

**AGENDA ITEM**

**PLANNING COMMITTEE  
6<sup>th</sup> July 2016**

**REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION**

**15/01034/MFUL - ERECTION OF A 500KW ANAEROBIC DIGESTER AND ASSOCIATED WORKS WITH 2 SILAGE CLAMPS. REVISED SCHEME TO INCLUDE THE CHANGE OF ORIENTATION OF THE LAYOUT AND INSTALLATION OF 2 DRIERS - LAND AT NGR 299621 112764 (RED LINHAY) CROWN HILL HALBERTON**

**REASON FOR REPORT:**

To determine the planning application.

**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:**

The Council must be in a position to defend and substantiate each of its reason for refusal.

**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.

**Risk Assessment:**

If Committee decide to refuse 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.

**UPDATE TO PREVIOUS OFFICER REPORTS.**

**1. BACKGROUND.**

1.1 At the meeting of Planning Committee on 8<sup>th</sup> June 2016, Members resolved as follows:

***RESOLVED*** that the application be deferred in order that a full set of conditions be produced to include monitoring arrangements as follows:

- Records of Power output to be provided quarterly
- Vehicle movement and weight recording to be provided quarterly
- The installation of vehicle monitoring equipment

- Control of digestate destination
- The applicant required to contribute to a permission/condition monitoring liaison group ( based on DCC minerals Liaison Group)
- Access to a metering system

## **2. APPROACH TO PLANNING CONDITIONS.**

21 conditions are recommended to Planning Committee by officers. At the meeting it was discussed whether additional conditions could be added in order to monitor operations.

Planning conditions must meet six tests as set out in the National Planning Policy Framework. They must be:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise
6. Reasonable in all other respects

Any proposed condition that fails to meet any of the six tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by a third party. Every condition must be justified on its own planning merits on a case by case basis. Specific circumstances where conditions should not be used include:

- Conditions which unreasonably impact on the deliverability of a development.
- Conditions reserving outline application details
- Conditions requiring the development to be carried out in its entirety
- Conditions requiring compliance with other regulatory requirements (e.g. Building Regulations, Environmental Protection Act)

A recent appeal case for an AD plant by Peel Environmental Services LTD and Marshalls Mono LTD known as the Fletcher Bank Case, (appeal ref APP/T4210/A14/2224754) was called in by the Secretary of State. The decision letters by the inspector and Secretary of State included an assessment of what conditions were reasonable for the AD plant. The Inspector distinguished between conditions that would meet all six tests as compared with those that would not. He commented:

*'In my judgement, the following suggested 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.'*

The Inspectors approach to conditions in this case was supported by the Secretary of State. Officers have been mindful of this appeal decision and the comments within it on conditions in drawing up their recommended list of conditions.

### **3. ADDITIONAL CONDITIONS AS IDENTIFIED AT PLANNING COMMITTEE 8<sup>TH</sup> JUNE 2016.**

Following the last Committee, a meeting was held on site with the applicant in order to consider the requested additional conditions in more detail and explore how they might work in practice.

Whilst on site it was noted that a further planning application will be required to retain the location of the gas flare and office together with the presence of a second CHP unit.

#### **3.1 Vehicle movement and weight recording.**

Members wish monitoring of vehicle weights and movements. A weighbridge has been installed on site. Vehicles transporting feedstock for the AD plant will be weighed upon entering and leaving the AD plant part of the site in order to calculate the weight of feedstock. Records will be kept of feedstock type, weight, number of vehicle movements and where the vehicle has come from. Separate records will be made of feedstock entering the AD plant (metric tons) via a computerised monitor on the intake hopper that accounts for both liquid and solid elements of feedstock. Vehicles transporting digestate off site will also go over the weighbridge and a record will therefore also kept of these.

The applicant has offered to ensure via on site operational requirements that all vehicles going to the AD plant pass over the weighbridge so that they are recorded. However this is internal to the site and would not be able to be monitored or enforced. The site has been laid out so that there is sufficient space for vehicles going to the AD plant to bypass the weighbridge. Vehicles could be funnelled to go over the weighbridge through the erection of onsite barriers. The applicant considers this to unacceptably constrain vehicle movements on site. Having viewed the site layout, officers recognise that it would involve the erection of barriers which would by their purpose constrain vehicle movements. Operationally this would make access to the AD plant more difficult as it would preclude the ability for vehicles entering / leaving at the same time from passing each other.

