is reserved for very permeable soils. The applicant will therefore need to reassign a more realistic WRAP classification and conduct the MasterDrain analysis again, as this is likely to have an impact on the greenfield runoff rate calculated, and consequently the discharge from the attenuation pond. Furthermore, infiltration testing will need to be conducted in accordance with BRE Digest 365 to rigorously justify why the first level of the drainage hierarchy (infiltration via a soakaway system) is not suitable for this site. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the intended soakaways or permeable surfaces.

Section 4 of the Flood Risk Assessment states that surface water runoff from the buildings will be collected by gutters and downpipes and conveyed in a conventional underground drainage system to an attenuation pond. However, the applicant will need to provide detail regarding the dimensions, capacity and exceedance of this system for review. Additionally, the applicant will need to provide a robust justification to explain why a conventional underground piped network, as opposed to an above-ground SuDS feature, is proposed for this part of the system.

Section 6 states that the attenuation pond will be constructed with a flow control at the outlet, but does not specify the proposed device, which the applicant will need to clarify.

Furthermore, this section states that the surface water will discharge into a grass lined swale, but I am unable to find any detail of this feature on the Site Plan.

The applicant will need to provide further information in this regard to assess its suitability in conveying the surface water to the nearby watercourse. The proposed pond and swale should be planted with a variety of native vegetation to provide the required water quality and biodiversity benefits. I therefore refer the

applicant to an RSPB publication entitled 'Sustainable Drainage Systems: Maximising the Potential for People and Wildlife', which can be accessed at the following address:

https://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf.

Section 9.3.3 of the Environmental Statement states that the development should not cause downstream pollution. I would therefore advise that no work is undertaken until a wide perimeter cross-contour vegetated swale is constructed around the downstream boundary of the site, to the north of the proposed attenuation pond. It is essential that this swale is constructed to intercept flows and limit the aforementioned impacts to the nearby watercourse.

This would particularly address the concern raised in section 9.6.2 which states that increased areas of bare earth due to free ranging chickens could increase rates of runoff and cause the increased flow into the watercourse.

Section 9.5.6 states that the tracks leading to the sheds will be of permeable construction to disperse water into the soil locally. However, section 6 of the Flood Risk Assessment states that the access routes will be formed of impermeable material. Clarification of the access track proposal will be needed, and an alternative drainage arrangement provided to manage exceedance from these tracks which will become increasingly compacted and impermeable over time.

Section 6 of the Flood Risk Assessment also states that the 1m apron outside of the poultry units will drain into an adjacent gravel trench, but I cannot find any further detail in this regard, which the applicant will need to provide.

I have been in contact with Clive Onions, the Drainage Consultant for this application, and understand that the aforementioned issues will be promptly addressed. I would be happy to provide a further substantive response when the information requested above has been provided.

HISTORIC ENGLAND - 16th December 2015

We have received amended proposals for the above scheme. We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

We thank you for forwarding the additional assessment promptly provided by Cotswold Archaeology at our request. We can confirm that the additional information is as required and addresses the issues raised. We can further confirm that following a site visit we would concur with the conclusions included in the assessment.

In summary, we believe that there will be a degree of harm to the setting of the scheduled barrows on Witheridge Moor, however, the level of harm will be minor and at most would constitute 'less than substantial harm'. As such Historic England have no further observations or objections to the application.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

10th December 2015

I have looked it up on the Council's planning website and it seems the only new documents are letters sent by other statutory and non-statutory consultees. Could you please confirm there are no changes to the proposals as such, and no amended plans awaiting to get uploaded?

30th November 2015

Summary

The application, by means of its size, will result in the introduction of a large modern industrial complex into undeveloped countryside south of Witheridge Moor. The proposal has the potential to result in harm to the setting of the three scheduled barrows on the moor. Although accompanied by a generally well considered

assessment of impact, that assessment does not adequately address the potential for harm to these monuments and as such is contrary to national policy as set out in NPPF .128.

The application should therefore be refused or deferred pending the production of additional assessment.

Historic England Advice

The application has the potential to harm the setting of four scheduled bowl barrows, although we are content that the impact on 1016649 bowl barrow 175m west of Elworthy Cross will be 'less than substantial'. Were this the case with the barrows on Witheridge Moor we would advise that your authority should determine the application with regard to the planning balance, in line with NPPF .134, however, the assessment supplied does not adequately address this issue and we therefore would advise that your authority does not possess adequate information upon which to consider the planning balance with regard to the impact of the proposal on designated heritage assets.

The three scheduled barrows on Witheridge Moor; 1016650 bowl barrow 225m SE of Elworthy Cross; 1016651 bowl barrow 610m SE of Elworthy Cross and; 1016652 bowl barrow 300m W of Witheridge Moor cross, survive on open moorland and as such are more susceptible to change within their setting. They derive significance from the information embodied in their fabric, as well as their place in their historic landscape, their 'setting'.

Being on open moorland they are vulnerable to modern development intruding on their wider setting. Their location on unenclosed land resembling their original setting more than those on more enclosed land, they currently look out over a largely pastoral landscape punctuated only by the occasional farmstead. The surface area of the proposed development is such that the complex will be highly visible, particularly sitting approximately 20m lower than the barrows across a gentle valley.

NPPF.128 requires applications to be accompanied by adequate assessment, as described in the Cotswold Archaeology document, however, the failure to adequately consider this impact means that the level of harm cannot be accurately considered.

The assessment incorporates one 'snapshot' of the view from the development north towards the barrows (photo 6), however, this photograph only portrays, at no defined scale, the viewpoint from eyelevel looking towards the scheduled monuments and not the view of the development from the barrows, or indeed across the site to the Moor or vice versa. It should also be noted that the photograph was taken from eyeheight (c1.1-5m), as opposed to the 4.5m height of the industrial chicken shed units, of which there are five proposed.

We would note also that at 5.2 it is claimed that as there will be no visibility due to intervening vegetation, the monument were excluded from further assessment. It is hard to see how a 4.5m high structure sitting across a valley and lower than Witheridge Moor will be screened by normal hedgerows. If this were the case then the average and cut heights of the hedges should be identified as well as whether or not they are in the control of the applicant. If trees are considered screening then we should be informed of type, situation, susceptibility to disease, wind throw, seasonality etc.

In order to adequately address the requirements of NPPF .128 it will be necessary to address the above issues. We would suggest that accurate photomontage be produced from an agreed viewpoint on the Moor and based on single image 75-80mm fixed focal length photography.

