

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

**Plans List No. 2**

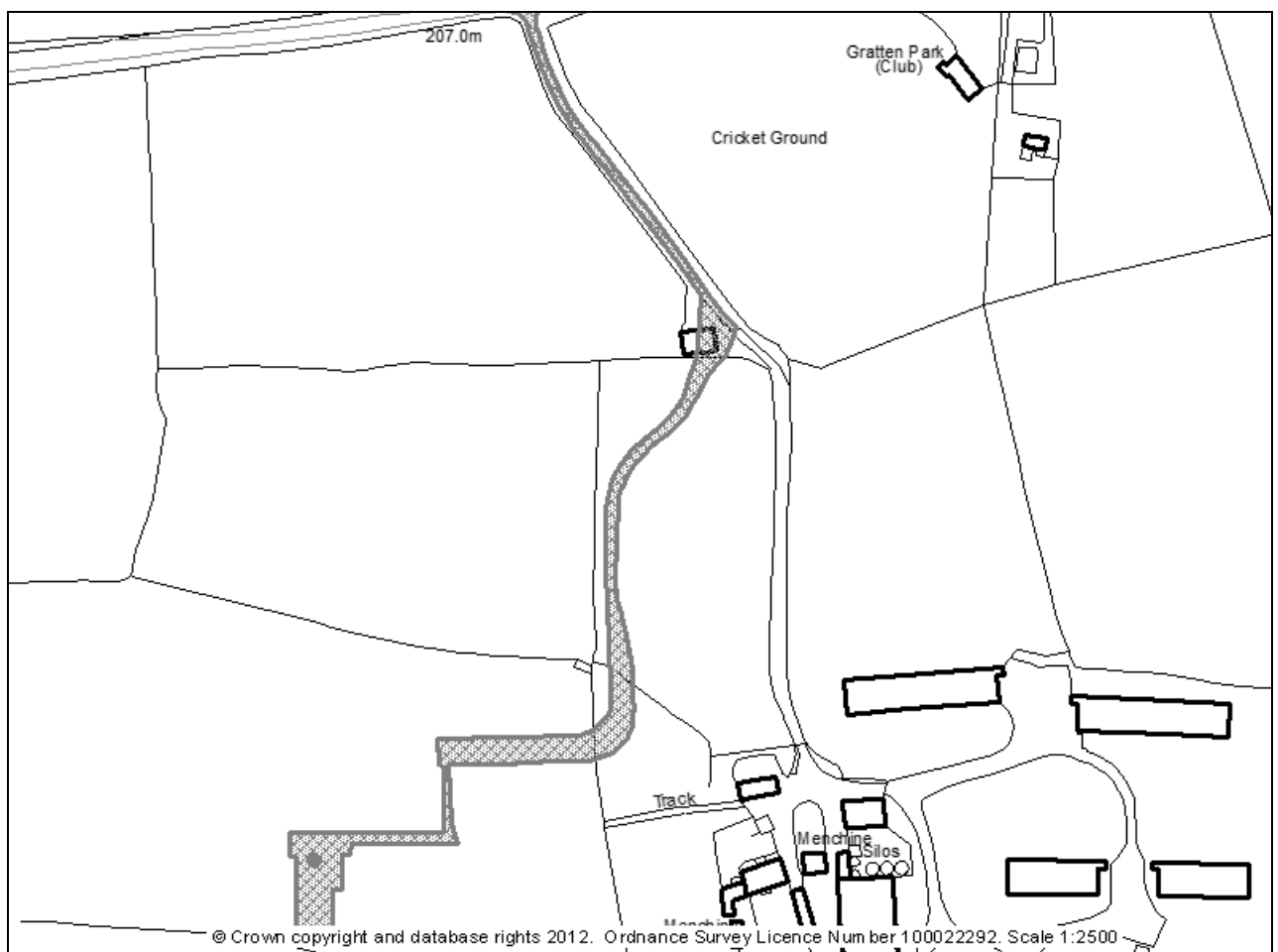
**Grid Ref:** 283096 : 113579

**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



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

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

Erection of new building for processing digestate fibre, and a section of pathway.

