

Application No. 15/01034/MFUL

Plans List No.

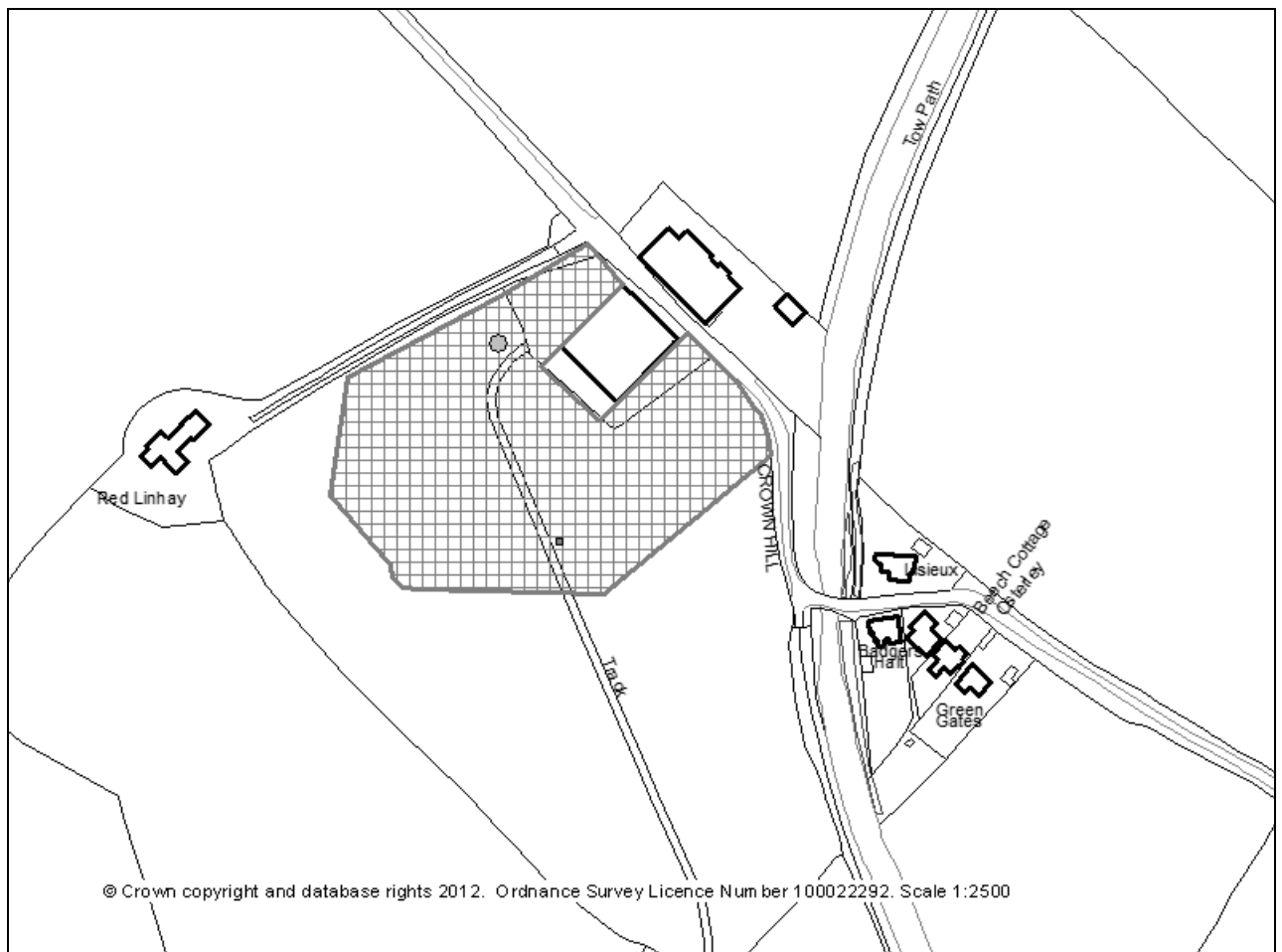
Grid Ref: 299621 : 112764

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 of 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.

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.

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.

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

NATURAL ENGLAND

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).

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.

4th September 2015 - No comments

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 MDDC.

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 AD 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 be 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 procedures 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 Phase1 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 more 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 applicant's 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 vehicles

All 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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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.