Recommendation

The application does not meet NPPF .128 and Historic England recommend the application be refused or deferred pending the provision of additional assessment.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

In summary, we believe that there will be a degree of harm to the setting of the scheduled barrows on Witheridge Moor, however, the level of harm will be minor and at most would constitute 'less than substantial harm'. As such Historic England have no further observations or objections to the application.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

NATURAL ENGLAND - 2nd December 2015

It would appear that we are being consulted on the erratum notice that was submitted on 25th November 2015. We have no additional comment to make further to our previous consultation response which I note is not on Mid Devon's website

SOUTH WEST WATER - 26th November 2015 - No further comments

TEMPLETON PARISH COUNCIL - 30th November 2015

This Application forms one of four large industrial agricultural development planning applications specialising in chicken production. Menchine Farm and Tollgate farm, Nomansland and Gibbet Moor, Templeton. All of which state an intention to send their chicken litter to Menchine Farm Anaerobic Digester at Nomansland and all of which will be servicing 2Sisters and appear to be associated with the Greener For Life Anaerobic Digester operations.

It was felt that the application from Pegasus has more questions than answers and appeared less than forthright in its attempt to quantify the Accumulative affect of the present and planned activities that would emanate from this one small farm. It was also felt that this further development for 5 chicken houses would seriously endanger its own and surrounding Environment, encroach on the well-being and safety of nearby residents in particular the hamlet of Nomansland itself.

Identified Dangers/Risks

Accumulative increase in Operational Traffic to service the chickens to add to the present daily operational traffic servicing the 250 approx. dairy herd and the newly built AD on this site. Currently daily traffic and shared machinery servicing Edgeworthy and five other local associated operational sites is destroying the local infrastructure this will only be increased once the AD becomes fully operational.

Accumulative risk of Environmental pollution due to lack of on-site safe storage of (potential) chicken manure, cow slurry and AD digestate with no specified route for export or safe end disposal to cover these three potential pollutants. Edgeworthy does not have sufficient land to spread these wastes/manures in accordance with NVZ rules and DEFRA and EA Best Practice. Therefore can only be exported - WHERE TO?

The farm land has a high water table and has experienced a serious pollution incident from slurry spreading in 2009, it is also bounded by a river tributary. Since Menchine AD and GFL have become operational in this area the surrounding parishes to Nomansland have experienced an unprecedented increase in uncovered field heaps of chicken litter. This manure represents one of the most difficult and potentially contagious wastes/manures with the threat of botulism (amongst others) being spread into the wider environment and other farmers livestock.

Increased danger to other road users (pedestrians, cyclists, joggers, dog walkers, horse riders) in many adjoining parishes as well. This due to the narrow sub-standard rural lanes being used by excessively large vehicles utilised by the Greener For Life Group and associated servicing operations (of whom the Applicant is a member). We would also like to highlight the dangerous entrance and exit junctions of S2512 and Mudford Gate onto the B3137 as these are regularly utilised by Contractors when practising numerous 'round robin' contract haulage for and on behalf of the associated properties with Greener For Life Group.

As none of the above have been satisfactorily mitigated in the associated documents submitted, indeed many have not even been acknowledged and there is no clarity of intent or due diligence in respect of the accumulated affects as set out; we feel this Application should be refused.

In view of the potential financial burden of increased Enforcement on various agencies and road maintenance on Highways representing an unacceptable burden on taxpayers; we feel this Application is incomplete/unsafe and comprises a serious threat to the local and wider Environment/water quality/Tourism/local jobs and small businesses/other farmers livelihood, an increased danger and intimidation to other road users which will be a considerable threat to the well-being of the affected residents in numerous parishes, as well as the many visitors to this much loved glorious part of Devon.

CRUWYS MORCHARD PARISH COUNCIL - 16th November 2015

Recommended to refuse approval for the above planning application for the following reasons:

1. The cumulative impact of this together with other current and proposed development.
2. The impact on the B3137 and surrounding road network especially as there is a lack of information regarding transport movements.
3. The shared concerns of the Highway Traffic Management Team regarding access to Edgeworthy from the B3137.
4. The concerns raised my South West Water.
5. This application does not support Mid Devon COR policies 5 and 18 or development policies DM7 and DM 22.

HIGHWAY AUTHORITY - 6th November 2015

Observations:

The Highway Authority are happy with the submitted assessment methodology , but following recent discussions and concerns raised by the local community the application should include an assessment of pedestrian amenity, and fear and intimidation, through Nomansland.

Notwithstanding the above; further information is required in terms of the access from the unclassified public highway S2512 onto the B3137. Permanent mitigation measures were identified as part of the safety Audit response to the construction management plan at this junction to provide for an amended vertical alignment, widening to allow vehicles turning right out of the road towards Menchine farm to do so without excessive manoeuvring on the B3137 and to allow left turns in without the need to cross the centre line of the B3137. In addition Improvements to the visibility splay to the west should be provided so that the nearside carriageway edge can be seen without blind spots. The submitted plan with the application does not demonstrate this. This will necessitate some hedge cutting to achieve the appropriate splay.

The applicant has indicated that the waste material from the poultry unit will be taken to Menchine Farm with an average movement of 2 tractor and trailer movements per week. This would indicate that the waste at the end of the 56 day process will be stored on site and transported in an truncated manor. The Highway Authority would seek clarification as to the volume of waste and whether this is the case or as would be anticipated the waste will be taken off site in a more concentrated time frame which will give rise to higher cyclical movements, which should be reflected in the amenity and fear study.

The remaining movements are as per the Menchine application and accepted and the results of the assessment are agreed for these figures, in addition the measures in 7.5.3 area welcomed.

The Highway Authority would raise the question with the Local Planning Authority over the variation of conditions on the AD plant at Edgeworthy to allow poultry waste which in purely Highway terms would negate the need to take waste through Nomansland to Menchine and whether or not there is merit in this action or whether other factors would prevent such a benefit.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

A) access,

B) visibility splays,

C) road gradients,

G) surface water drainage,

contrary to paragraph 32 of the National Planning Policy Framework.

HISTORIC ENVIRONMENT SERVICE - 30th October 2015

I refer to the above application and your consultation. The archaeological desk-based assessment submitted with this planning application highlights the potential for the development site to contain evidence of prehistoric activity. While none is recorded within the application area, the proposed development site occupies a large area in a landscape where a concentration of prehistoric funerary monuments are recorded. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity.

For this reason and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

DEVON & CORNWALL POLICE AUTHORITY - 27th October 2015

No comments.

ENVIRONMENTAL HEALTH - 17th November 2015

Contaminated Land - no objections

Air Quality - No objections

Environmental Permitting - no comment

Drainage - No objections

Noise & other nuisances - In regards to noise nuisance - no information has been included with the Environmental Impact Assessment (EIA) in regards to noise nuisance.