The application scheme is for an agricultural style building (450 square metres), standing at 6.25 metres high (north elevation) and 9.3 metres high (south elevation).

The building will be split internally into two parts, one part will be a bunker for the digestate to be tipped into, the other part will be for the digestate processing. The bunker will be accessed through a large set of sliding doors to the north and the processing area will be accessed through a pedestrian and loading door on the east elevation.

The palette of materials will be sheet wall cladding will (olive green box profile sheet) on a concrete base, and the roof will be grey fibre cement panels.

The section of pathway links the building to the AD complex.

The building is located in the same field as the approved and operational AD plant managed by the Greener for Life Group. It sits in position on the slope of the field just below the complex of built structures and equal to the digestate lagoon. The plans as submitted demonstrate that it sits just outside the approved, but not yet implemented, belt of additional landscaping secured to assist with the screening of the AD plant.

### **APPLICANT'S SUPPORTING INFORMATION**

Application form, supporting statement, existing and proposed plans.  
Section drawings showing the building in relation to the AD plant.

The applicant's agent has set out the follows reasons (email rec'd 26 May 2015) in terms of the location of the proposed building:

- The existing infrastructure on site would require minimum distances to be observed of any new buildings on site. These would place the building on the banking for the lagoon and this is not acceptable.
- The sites slope downwards from north to south increases in steepness the more the site is situated to the north, this is where we have proposed to place the building therefore minimising the required engineering on site to make the building fit, this negates the requirement for large amounts of cut or the introduction of new retaining walls.
- The screening as approved for the existing AD plant will remain unaffected when implemented.
- The proposed building is smaller in mass, length, width and height than the intake building, by siting the new building in its proposed location the visual impact from the surroundings will be reduced to a minimum. It is close in proximity to the existing site development but not at a distance for it to appear disassociated from the existing built form. With the building being situated on the lower levels, the vertical intrusion is kept to a minimum further reducing the cumulative impact if it were situated adjacent to the existing intake building.
- The building will be used to process the dried fibre from the driers which are already situated at the lower level of the site therefore to enable ease of transferring the dried matter from the

driers to the processing building, it will be via a level access track to enable the tipping of the matter into the sunken building which is situated at a lower level than the area where vehicles will be tipping from. If the building were situated adjacent to the existing intake building, then the vehicles used for tipping would have to encroach and use the concrete yard area in front of the existing intake building. Vehicle movements between the existing clamp and intake building could become compromised due to the introduction of additional vehicles manoeuvring the dried matter over the same yard, this should be avoided and the building has been located in a position where this is prevented.

- Moving the building will have a detrimental impact on the landscaping of the site as it would not permit a natural introduction of screening to suitably screen the sites infrastructure including the new building due to the required separation distances between new plantings. The proximity, general arrangement and separation distance between the buildings required would not allow for a natural screening as per the approved revised scheme currently implemented.

The applicants agent has set out the following response (email rec'd 26 May 2015) to regards the proposed transport arrangements arising from proposed development.

With respect to the associated traffic movements and to provide you the clarification which you seek, the fibre will incur an additional 100 movements (per year) using lorry and drag trailer with a load capacity of 20 tons. This will equate to 2,000 tons of fibre being moved by this mode of transport.

## **PLANNING HISTORY**

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

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

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

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

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

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness

COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM20 - Rural employment development

DM22 - Agricultural development

## **CONSULTATIONS**

### **MORCHARD BISHOP PARISH COUNCIL - 12th May 2015**

No comment beyond concerns of increased traffic volumes.

### **CRUWYS MORCHARD PARISH COUNCIL - 18th May 2015**

The decision made by the council was to refuse this application for the following reasons:

1. Such a large building will have a significant detrimental visual effect.
2. The use of such a large building must increase traffic, although requested there has been no traffic movement information forthcoming.

