

**Application No. 15/00573/FULL**

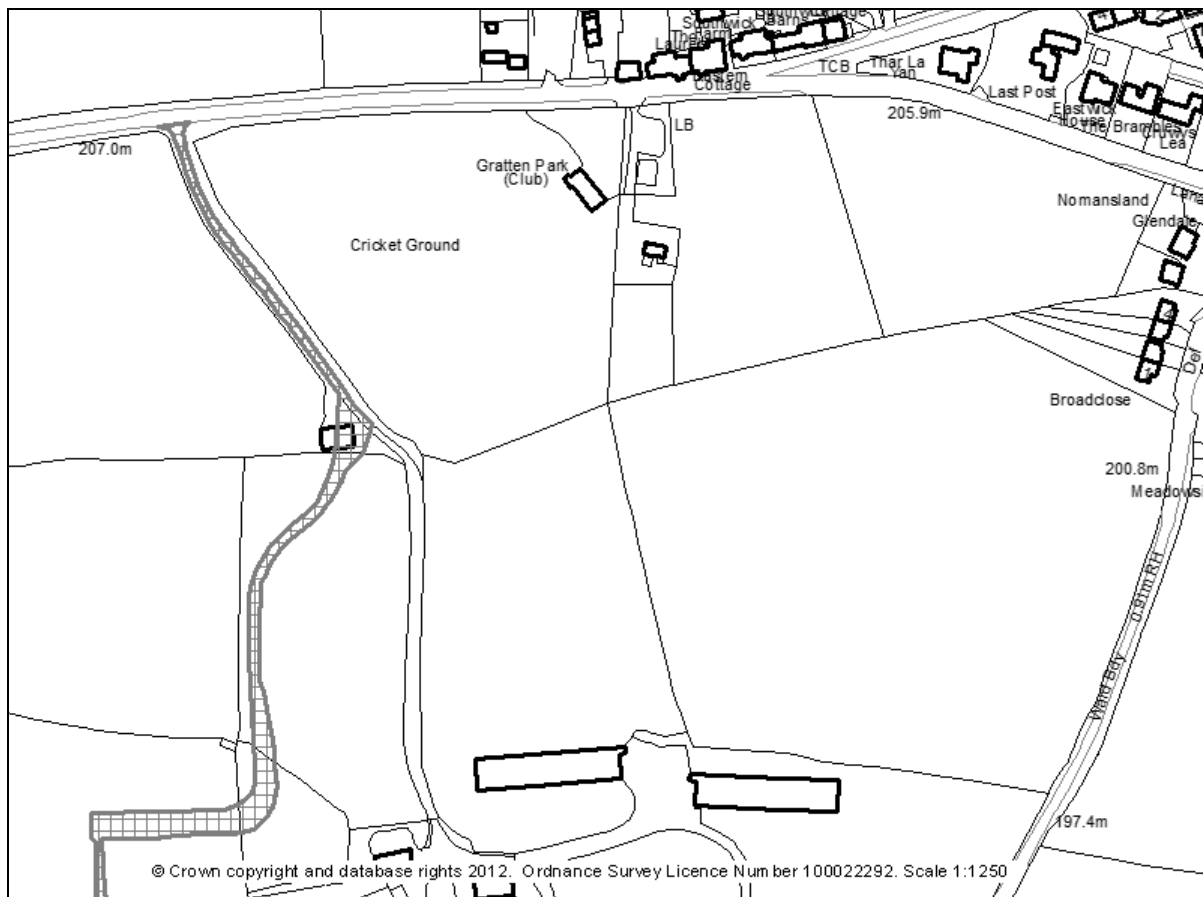
**Grid Ref:** 113579 : 283096

**Applicant:** Mr S Cole

**Location:** Land at NGR 283096  
113579 (Menchine  
Farm) Nomansland  
Devon

**Proposal:** Erection of new  
building for  
processing digestate  
fibre in association  
with existing AD plant

**Date Valid:** 24th April 2015



**REPORT OF THE HEAD OF PLANNING AND REGENERATION – MRS JENNY CLIFFORD**

**15/00573/FULL - ERECTION OF NEW BUILDING FOR PROCESSING DIGESTATE FIBRE IN ASSOCIATION WITH EXISTING AD PLANT - LAND AT NGR 283096 113579 (MENCHINE FARM) NOMANSLAND DEVON**

**Background and Reason for Report:**

On the 29<sup>th</sup> July 2015 the Planning Committee considered a report setting out the officer recommendation for the application as referred above, a copy of which is attached as appendix A.