Due to the close proximity (362m) of the nearest residential property to one of the chicken sheds, further information should be supplied on the ventilation systems to be installed detailing the sound power level (SPL) of any mechanical systems which are going to be in operation on the site along with a BS4142 (2014) noise assessment detailing what the impacts of the noise will be on the nearest noise sensitive properties. Without this information I would recommend that the application is refused.

Further to my comments made on the 29th October, it has come to my attention that a number of other planning applications have been or are in the process of being submitted involving the housing of boiler chickens and the disposal of chicken manure at the AD unit at Menchine Farm all connected with Greener for Life.

These existing and proposed developments are all relevant in determining whether any significant adverse effects are likely as a consequence of the cumulative odour effects arising from their manure management and removal. I believe that in these circumstances these applications should be considered together.

The EIA's submitted for the applications do not demonstrate the possible cumulative effect of the manure management and removal from a possible 240,000 or more birds. Further information is required on the EIA's detailing the cumulative effect on Menchine Farm and Nomansland in the terms of odour, transport movements and clean out days.

Licensing - No comments

Health and Safety - No objections

12th November 2015

Contaminated land - I have no objections to this proposal

Air quality - I have no objections to this proposal

Environmental permitting - No comment

Drainage - I have no objections to this proposal

Noise and other nuisances - In regards to noise nuisance - no information has been included with the EIA in regards to noise nuisance.

Due to the close proximity (362m) of the nearest residential property to one of the chicken sheds, further information should be supplied on the ventilation systems to be installed detailing the sound power level (SPL) of any mechanical systems which are going to be in operation on the site along with a BS4142 (2014) noise assessment detailing what the impacts of the noise will be on the nearest noise sensitive properties. Without this information I would recommend that the application is refused.

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Housing standards - N/a
Licensing - No comment
Food hygiene - N/a
Private water supplies - N/a
Health and safety - I have no objections to this proposal, HSE enforced.

NATURAL ENGLAND - 30th October 2015

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have considered the proposal against the full range of Natural England's interests in the natural environment and have the following comments.

Designated sites - further information required
Internationally and nationally designated sites

The proposed development is within 7km of the following designated sites:

- The Culm Grasslands Special Area of Conservation (SAC) - a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').
- Hare's Down, Knowstone and Rackenford Moor Site of Special Scientific Interest (SSSI) - notified at a national level and a component site of the Culm Grasslands SAC

These sites are special because of their grassland and heathland habitats and their butterflies. Further information can be found at www.magic.gov.uk.

Natural England's Impact Risk Zones ² have identified the sites as being sensitive to impacts from aerial pollutants, such as ammonia, due to the scale, nature and location of the proposal.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have ³. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

If a nature conservation site cannot be screened out using a screening tool, the applicant will be required to undertake detailed modelling of emissions which may need to be carried out by experienced consultants. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior to determination.

If the proposed development will also require an environment permit, we strongly recommend that the Environment Agency (EA) is consulted for permitting pre-application advice as soon as possible to ensure that there are no permitting concerns that are relevant to the design of the proposal or the determination of the planning decision. Information on the criteria for requiring a permit can be found on the EA website here <https://www.gov.uk/environmental-permit-how-to-apply>.

Habitat Regulations assessment - further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore, taking a precautionary approach, determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the screening information referred to in the previous section of this letter to help undertake a Habitats Regulations Assessment:

The steps and tests that form the HRA process are set out within Regulation 61 and 62 of the Habitats Regulations _"4.

If likely significant effects cannot be ruled out, then your authority should undertake an Appropriate Assessment. Natural England must be consulted at the Appropriate Assessment state and your Authority must have regard to any representations made.

The Consultation Objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. The Conservation Objectives for the Culm Grasslands SAC can be found on the gov.uk website at <http://publications.naturalengland.org.uk/publication/5051046850199552?category=5374002071601152>.

Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Local Sites

Natural England does not hold locally specific information relating to local sites, but we are aware of Witheridge and Great Moor CWS 1km to the north of the proposal. Local sites remain material considerations in the determination of a planning application and we recommend that you seek further information from the appropriate bodies such as Devon County Council and the Devon Biodiversity Records Centre (DBRC) to ensure your authority has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. The EA simple screening guidance previously referred to suggests that, where an environmental permit is required, a simple screening assessment for ammonia emissions is required for Local sites within 2km of a proposal.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply for Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Biodiversity Enhancements

Your authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Any design layout for the site should work towards a net gain in biodiversity (NPPF paragraph 9). We welcome the tree planting as part of the proposal and would suggest that Sustainable Drainage Systems (SUDs) are proposed guidance on the design of SUDs for wildlife by the RSPB is followed. The guidance can be found at www.rspb.org.uk/sustainabledevelopment

There is also some useful guidance by WWT on constructed wetlands SuDS for farmers at http://www.wwt.org.uk/uploads/documents/1429707026_WWTConstructedFarmWetlands150422.pdf

Additional matters

In accordance with Section 4 of the National Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

ENVIRONMENT AGENCY - 24th November 2015

While we have no objections to the proposal the following comments apply.

- The poultry units been granted an appropriate IPPC Environmental Permit.
- The wash water from the cleaning of the poultry units will be classified as contaminated waste water and will need to be disposed of at a South West Water Treatment plant or via a site with an appropriately Environmental Permit.
- Waste wash water cannot legally be disposed of via at an On Farm Anaerobic Digester (AD) plant as set out within the application documents. On farm AD plants have specific waste acceptance criteria and waste wash water would be considered a non permitted waste.
- The biomass boiler would need to be fed with virgin / non waste materials. The use of any waste materials would require the biomass boiler to be appropriately regulated by either the Environment Agency or Local Authority depending upon the biomass boilers overall net thermal output.
- The proposed attenuation pond would need to be appropriately sized to manage the expected volume of surface water from the site buildings and the free range chicken areas so as to minimise any environmental impact from the proposed development. Appropriate determinate levels will need to be agreed and complied with regards the discharge from the pond.
- The application mentions digestate being dried as a fertilizer in fibre or pelleted form but doesn't mention how or where this digestate will be sourced. In addition this proposed activity is currently not legally permissible. Should the regulatory regime change the activity would require an appropriate Environmental Permit.
- Can the applicant please provide details with regards the disposal of the chicken litter stating where this material will be disposed at together with confirmation the proposed receiving site has sufficient capacity to accept the material and stay within the conditions of its Environmental Permit.