### **NORTH DEVON DISTRICT COUNCIL - 19th May 2015**

We do not wish to comment. It is noted that the Highway Authority is satisfied that there will be no material increase in traffic, and potential reduction. The new building appears to be well related to the main group.

This authority's interests will not be affected by the proposal.

### **PUDDINGTON PARISH COUNCIL - 7th May 2015**

Puddington Parish Council wishes to object to this planning proposal.

This proposed building for processing digestate fibre was not part of the original planning application for the 500KW Anaerobic Digester and its subsequent consent. It must be assumed therefore that there has been a change in the amounts of stated biomass inputs to the anaerobic digester, this then has implications to the number of road traffic movements to and from this site on which the consent was based. The subsequent planning application to increase the generation output from the digester has already suggested an increase in road traffic movements. These traffic movements will be detrimental to the surrounding area in terms of safety, noise and nuisance.

The digester and its associated buildings are already an imposition on the landscape and are clearly visible from the road that leads to Puddington from the B3137, the addition of another building would only add to what is slowly becoming an industrial site in the middle of the Mid Devon countryside.

### **TEMPLETON PARISH COUNCIL - 19th May 2015**

Whilst Mr Stuart Cole (the Applicant) and Menchine Farm are not in our Parish, we feel that due to the close business association with Mr Winston Reed of Reed Farms Ltd, Cleave Farm Templeton and the following reasons we must ask MDDC Planning to REFUSE this application:

1. The proposed pelletising building is far larger than required to process the minor proportion of solid/fibrous digestate produced under the existing planning permission allowed maximum production of 500 kw.
2. This further additional large building will increase the industrial site on the farm and have an even greater detrimental effect on the local landscape than that noted in Inspector Mike Robins Appeal decision APP/Y1138/A/13/2193382 Character and Assessment No. 21 in relation to conflict with MDDC Core Strategy Policy (COR2 and COR18).
3. Inspector Robins also recognised and observed Mid Devon District Council's own Landscape Character Assessment in the area under Character and Appearance No. 11 "The area is identified as having a high local sensitivity to change." As well as No. 15 "There would be some harm to the landscape character". These observations by the Inspector can only increase in intensity with the continual expansion of this site.
4. The Applicant/Operators have done their utmost with their piece-meal approach to cause confusion with their myriads of Application/Amendments/Appeals with no effort at clarity of purpose or explanation - which is in direct conflict with the New Planning Guidelines/Conditions 2014. If this

application is granted it could prejudice the pending Appeal APP/Y1138/W/15/3003677 as well as any future Application/Appeal made by the Applicant/operator to increase capacity of the AD due to increased storage/handling capability and hence all associated Traffic/Pollution/Environmental/Quality of Life issues already experienced with the present site and operations.

5. To facilitate any allowed increase in production of solid digestate, which is only a minor proportion (10/20%) of the total digestate produced by the AD, would therefore also involve a larger proportional increase in imported feedstock together with a far greater proportional increase in liquid digestate to be safely disposed of/exported off site in accordance with DEFRA and EA Best practice regulations. Applicant offers no explanation or evidence as to how he proposes to do this without the necessary sufficient land ownership/tenure to allow for safe disposal and in abidance of all NVZ regulations.

6. Due to Bio-security fears of cross contamination with mixed species farm manures (chickens, cattle, pigs) and with no restriction as to slurry from dirty TB farm cattle being included; no pasteurization taking place to ensure destruction of disease/pathogens/bacteria like Salmonella, Botulism, E coli; there appears to be a considerable reluctance/resistance from local livestock farmers to take either the liquid/solid or pelletized non-pasteurized digestates. The prime use for the digestates is on cultivated/arable land where it will be ploughed in and this area of mid devon (certainly within the recognised 6 km radius acknowledged under Traffic No.26 APP/Y/1138/A/13/2193382) consists mainly of small 100/150 acre livestock pasture farms.