As stated in the report the recommendation at that time was to grant planning permission subject to various conditions. Following their consideration of the report, the Committee resolved to defer from making a decision until the outstanding planning appeal at Menchine Farm with regards to the AD plant capacity had been completed (LPA ref: 14/01915/FULL).

The appeal was with regards to the terms of operations of the AD plant at Menchine Farm which is restricted to an output level of 500Kw under LPA ref: 14/00575/MFUL. The appeal has now been completed and dismissed. A summary of the main considerations of the appeal case are set out in the main body of this report.

**The reason for this report is to set out a recommendation for the application scheme following the completion of the appeal process and having considered the scope of the conclusions drawn by the Inspector that are relevant to the consideration of this particular application.**

**This report concentrates on updated information since the previous assessment of this application. It should be considered in conjunction with the context of the previous reports at Appendix A which sets out among other things consultation responses and representations received.**

**RECOMMENDATION**

**Your officer's recommendation remains for approval but subject to conditions which have been amended since the report presented to the Planning Committee on the 29th July 2015 was completed (Appendix A).**

**Relationship to Corporate Plan:**

The emerging Corporate Plan sets out four priorities including the economy, community and the environment, upon which this application has a bearing.

## **Financial Implications:**

**None**

## **Legal Implications:**

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision making is therefore the policies within the development plan. Members will need to weigh the impacts of the scheme against the benefits of the proposal.

## **Risk Assessment:**

If the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour. Expert advice may be needed to support any reasons for refusal.

### **1.0 The Original Officer Report (Appendix A)**

- 1.1 The report as attached sets out the description of development and the relevant development policies against which to assess the application scheme, and there have been no changes to the scheme of development since that report was drafted and considered by the Committee members at their earlier meeting.
- 1.2 In terms of the outcome of the appeal a summary of the relevant considerations which are relevant to the determination of this application are set out below.
- 1.3 As background, planning permission was granted for the AD plant to operate from the site at Menchine Farm back in 2013 (12/01659/MFUL), when an appeal to the Secretary of State was positively determined and more recently under a revised scheme (14/00575/MFUL). Permission was granted on the basis that the plant would operate using some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage as the feedstock. This was all to be transported from within a 6km radius of Menchine Farm and would allow an output of up to 500kW using a single combined heat and power unit (CHP).
- 1.4 A subsequent application to remove the operating restriction and allow 1,000kw installed capacity was applied for in November 2014, and it was appealed by the applicant following 13 weeks on the basis of non-determination. The effect of this change to increase installed capacity would have been to increase the traffic movements associated with the operation, and had the application remained under the jurisdiction of the Local Planning Authority it would have been refused for the following reason:

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

## DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies)

- 1.5 In determining not to grant planning permission the Inspector reached the following conclusions:

'13. The appellant's main argument is that the use of larger load sizes would enable the larger output to be achieved without significant additional traffic movements over and above those considered in the 2013 appeal, notwithstanding that no consideration is given to the local amenity impact of using larger load sizes. Regardless, the appropriate comparison, in my view is with the current operation, the true impact of which will not be evident until the required crop rotations enable the plant feedstock to be sourced from within the 6km radius zone. The 6km zone is also proposed to be used for the larger requirement, and the efficiency requirements required to keep the additional feedstock requirements to the projected 68.67% are no more than theoretical at this stage. Given that the larger load sizes are already in use, the addition feedstock requirement, and resultant digestate spreading, is likely to result in a proportionate increase in traffic movements on the rural lanes throughout the 6km zone. Failure to achieve the projected plant efficiency could result in up to a doubling of traffic by comparison with the current operation. Either scenario has the potential to significantly adversely affect local residential amenity in terms of noise and disturbance.

14. From the evidence before me I am not satisfied that I could reasonably conclude that no such harm would arise. As such, varying the condition as proposed would conflict with policies DM1, DM2, DM5 and DM7 of the Mid-Devon Local Plan Part 3 Development Management Policies (LP). LP Policy DM5 promotes renewable and low carbon energy, and the promotion of renewable energy projects and tackling the effects of climate change are key Government objectives. However, as LP Policy DM5 makes clear, adverse impacts must be satisfactorily addressed. In my view the appeal proposal does not adequately address the potential for harm to local amenity'.