25th November 2015

No comment

HISTORIC ENGLAND - 15th December 2015

We have received amended proposals for the above scheme. We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

We thank you for forwarding the additional assessment promptly provided by Cotswold Archaeology at our request. We can confirm that the additional information is as required and addresses the issues raised. We can further confirm that following a site visit we would concur with the conclusions included in the assessment.

In summary, we believe that there will be a degree of harm to the setting of the scheduled barrows on Witheridge Moor, however, the level of harm will be minor and at most would constitute 'less than substantial harm'. As such Historic England have no further observations or objections to the application.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

SOUTH WEST WATER - 6th November 2015

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Please find enclosed a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

REPRESENTATIONS

15 representations received, objecting on the following grounds:

- Chicken litter and dead chickens contain pathogens including botulinum which could be spread over a large area of agricultural land posing a bio-security hazard
- A generic format has been used in preparing the supporting documentation resulting in numerous errors and much of the information supplied is incorrect, misleading or inadequate
- Facts are contradictory - the ES states that poultry litter will be processed on site by the existing AD plant with digestate used as fertiliser in dried pellet form. Edgeworthy has no permission for a drier or pelletiser and the Menchine application is still pending.
- This application should be considered together with those at Menchine and Gibbett Moor.
- The Environmental Statement confirms feedstock will be delivered in articulated lorries at 16.5 metres long in 10 loads per cycle (2 loads per week). There is no reference to the tonnage required such that the figures can be quantified or where they travel from.
- No indication of how much litter will be produced by the end of each flock cycle or how it will be transported; therefore the transport movements cannot be accurately calculated.
- Cannot confirm how many journeys will be generated by contractual cleaners and there is no indication of how much or where the dirty water will go.
- No mention as to how much wood shaving for bedding will be required and how many journeys this will generate.
- No reference is made as to how much wood chip or similar product will be required to power a 350kW plant or where and how far it will have to be transported.
- The calculation of site construction journeys specified in the Environmental Statement is questionable - research indicates at least 80 journeys to provide the concrete for the shed floors alone.
- There is no pavement and no verges to escape to on the B3137 through Nomansland, and the road is unusable by pedestrians, cyclists or horse riders because of the size of vehicles on the roads.
- The disposal of waste is a key issue and this should be discussed with the Environment Agency before any decisions are made.
- Highways consultation highlights serious concerns held by local inhabitants regarding the junction of the unclassified road onto the B3137 and there have been numerous accidents on this corner.
- The unclassified road is used by locals as a circular walk around Nomansland but has been decimated by agricultural vehicles from Edgeworthy to the Corner Cross end.
- The road is not suitable to accommodate the volume of traffic.

- Free range poultry units will be likely to result in pollution by run off from waste into the watercourse on the edge of the site.
- The concerns of Mid Devon District Council Environmental Health are shared.
- Edgeworthy already has two wind turbines, outbuildings, an AD plant and PV panels the site will be visible from the B3137.
- It is hypocritical that the application states there is a pressing requirement to increase food production within the UK yet Greener for Life are promoting AD plants using 20% maize grown for energy crop and not food production.
- The necessary criteria under the Adopted Mid Devon Local Plan policies DM5 DM7 DM22 are not fulfilled.
- Nomansland does not have a settlement boundary and as a truly rural area it is dependent on its natural beauty to attract visitors to the local pub and holiday accommodation. There is no justification for the harm to the countryside and this proposal does not constitute farm diversification.
- The cumulative impact of applications for poultry units surrounding the local community is unacceptable.
- The only practical access route to the application site is from the B3137 via the unclassified road.
- The roads cannot take heavy vehicles or large tractor and trailer loads required to service both the approved digester and the proposed chicken houses.
- South West Water is concerned about the proximity of the site and its facilities to a water main.
- The Historic Environment Officer is concerned about the potential for the development to expose and destroy archaeological and artefactual deposits.
- Concerns from Environmental Health over cumulative impacts
- Concern that the Environment Agency have recently dealt with pollution incidents on this farm and Menchine involving the Dalch and Dart rivers
- The West Country Free Range Farmers' Co-operative has no affiliation with Greener for Life or the individual parties involved.
- The unclassified road has pot holes and the road is falling away
- Not all drivers will stick to a proposed route to Menchine
- Can another AD be expected in the future due to too much chicken waste?
- There is excessive mud on the unclassified road towards the site
- Lorries and tractors are so large now they take up the whole width of the surrounding lanes and on the B3137 they have to travel along the middle of the road otherwise they damage the hedges and verges.
- Pedestrians are in fear walking the B3137 as there is no footpath or street light.
- The 56 day cycle for bird rearing is incorrect - EU regulations state that free range meat birds must live for at least 56 days
- RSPCA Freedom Food guidelines quote a stocking rate of 1000 birds per hectare - the application is for a field of 5.4 hectares allowing for 54,000 birds, however the application is for 60,000 birds.
- Concern regarding the amount of traffic generated, given the transportation of chicks from the hatchery at Kentisbeare and taking birds to slaughter in Willand.
- The Planning History omits application number 11/00472/FULL which granted permission for a 571 KWp photovoltaic scheme on the farm.
- There is a significant cumulative effect from what seems to be an unending list of planning applications within a very small area of countryside, feeding into Mid-Devon Planning, with no attempt to highlight the cumulative increase.
- On an individual basis the increase in vehicle movements is claimed to be insignificant, however when looked at cumulatively, it is very clear that the impact of the increase in traffic on the local community through multiple new forms of development will be intolerable.
- Honeysuckle Cottage has been listed as a sensitive receptor to traffic on B3137 and it has already had to repair damage from vibration of large HGVs and trailers on one of our outbuildings.
- Neighbours to the north will be affected by noise, dust and odour associated with the clean-out process.
- There is a risk of harm to the Culm Grassland SSSI nearby.
- In respect of the proposed staggering of clean out days, this will result in an exacerbated cumulative effect from odour and dust at each of the sites (Edgeworthy, Gibbet Moor and Menchine).
- If the weather situation is a large anticyclone over a long period with increasing stagnant air under a lowering temperature inversion, both the odour and dust from the clean outs will sit in the lower levels of the atmosphere for days/weeks. It will not only affect one residential receptor, but will be

- widespread across the whole local area.
- In the absence of a cumulative traffic assessment the application should be refused.
- The plan (drawing number 11843-002REVC) is incorrect and does not show the approved layout of the AD plant drawing and does not show the two approved wind turbines.
- The Design and Access Statement and the Planning Statement fail to mention the AD plant under construction at Edgeworthy Farm and the two existing wind turbines.
- The Environmental Statement is incorrect in stating that the extent of assessing cumulative impact - Other existing or approved development may be relevant in determining whether significant effect are likely and the Local Planning Authority should always have regard to possible effects from existing or approved development.
- The cumulative impacts from the existing practices at Edgeworthy Farm have been ignored.
- The LVIA fails to mention the two 27 metre tall turbines approximately 200m from the application site.
- The proposed development would more than double the industrialised area of the Edgeworthy site.
- A site near Willand would be the logical location for the poultry sheds and would be convenient for the disposal of the chicken litter at the AD plant closer to Willand.
- The application must be considered in light of: the existing Menchine Farm AD plant, the proposed Increase in output of the Menchine Farm AD plant, the proposed pelletiser at the Menchine farm AD plant, the existing chicken sheds at Menchine Farm, the proposed chicken sheds at Menchine Farm, the Edgeworthy AD plant which is under construction, and the proposed chicken sheds at Gibbet Moor.