Whilst we trust you will refuse this Application, if you are so minded to approve and in view of the above we respectfully ask that the Applicant/operators be conditioned to comply/abide by the following:-

- a) in view of 2) and 3) above a Full Environmental Impact Assessment should be carried out.
- b) this should include a Noise Assessment in view of the additional mechanical operations and the noise nuisance already noted by the local residents.
- c) An Odour assessment as many of the affected residents have been experiencing and complaining to the Environmental Agency and Environmental Health about a detrimental odour nuisance.
- d) A full cyclical Traffic assessment for all AD feedstock imported and digestates (liquid and solid) to be exported.
- e) Written agreement from the Applicant/Operator to submit accurate records as to traffic movements in and out of the site in compliance with paragraph 8) under Decision on APP/Y1138/A/13/2193382 and as per point 42 under Conditions of same. This is necessary as Applicant/Operator refused to comply with such a request from MDDC Enforcement Officers in February 2015.
- f) Clarity is required as to what is classified as 'waste' by Inspector Mike Robins in his APPEAL Decision APP/Y1138/A/13/2193382 Conditions No.43 with regard to preventing odour and storing waste. Is all the Chicken litter being stored inside the Intake Shed as this is highly dangerous waste and the worst farm manures for harbouring/spreading disease pathogens, etc. and would definitely create odour?
- g) Applicant to provide a detailed plan for vermin/pest control to include contractual evidence, as local residents have already noted marked increase in rodent and fly presence since AD operations commenced.

**ENVIRONMENTAL HEALTH - 18th May 2015**

Contaminated Land - N/A

Air Quality - N/A

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - Not applicable

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety -Health and Safety Executive enforced activity - no objections

**HIGHWAY AUTHORITY - 8th May 2015**

The proposed development is for a building to process the existing digestate produced from the plant which already has a consent. The process being applied will condense the digestate product into a pellet form which will result in more product being able to be transported in a single vehicle which may give rise to a reduction in traffic overall. Therefore the Highway Authority would raise no further observations.

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

**THELBRIDGE PARISH COUNCIL - 15th May 2015**

No Objection

**REPRESENTATIONS**

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

1. The application form states the site area is 3,580 square metres whereas the plans clearly show a building 450 square metres. (Case officer response it is assumed the higher site area refers to the redline as identified on the site plan (MF/FB/02A).
2. The use of dried AD solids as bedding dried digestate as Biomass fuel is challenged - in terms of whether there would be market demand. (Case office comments: This is not considered to be a relevant 'planning' material consideration).
3. The site plan does not include the existing chicken sheds on the land adjacent.
4. Concerns about spreading in an NVZ area - not relevant to the determination of the application.
5. The building is beyond the landscaping to be planted pursuant to the planning permission that allowed the AD plant to be constructed.
6. The proposal will add to the built coverage on the site giving the impression of an industrial area causing harm to both the landscape character and the visual amenities of the area.
7. The application scheme will generate additional levels of traffic that local roads can not accommodate, particularly through Templeton.
8. A noise assessment should be submitted.
9. The proposals will result in odour problems in the locality.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main determining factors in this application are:

- 1. Policy**
- 2. Impact on the landscape character and appearance of the area,**
- 3. Impact on amenity of residents**
- 4. Transportation impacts**

### **1 Policy**

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

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

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

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

DM22 specifies that agricultural development will be permitted where;

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

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

The proposed building seeks to maximise the recycling opportunities arising from the operation of the AD plant. The building enables the applicant to form fertiliser, and/or animal bedding in a pelleted form using the dried digestate that arises from the AD plant. Both processes require a permit from the Environment Agency.

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

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

The application building will be located alongside the AD plant which sits in the landscape as part of the Menchine Farm complex. Clear views of the complex are evident from the south along the public footpath (No.12) that leads away from the site. Other views are apparent as pinched glimpses where it is possible to see the top intake building and/or digester tank.