- 1.6 The original officer report considered at the 29<sup>th</sup> July 2015 meeting set out 4 key determining factors for the application scheme. The following sections of this report review those considerations under the same headings. Consultation responses and representation are set out in the previous report and remain relevant to the consideration of this application. They have been taken into account in the writing of this updated report.

## **2.0 Policy**

- 2.1 There are no changes to the scope of the development plan policy framework relevant to the determination of the application since the original officer report on this application was prepared (refer to policy section of the report at Appendix A).

## **3.0 Impact on the landscape character and appearance of the area**

- 3.1 The height, scale, massing and appearance of the proposed shed have not changed and its location set below the main intake building and silage clamp and approximately 25.0 metres to the west of the slurry lagoon have not changed since this application was last considered. It is however relevant to note that since the since this application was first considered the Local Planning Authority has granted planning permission for a new chicken farm unit in the field area directly adjacent to the proposed siting of this processing building. (The current application)

- 3.2 As set out within the Appendix A report when officers set out their recommendation on this matter, it was a balanced conclusion in that that given the setting, and the proposed additional landscaping to be secured as a conditional requirement, it was not felt there would be a robust case to refuse the permission for the processing building on landscape character and visual amenity grounds.
- 3.3 The additional buildings and hard surfacing area that will be delivered as part of the new chicken farm will add to the proliferation of buildings and development across this part of the landscape. In terms of reviewing the impact of the processing building on the visual amenities and landscape character, given that it will be viewed as sitting below the ridgeline height of the surrounding buildings the case to refuse on grounds of visual impact and landscape character alone is not strong.
- 3.4 However if members do not consider that sufficient information has been submitted to justify the need for the size of building proposed and therefore the additional impact on the landscape qualities and visual amenities of the area, members may decide that this could inform a reason for refusal. Officers have requested justification for the size of the building in relation to the AD's existing and approved installed capacity other than 1,000kw now refused. To assist with this part of the decision making process the applicant has provided the following further statement in support of the size and scale of the building as proposed as received by email direct from the applicant on the 27/04, as copied out below:

'The building has been designed as a processing building with a reasonably amount of buffer storage for pre and post pelleted product. The building will roughly be split into three areas with one third of it storing dried material waiting to be pelleted, one third being set aside for the process machinery and working area and the remaining third for buffer storage of pelleted material. Once dried, digestate has a very long 'shelf life' as it is in a stable state. There will be enough storage buffers for around 100 tonnes of dried material and 400 tonnes of pellets. The dried digestate is a very bulky material so uses a lot of space. Once pelleted however the digestate become much more dense so many more tonnes can be held in store. Longer term storage over the winter period will be on the farm that will use the digestate pellets. In summary the size of the building is a suitable size for processing the circa 2000 tonnes a year currently being produced'.

- 3.5 In terms of the most recent data set for the first quarter of 2016, (regards the transportation arrangements associated with the operation of the AD plant based on the approved parameters), 684.860 tonnes of digestate fibre was produced which on a rolling basis for the year would be approximately 2,736 tonnes.
- 3.6 In summary the further statement provided is considered robust in terms of demonstrating that it is sized to process the current predicted output based on the AD plant operating at a 500 Kw output and not 1,000 Kw (see also section below).

#### **4.0 Transportation impact and impact on amenity issues**

- 4.1 In terms of the most recent data set for the first quarter of 2016 submitted by the applicant, (regards the transportation arrangements associated with the operation of the AD plant based on the approved parameters), the removal of digestate fibre from the site has generated 78 vehicular movements which annualised up would be equal to approximate 312 vehicular movements per year.
- 4.2 The process to be undertaken in the building results in the drying of bulk material into a more dense pellet format, it is expected to reduce the number of trips in terms of

exporting the pelleted product off site, compared to the original bulk fibre material. As stated in the Appendix A report the applicant has estimated 100 trips, equal to 200 vehicular movements per year transport pelleted material, compared to the approximate 312 vehicular movements per year set out at 4.1 above in relation to exporting the digestate fibre instead. The Highway Authority recognises that the processing of digestate fibre into pellets condenses the product resulting in more product being transported in each vehicle and a likely traffic reduction as a result. The Highway Authority does not object.