Councillor Mrs J Binks (one of the Ward Members) has submitted the following comments

- I am opposed to the application in respect of Chicken sheds at Edgeworthy Farm in the adjacent ward of Cruwys Morchard because of the cumulative impact on the environment, transport and odours resulting from it and the detrimental effect on other local businesses, like tourism and hospitality.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Relevant Policies**
- 2. Policy in context**
- 3. Design**
- 4. Impact on amenity of local residents (traffic, noise, odour)**
- 5. Landscape and Visual Impact**
- 6. Environmental Impact**
- 7. Highways**
- 8. Waste water and Surface Water Drainage**
- 9. Other matters**

1. Relevant Policies

The key policy used to determine the application is policy DM22 (Agricultural development) of the Local Plan Part 3 (Development Management Policies). This states that agricultural development will be permitted where:

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network.

Relevant assessment of the policy is given under Sections 2, 4, 5 and 6 of the report.

Policy DM20 (Rural employment development) is also relevant. This states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals

must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

The assessment of this policy is made under Sections 2, 4, 5 and 6 of the report.

Policy DM30 (Other protected sites) considers the impact of development proposals likely to have an individual or cumulative adverse impact on important sites including Sites of Special Scientific Interest (SSSI) Ancient Woodland and Special Areas of Conservation. There are no sites in Mid Devon that are designated at European level for wildlife protection or special conservation, however the proposed development is within 7km of the Culm Grasslands Special Area of Conservation (SAC) and Hare's Down, Knowstone and Rackenford Moors SSSI. Policy DM30 states that planning permission will only be granted where:

- a) The benefits of and need for the development clearly outweigh the direct and indirect impact of the protected site and the ecosystem it provides;
- b) The development could not be located in an alternative, less harmful location
- c) Appropriate mitigation measures have been put in place.

The relevant assessment is set out under Section 5 of this report.

Policy COR2 of the Core Strategy 2007 requires development proposals to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality design and preservation of the distinctive qualities of the natural landscape. Design is also measured under policy DM2 of the Local Plan Part 3 (Development Management Policies).

Policy COR4 (Meeting Employment Needs) seeks measures to diversify the agricultural and rural economy in ways which protect countryside character. The policy recognises that employment development should be distributed across towns, villages and the countryside to support a strong and sustainable rural economy.

Policy COR5 (Climate Change) seeks measures to minimise the impact of development on climate change in order to contribute towards national and regional targets for the reduction of greenhouse gas emissions. Such measures should include the development of renewable energy capacity where there is an acceptable local impact including visual, and on nearby residents and wildlife.

Policy COR9 (Access) of the Core Strategy 2007 seeks to manage travel demand from development and reduce air pollution whilst enhancing road safety. Significant development must be accompanied by Transport plans.

Policy COR18 (Countryside) of the Core Strategy 2007 seeks to control development outside of settlement limits in order to protect the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy but is permissive of agricultural buildings in principle.

2. Policy in context

The National Planning Policy Framework (NPPF) affirms three dimensions to the principle of sustainable development: economic, social and environmental. Part 3 of the Framework seeks to support a prosperous rural economy through the expansion and diversification of all types of rural business. The NPPF applies a presumption in favour of rural development subject to compliance with local planning policies.

The proposed development is said to be reasonably necessary to address a growing demand for free range chicken in a fast growing UK market. It is argued that the development proposal satisfies this need by seeking to develop a sustainable food chain and forms part of a wider strategic partnership between Greener for Life and 2 Sisters in Willand. The application draws on research by the British Poultry Council, which states on average, each job in the poultry meat industry contributes £41,000 in gross value added to the UK GDP.

An economic gain is secured through income diversification to the farming enterprise and the development is argued to safeguard the existing employment at the farm and generate one additional full time

employment position. In addition the development will generate additional contractual employment during cleanout times. It will also support further employment within the associated industries within the poultry industry including the processing plant, hatchery, suppliers, contractors and skilled labourers.

Environmental gains will be secured through carbon reduction and local biodiversity enhancements including extensive planting around the buildings in order to secure a suitable range for the poultry. The proposed boiler unit providing the heating for the poultry sheds would also be heated by biomass, providing carbon displacements in comparison to traditional poultry sheds boilers. The poultry litter will be processed off-site but nearby at the existing Menchine AD plant and this satisfies a principle for close proximity with regards to the management of waste. The dried digestate would be usable as a fertilizer in fibre or pelleted forms subject to a license being granted.

Overall, it is considered that there is a justified need for the expansion of the farming activity, which would in turn also support the activity on the adjacent holding at Menchine. The proposed development is considered to comply with part a) of DM22 and the generation of employment on the site would receive policy support under DM20 of the Local Plan Part 3 and COR4 of the Mid Devon Core Strategy (Local Plan 1). The proposed development would also contribute to the function of the Menchine AD plant and receive underlying support under policies COR5 and DM5.

The Authority has received a letter of objection questioning why the sheds need to be located at Edgeworthy Farm and why they could not be situated closer to the processing plant in Willand. The LPA considers that it would be unreasonable to require the applicant to justify the siting of these sheds on land away from the main holding, particularly where it is demonstrated that transport, visual and environmental impacts are found to be acceptable. The supporting statement argues that the field is ideally suited because it is close to the main Edgeworthy site and is already well screened from wider views. The proposal can be said to comply with part c) of policy DM20.

3. Design

The development would utilise almost the entire agricultural field. Whilst the design of the structures is utilitarian, it is considered to be appropriate for the intended use of poultry rearing, and ridge heights have been purposefully reduced in order to minimise the visual impact from the immediate setting. The development of the site is considered to comply with COR2 and COR18 of the Core Strategy 2007, DM2 and DM22 of the Local Plan Part 3 (Development Management Policies). The development also includes Sustainable drainage scheme which has been subject to consultation with Devon County Council. This applies further support under policy DM2.