Some local residents argue that the area has become industrialised by the proliferation of buildings that have constructed over recent years. The view from the south clearly shows the spectrum of

development which stretches for 200 metres as a panoramic. Whilst the spread of structures is clear in the landscape the existing tree coverage (native), hedgerows and grassed areas help to soften how the wider developed group sits in the landscape. Whilst the height and overall massing of the spread of buildings varies, it is considered that the proliferation of buildings remain at farm scale with the farm house cottage clearly sitting as the centre piece, with the intake building digester tank and lagoon appearing taller to the west.

In allowing the appeal under LPA ref: 12/01659/MFUL the Inspector concluded that the plant AD would result in some limited impact to the landscape character and visual quality of the area. Your officers consider that a landscaping scheme would not address this entirely in the short term, but in the longer term landscaping would establish native woodland of value which would be characteristic of the area. This new landscaping has not yet been planted out but it is clear from the existing vegetation that it will further assist in softening the new infrastructure and assist with its integration within the landscape.

The new building will be set further down in the field than the existing AD complex accordingly the existing field hedgerow will assist with screening the proposed building which will sit lower than the intake building. The proposed planting associated with the AD plant, and the opportunity for further planting to the west of the new building will help to maintaining the rural setting and avoid a highly visible proliferation of buildings across the complex.

Whilst the new building will be visible within the context of the surrounding landscape, on balance it is not considered that the visual impact of the proposed building, individually and cumulatively with the other buildings across the complex, would justify refusing planning permission on the basis of permanent harm to the landscape character and to the visual amenities of the area. A condition is proposed which seeks additional landscaping on the western side of this building.

### **3. Impact on amenity of residents**

Although residents continue to suggest that noise in the area and general disturbance issues arise in connection with the operation of the on-site plant, no formal complaints have been made to this Authority's Health and Environment Services Team.

The closest residential property to the site is that which belongs to the applicant with the nearest dwelling outside of the site located approx. 430 metres away and over. The properties at Nomansland Cross are some 700m distant. In conclusion it is not considered that there are residential properties/uses (that are not associated with the business) nearby that would be affected in terms of noise, odour and/or privacy impacts.

### **4. Transportation Issues**

The applicants' agent has confirmed that the proposed use for the building would result in 100 extra movements per year on the Highway which is a classified B road. These trips would arise from exporting the pellets from the site. There are no trips on the highway in terms of transporting the raw material to be processed. The Highway Authority has not raised any objections on highway safety and/or capacity grounds.

Local stakeholders continue to raise issues regarding how the transport pattern associated with this development individually and cumulatively with approved uses at the Menchine complex will affect the local amenities of the area given the number of trips arising.

Unlike the proposals under application 14/01915/FUL, the proposed number of additional trips associated with the application scheme within is considered robustly defined.

Reflecting on the conclusions which the Inspector reached when allowing the appeal under LPA ref: 12/01659/MFUL, the low level of traffic generation (100 trips per year) which would arise is not considered to have a detrimental affect on highway safety and or local capacity issues either individually and/or cumulatively with the approved uses on Menchine Farm.



## **Conclusion**

For members information as stated above the appeal against 14/01915/FULL is currently being considered and it is not considered by officers that a decision to approve this application under prejudice the Local Planning Authority's position on this case.

Whilst local stakeholders continue to raise concerns regarding further development at Menchine Farm, for the reasons given above, the planning application scheme is considered to comply with the policies of the adopted Development Plan, and therefore approval is recommended. Conditions are recommended to ensure the improvements to the proposed farm track at the junction with the highway are delivered, together with landscaping of this site.

## **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.

## **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 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 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 traffic and/or transportation concerns. 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 the proposal complies with Policies COR2 and COR18 of the Mid Devon Core Strategy and Policies DM1, DM2, and DM22 of the Mid Devon Local Plan (LDF) Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.