- 4.3 Notwithstanding the extent to which the process undertaken in the building would impact on the number of trips associated with exporting the pelleted format product away from the site in direct comparison to the trips associated with exporting digestate fibre from the site as referred above, there remains a concern about how the operation of the proposed building would affect the amenities of the locality of Nomansland, if digestate is brought onto the site to be processed into pellets from other locations (such as Edgeworthy farm for instance). These concerns would arise from an increase in vehicular movements on the highway and passing through Nomansland as a result of additional digestate fibre being brought into the site to be processed, over and above the that is produced at the Menchine Farm AD plant. The latter (processing digestate fibre from Menchine Farm AD) would not require any additional movements on the highway. Therefore the following two conditions are recommended to supplement the 5 conditions as originally recommended.
1. The building hereby approved shall only be used to process digestate fibre that is produced as a by-product of the operation of the AD plant at Menchine farm as approved under Local Planning Authority Application reference: 14/00575/MFUL and no digestate fibre or other product from any other AD plant.
  2. Records to include the amount of digestate fibre processed at the building hereby approved on a quarterly basis shall be kept and made available for inspection by the Local Planning Authority on request. The records shall confirm the weight and date of the material brought into the building and the load weight and numbers of vehicles exporting the processed material in pelleted format away from the site. These records shall be made available to the Local Planning Authority on request.

## **5.0 Conclusions**

- 5.1 The additional conditions as referred to above are proposed in the interest of minimising the number of vehicular trips that would be generated on the local highway network in order to protect the general amenities of the locality of Nomansland. They seek to ensure only digestate produced from the Menchine Farm AD plant is processed in this building.
- 5.2 The appeal on the earlier application to increase the capacity of the AD plant has been refused. The inspectors decision and his reasons to refuse permission have been taken into account in the assessment of this application. This proposal is considered likely to result in a modest reduction in traffic movements. The proposal must be considered in conjunction with development at Menchine Farm including the poultry buildings that have been consented, but are yet to be built. Whilst this proposal will add further development, on balance it is not considered to result in unacceptable landscape and visual harm.
- 5.3 Subject to these conditions and those as originally recommended (as set out below in full), it is recommended that planning permission is granted.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The site access road to Menchine Farm shall be hardened surfaced and drained for a distance of not less than 10 metres back from its junction with the public highway, prior to the first use of the building and shall thereafter be so retained.
4. In accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. The proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B and as required as part of the scheme approved for the AD plant shall be carried out in the first planting season following the construction of the building hereby approved. In addition a further scheme of planting immediately to the south and west of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its construction, and shall be implemented in the first planting and seeding season following the construction of the building hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
6. The building hereby approved shall only be used to process digestate fibre that is produced as a by-product of the operation of the AD plant at Menchine farm as approved under Local Planning Authority Application reference: 14/00575/MFUL and no digestate fibre or other product from any other AD plant.
7. Records to include the amount of digestate fibre processed at the building hereby approved on a quarterly basis shall be kept and made available for inspection by the Local Planning Authority on request. The records shall confirm the weight and date of the material brought into the building and the load weight and numbers of vehicles exporting the processed material in pelleted format away from the site. These records shall be made available to the Local Planning Authority on request.

## REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To prevent mud and other debris being carried onto the public highway.

4. In the interest of public safety and to prevent damage to the highway.
5. In the interest of the visual amenity of the area in accordance with Policy DM2 of the Mid Devon Local Plan Part 3: (Development Management Policies).
6. In the interest of minimising the number of vehicular trips that would be generated on the local highway network and in order to protect the general amenities of the locality of Nomansland in accordance with Policies DM1, DM2, DM5 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. In the interest of minimising the number of vehicular trips that would be generated on the local highway network and in order to protect the general amenities of the locality of Nomansland in accordance with Policies DM1, DM2, DM5 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

#### REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is for the erection of a further building on the Menchine Farm complex to enable the processing of digestate into a pellet format. The siting, location and design of the building is such that it is not considered that the proposed development would further harm the landscape character and/or visual amenities of the area in the long term or the living conditions of any nearby residential dwellings when considered individually and/or cumulatively character with the existing buildings and lawful uses on the farm complex, furthermore the proposals raise no specific traffic and/or transportation concerns subject to the conditions as recommended which restrict the use of the building to processing digestate fibre produced at the Menchine Farm AD plant only. The proposal therefore accords with the aims and objectives of restricting development in the countryside whilst maintaining the presumption in favour of suitable development within the rural economy.

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

#### **Contact for any more information**

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(01884) 234369

#### **Background Papers**

#### **File Reference**

15/00573/FULL

#### **Circulation of the Report**

Cllrs Richard Chesterton  
Members of the Planning Committee