The provision of an onsite biomass heating system in a small housing unit within the site does not result in harm to the rural character of the area and would comply with policies COR2 and COR5 of the Core Strategy 2007, and DM2 and DM5 of the Local Plan Part 3 (Development Management Policies).

4. Impact on amenity of local residents (traffic, noise, odour)

The main issues for consideration are the potential impacts arising from traffic movements between Edgeworthy and Menchine, the noise associated with vehicle movements and the construction/operation of the site, and potential nuisance from odour associated with the poultry units and water storage tanks. The Local Planning Authority has consulted Environmental Health in the determination of the application. It is recognised that traffic, noise and odour are major areas of concern for local residents and Parish Councils.

In relation to traffic movements, the operational AD plant at Menchine Farm currently imports poultry litter from other poultry producers further from the site. Supporting information confirms that the proposals at Menchine Farm and Edgeworthy and Gibbet Moor would remove 100 annual average transport movements from the road network. This would have a beneficial impact on air quality and any fugitive odours.

The closest residential property is 362 metres away and Environmental Health therefore requested further information on the ventilation system to be installed detailing the sound power level. The poultry sheds are stated to be mechanically ventilated in the Design and Access Statement although later written response from the agent contradicts this. The EH officer assessed the proposal on the basis that the building would be

mechanically ventilated. This applies a worst case scenario regarding the potential noise generated through the process. The further information satisfies the EH Officer that the development would be acceptable.

The applicant has also submitted further details on the individual and cumulative impacts of each development. This addresses the potential impact on the nearest neighbouring residents and those in Nomansland on the proposed route. There is the potential for impacts on neighbours arising from noise and odour during the rearing process, when cleaning the sheds at the end of each cycle and during the transporting chicken litter to Menchine AD. The applicant's consultant has advised:

Following a review of the proposed locations of the poultry farm planning application sites and the location of existing residential receptors (including farmhouses), there are no receptors within proximity to more than one of the planning application sites and therefore the operation of the poultry farms are unlikely to result in any cumulative odour impacts. The clean out days will be staggered to allow a more even feed of litter into the AD plant. Clean out would only happen 5 or 6 times a year. Given the distance between the sites and the staggering of the fill days there will be no cumulative effect during the clean out days.

Regarding odours from the transport of the poultry litter, the consultant has advised:

In terms of fugitive odours from the transport of poultry litter to the existing AD unit at Menchine Farm and from the operation of the AD unit there have been no complaints to date relating to odours from vehicles or from the operational AD plant, which has been operating for a year. Additionally the AD unit at Menchine Farm currently operates by importing the majority of its set requirement of poultry litter feedstock from off-site producers via road, the increase in operations at Menchine Farm would result in an additional 1,000 tonnes of poultry litter being produced on-site. Based on the information set out in the AD planning application (14/01915/FULL & 14/00515/MFUL) the increase of operations at Menchine Farm and the use of litter from Edgeworthy and Gibbet Moor Farms would result in a decrease of 100 annual average transport movements. As per the existing situation, all loads being transported to the AD plant would be sheeted. Given that current operation of the AD unit has not resulted in any odour complaints and that the number of vehicles importing poultry litter to the AD unit would decrease, it is considered there would be no cumulative impact but there is the potential for a beneficial impact.

In relation to cumulative impact from the transport movements at Edgeworthy, Menchine and Gibbet Moor, the Constant has confirmed the operational AD plant at Menchine Farm currently imports poultry litter from other poultry producers located off-site. The proposals at Menchine Farm and Edgeworthy and Gibbet Moor would remove 100 annual average transport movements from the road network. This would have a beneficial impact on air quality and any fugitive odours.

On further review of this information the Environmental Health Officer has confirmed he is satisfied with the information provided by the applicants response to the questions raised over the cumulative effects all three planning applications. It is highlighted in this response that there will not be an increase in the transportation of chicken litter and it is only the source of this chicken litter that would change from the existing arrangement. The Environmental Health Officer considers that with the more local sourcing of chicken litter there should be a reduction in the amount of transport movements per year resulting from the expansion of Menchine Farm having to import less chicken litter from other sites further away.

The site operation would be subject to monitoring for possible issues arising from noise and odour and the site would be subject to an Environmental Agency environmental permit to control impacts on the wider area. It is considered that the proposed development would receive support under policies DM2, DM6, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).

5. Landscape and Visual Impact

The development site comprises an agricultural field used for grazing. The development site lies outside of any statutory or non-statutory/local landscape designations and comprises grade 3 common grazing land. The site is within the farmed lowland and moorland of the Culm grassland character type.

The supporting statement and Environmental Statement (ES) describe a slight east-west aligned ridge across the middle of the field, though this is only approximately 1 metre different from the general fall of the land. The western part of the northern boundary is formed by deciduous tree species of approximately 16

metres in height. The central section of the boundary is formed by a tall hedgerow of around 9 metres, and the eastern end is formed by lower bramble, ash saplings and nettles. The eastern part of the southern boundary is formed by a tree belt of native species to approximately 8 metres in height. The central and western parts of this boundary are more open, being made up of groups of native trees ranging from 8 to 17 metres tall.

The southern part of the western boundary is formed by more tree belts and tree groups, these being of native species to approximately 17 metres in height. The northern section of this boundary is formed by a native hedgerow of around 3 metres tall. A publicly accessible farm track lies to the west of this boundary, and beyond this are two further sections of tree belt, these being 15-17 metres tall. The ES considers the impact on the landscape from the construction phase as well as in operation. The report identifies that the landscape is of a medium sensitivity to development although there would be a negligible effect because no trees or sections of hedgerow are proposed for removal or likely to be affected by the construction of the sheds or associated works.

Visits to the site have identified that long to medium range views of the application site are very limited. It was possible to see part of the field when passing the junction onto the B3137 although views are interrupted by the undulating topography of the land and multiple field boundaries of trees and hedgerow. Your Officer considers that the visual impact arising from the development is closely associated with short range views and of a lesser impact upon the wider landscape character.

The proposed development has been considered in accumulation with other development at Edgeworthy including existing farm building and Anaerobic Digester (13/01170/FULL) approximately 50 metres to the west, and two wind turbines granted (11/01955/FULL) 330 metres to the west. An objector has highlighted that the Landscape and Visual Impact Assessment (LVIA) fails to mention the cumulative effect of the development with the AD and wind turbines and that there would be a detrimental cumulative effect arising from the development of the sheds.

Your Officers have had regard to these other features, as well as the cumulative impact with the main buildings within the Edgeworthy farmstead. It should be noted that the Officer Report and Appeal decision for the AD plant (13/01170/FULL) did not identify an unacceptable level of visual harm. The AD has been constructed and can only be seen from the approach to the farm on the unclassified access road off the B3137. Planning permission for the two wind turbines was granted under delegated authority (11/01955/FULL). Your Officers considered the visual impact upon the character and appearance of the surrounding landscape and concluded under this earlier application that the turbines would be visible and would change the nature of the immediate surroundings, albeit the impact would be generally short range and the cumulative effect from further distances would be negligible.

The proposed poultry sheds are not considered to affect long range views and there is no unobstructed line of sight between the turbines and the application site. The poultry sheds and other development are not considered overly tall, and therefore the cumulative impact with other development is deemed to be minimal.

There are no public rights of way running through the site and the nearest public rights of way are the Puddington Footpath 12 (approximately 1.7 km south-west of the site), Thelbridge Footpath 10 (approximately 2.5 km south-west) and Felbridge Footpath 11 (approximately 1.9 km to the west of the Application Site). Templeton Footpath 2 is approximately 1.5 km to the east-north-east of the site and runs from Templeton Lane to Colston Barton and then onto Templeton. It can be concluded that views toward and from the application site are generally restricted. It is possible to see the site from a limited number of positions, namely from the B3137 and Cornermoor Cross unclassified road, although the site is not considered to be in plain sight.

Whilst the development would be visible from short to medium range views within the local landscape, it is not considered that the visual harm, both individually and cumulatively with other development would result in unacceptable harm to the character and appearance of the rural setting nor to warrant the refusal of this application. The application is considered to be in accordance with policies COR2 of the Core Strategy 2007, DM2, DM6 and DM22 of the Local Plan Part 3 (Development Management Policies) in this respect.

6. Environmental Impact

An Environmental Impact Assessment screening request was submitted to the Local Planning Authority 2nd June 2015, and a screening opinion was issued on 23rd June 2015. This determined the development would fall under Schedule 2 of the Environmental Impact Assessment Regulations 2015, because the proposed development would amount to an intensive installation rearing 60,000 broilers. The main environmental impacts likely to arise from the proposed development were identified to be from airborne emissions and from the production of waste in the form of poultry manure and dirty water. It was noted that this could impact nearby occupants but also the Culm Grassland SAC, and the Haresdown Knowestone and Rackenford Moor SSSI.

When assessing impacts upon the natural environment and habitats, Natural England guidance states that where the effects of development cannot be excluded, an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out. The developer has submitted an ammonia screening report in conjunction with the Environmental Statement, which considers the likelihood of significant environmental impacts.

Mid Devon District Council is the competent authority under the Habitats Regulations 2010, to determine the potential impacts arising from development proposals on the environment including protected sites. The Authority must determine whether the development would be likely to have significant effects. Natural England originally objected to the proposal on the basis of inadequate information had been provided to determine whether the impacts arising from the development would be likely to have a significant effect on sites. Further to the submission of additional information, Natural England has confirmed that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. Having regard to the pre-application Environment Agency Ammonia screening response, the Local Planning Authority considers that sufficient information has been provided to determine the likely effects upon the Culm SAC and SSSI sites in the area. It is considered that there are sufficient measures set out within the ES to conclude that the development (in construction and operation) would have an acceptable environmental impact without significant harm to the local setting or to protected sites.

It is also concluded that the benefits arising from the development would outweigh the direct and indirect impact of the Culm Grassland SAC and SSSI designations, that the development could not be reasonably located in an alternative, less harmful location and appropriate mitigation measures are proposed to make the development acceptable, in accordance with COR2 of the Core Strategy 2000 and policy DM30 of the Local Plan Part 3 (Development Management Policies).

An Ecology Survey written by Clarkson and Woods has been submitted as part of the ES. The survey identified that the majority of the site comprised improved grassland of low ecological value. The most valuable features of the site are the hedgerows and trees bordering the site. There is also a wet ditch adjacent to the southern boundary with potential to support water vole and commuting otters. The report sets out mitigation measures for the protection of trees and hedgerows including a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP). Ecological enhancement measures are also proposed to improve the site's biodiversity.

The development will be subject to a permit under the Environmental Permitting Regulations 2010 which requires the rearing of more than 40,000 birds as intensive farming. The permit is administered by the Environment Agency. An application for a permit has been submitted alongside the application for planning permission.

7. Highways

It is clear that the proposed development will generate additional trips on the highway network. The level and impact of these additional vehicle movements is a major concern of a number of local residents who have submitted representations. In particular, the concerns relate to the increase in movements of HGVs travelling between Edgeworthy and Menchine with chicken litter. It has also been commented that the unclassified lane would be undermined by the increase HGV movements and that point of access onto the B3137 is inadequate.

Paragraph 32 of the National Planning Policy Framework relates to development likely to generate significant amount of traffic movement and requires a Transport Statement or Transport Assessment to be submitted. This should take into account whether improvements can be undertaken within the transport network that could effectively limit the significant impacts of the development. This goes on to state that: Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Local Planning Authority has consulted Highways Authority on this application and initially recommended refusal of the application on grounds of insufficient information to demonstrate that the impact on amenity of local residents arising from the increase would be acceptable. Further information was requested modelling the B3137 junction and improvements to this access onto the highway.

The applicants have submitted an assessment of traffic impacts within the Environmental Statement (ES) and Construction Management Plan. This is further supported by a Technical Note submitted by Transport Planning Associates on 17th December 2015. The cumulative effects of the development have been considered in conjunction with the proposed development at Menchine Farm and Gibbet Moor Farm. The applicant has assessed the movements associated with the existing poultry sheds at Menchine Farm, the proposed poultry sheds at Edgeworthy and also the transferral of poultry litter from Edgeworthy and Gibbet Moor to Menchine.

The Technical Note addendum to the ES concludes that the cumulative traffic impact will be negligible in terms of total traffic and minor in terms of HGV traffic and that the impact on pedestrian amenity (including fear and intimidation) will be negligible. There is sufficient hard surfacing indicated for the parking of vehicles including HGVs using the site to comply with policy DM8 of the Local Plan Part 3 (Development Management Policies).

It is recognised that the development of three separate sites close to Nomansland gives rise to local concern over transport impacts, however the application is considered to demonstrate that highways impacts from the construction and operation of the site would be acceptable and the impact would be less than severe in the context of Paragraph 32 of the NPPF. The proposal is considered to be in accordance with policies COR9 of the Core Strategy 2007, policy DM8 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (notably Paragraph 32).

8. Waste Water and Surface Water Drainage

A number of objectors have questioned the arrangements for managing surface run off and potential impact on polluting nearby streams and wet ditches. The Environment Agency and Devon County Council Lead Flood Authority have both been consulted prior to the determination of the application.

It is confirmed that the waste water generated from the cleaning of the sheds will be stored in underground tanks and will therefore not present an issue with dirty water polluting watercourses. Surface water is proposed to be managed through the attenuation pond at the southern end of the site.

Rainwater harvesting is not proposed due to issues of biosecurity. Instead the run off from the roofs of each shed will be piped to discharge into the attenuation pond which is outside of the chicken roaming area. From the pond the water is conveyed by a swale to the watercourse. The Devon County Council Lead Flood Authority Officer has confirmed that drainage details are acceptable, but has requested that a planning condition should be imposed which requires a final detailed drainage scheme to be submitted to the Local Planning Authority before any work is undertaken.

The provision of surface water drainage system and the waste water catchment tanks is considered to be acceptable under policy COR2 and DM2, and will mitigate risk of pollution into the watercourse, in accordance with DM7 of the Local Plan Part 3 (Development Management Policies).

9. Other matters

Devon County Highways has asked the Local Planning Authority to consider if there are variations in the AD scheme at Edgeworthy which would negate the need to take waste to Menchine. At this stage the Local Planning Authority is unable to confirm if there are any proposed changes in the processes undertaken at

the Edgeworthy AD, although it is acknowledged that the processing of chicken litter at this plant would further reduce associated vehicle movements.

Devon County Council Historic Environment Service have commented on the application and advised that a full written scheme of archaeological investigation be carried out prior to the commencement of development on the site. This is covered by condition upon the grant of consent.

Historic England has advised that the application has the potential to harm the setting of four scheduled bowl barrows on Witheridge Moor and a bowl barrow 175m west of Elworthy Cross. The barrows survive on open moorland and as such are more susceptible to change within their setting. They derive significance from the information embodied in their fabric, as well as their place in their historic landscape, their 'setting'. Paragraph 128 of the NPPF requires applications to be accompanied by adequate assessment and the application includes an Historic Assessment and addendum further setting out the significance of these barrows and the possible impacts. Historic England has agreed with the conclusions included in the assessment.

In summary, Historic England believe that there will be a degree of harm to the setting of the scheduled barrows on Witheridge Moor, however, the level of harm will be considered to be minor and at most would constitute 'less than substantial harm' because of the distance between the sites. The Local Planning Authority considered that there would be sufficient public benefit as discussed in section 2 of this report to outweigh the very minor harm caused. The proposal is not deemed to conflict with policies COR2 of the Core Strategy 2007 or DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

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 be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved development area plan shall, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained.
4. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS approved shall thereafter be managed in accordance with the agreed details.
5. The poultry sheds shall not be brought into use before the improvements to the junction onto the B3171 have been implemented in accordance with drawings 1507-53 FIGURE 2.2 REV B, Entrance 23, and Swept Path Analysis 1507-53 SP02 REV B and TPA Technical Note 2 - Response to Highway officers Comments, Received 17th December 2015, to be agreed in writing by Devon County Council.
6. No development shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Management Plan at all times during the construction phase of the development.
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted by the applicant and approved in writing by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

8. There shall be no outdoor storage of any waste materials generated by the development hereby approved, either on the application site and/or on any other land controlled by the applicant.
9. Prior to its first use on the building, details/samples of the proposed material indicating colour and finish to be used on all external roof surfaces across the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority. The approved material shall be so used and retained thereafter.
10. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, detailed drawings confirming the existing site levels, proposed finished floor levels for the buildings, and the proposed datum levels across the site. The development shall be completed in accordance the approved details thereafter.
11. The construction phase of development shall be carried out strictly in accordance with the submitted Construction Traffic Management Plan (CTMP) written by TPA dates September 2015 at Appendix 7.2. The CTMP shall be adhered to at all times.
12. The development shall be carried out at all times in accordance with the recommendations for mitigation and enhancement specified in Section 7 of the Clarkson and Woods Ecological Survey Report dated September 2015 and received by the Local Planning Authority on 6th October 2015.

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 appropriate measures are taken to manage surface water in accordance with Policies DM2, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).
4. To ensure appropriate management of surface water in accordance with Policies DM2, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).
5. To ensure an appropriate access to and from the site for use by heavy goods vehicles, in accordance with Policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1), DM6 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
6. To ensure the development will not result in unacceptable harm to the amenities of the area, trees hedges, watercourses or wildlife in accordance with Policies DM4, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Paragraph 141 of the National Planning Policy Framework (2012).
8. To ensure appropriate management of waste resulting from the development in order to protect the local environment and prevent harm to the amenities of local residents.
9. To ensure an appropriate material which would not draw undue attention to the site in accordance with policies COR2 of the Core Strategy 2007, DM2 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
10. To ensure appropriate levels are in place without harm to the rural setting in accordance with COR2 of the Core Strategy 2007, and DM2 of the Local Plan Part 3 (Development Management Policies).

11. To ensure appropriate measures for the management of vehicle movements during the construction of the development hereby approved.
12. To ensure appropriate measures and mitigation are carried out to avoid undue harm to protected species.

INFORMATIVE NOTE

1. 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.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development comprising 5 poultry sheds, attenuation pond and associated development is considered to be without significant detrimental impacts upon the living conditions of local residents arising from odour and additional vehicle movements from Edgeworthy to Menchine. The application provides sufficient information to determine the environmental impact upon the local setting as well as the Culm SAC and designated SSSI sites. It is concluded that whilst the development will result in some minor visual impact, this is not considered to be to the detriment of the wider landscape character, because there are only short and medium range views across this part of the countryside without the disturbance of prominent views from public vantage points, bridleways and the public highway. Furthermore the cumulative visual impact of the development in association with the existing farm buildings, Anaerobic Digester and Wind turbines is found to amount to minimal harm. Cumulative impacts arising from vehicle movements, noise and odour, in conjunction with development of existing and poultry sites at Menchine Farm and Gibbet Moor Farm are not considered to be substantial or to warrant refusal of the application. The application is considered to comply with Policies COR1, COR2, COR5, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM3, DM4, DM5, DM6, DM7, DM8, DM22 and DM30 of the Local Plan Part 3 (Development Management Policies).

Mrs Jenny Clifford
Head of Planning and Regeneration