Condition 10 controls the source and type of feedstock and requires records to be kept and submitted quarterly to the Local Planning Authority.

Condition 10 Revised –

**10. i) 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 21<sup>st</sup> August 2015).**

ii) *The digestate destination for the anaerobic digester shall be to the sites named in the application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha and Maunders 7.71ha 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 21<sup>st</sup> August 2015).*

**iii) A log book shall be maintained and completed detailing where and when the feedstocks for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record name of farm, plot, supplier, number and weight of vehicles along with date and time of feedstock delivery / digestate distribution).**

**iv) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.**

v) *Records of feedstock input into the digester by weight from the hopper (triolet) shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.*

Weighbridge data will be the primary source of this log book information as requested by this condition.

### **3.2 The installation of vehicle monitoring equipment.**

Additional condition (22) -

***Within 1 month from the date of approval, details are to be provided in writing to the Local Planning Authority of the location and type of electronic system to be installed to monitor the number and type of vehicles entering and leaving the anaerobic digester site. Such approved system is to be installed and operational prior to the first operation of the anaerobic digester site. Such results of the monitoring system shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority. The approved system is to be so retained for the duration of the operation of the site.***

Reason – In the interest of highway safety and consideration of the impacts on the environment, neighbouring residents due to the number of movements to and from the site and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).

This condition sets out a possible means of monitoring vehicles entering and leaving the site and would act to supplement weighbridge information. However from the recent site visit it is apparent that its installation would not be straightforward in that the main site access off the public highway will serve both the AD plant and an agricultural building /land. Any recording of vehicle movements and type at the site entrance would also capture non AD traffic and therefore would not form a reliable basis to monitor AD only related traffic. A second vehicle monitoring point could be

installed within the site on the ramp leading down to the AD plant. This would exclude some, but not all agricultural traffic and accordingly would give a better picture of AD related traffic. However the land owner anticipates some vehicle movements to service the agricultural land beyond would still be counted with those AD plant related.

This condition would be in addition to the feedstock and digestate vehicle records included under condition 10. As such, if added, the requirements of this condition would place a further requirement upon the applicant for vehicle records. Members will need to consider whether this would be reasonable, given the existing requirements under condition 10.

### **3.3 Control of digestate destination.**

Condition 10 Revised –

*10. i) 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 21<sup>st</sup> August 2015).*

***ii) The digestate destination for the anaerobic digester shall be to the sites named in the application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha and Maunders 7.71ha 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 21<sup>st</sup> August 2015).***

***iii) A log book shall be maintained and completed detailing where and when the feedstocks for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record name of farm, plot, supplier, number and weight of vehicles along with date and time of feedstock delivery / digestate distribution).***

***iv) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.***

*v) Records of feedstock input into the digester by weight from the hopper (triolet) shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.*

The above revised wording of condition 10 incorporates at points ii) and iv) control over digestate destination. It would mean that digestate can only be pumped or transported by other means to these locations. A variation of condition application would be needed to amend these locations. Members need to consider whether this degree of control is reasonable given the highway movements anticipated and views of the Highway Authority.

### 3.4 Records of power output to be provided quarterly.

The proposal is for a 500kw AD plant and it has been assessed environmentally and by the Local Planning Authority on that basis. Under feed in tariff requirements, quarterly generation figures are recorded and submitted. A condition could require that these records also be submitted to the Local Planning Authority.

The proposal includes a single combined heat and power plant (CHP) which is adequate to achieve the generation figure set out in the application. Discussions with the applicant indicate their intention to maximise the efficiency of the operation of the plant without increasing the feedstock, traffic generation or impacts of the development. A condition limiting the generation to 500kw would inhibit maximisation of efficiency and mean that a generation of 501kw or more would be in breach of condition. Under the test of necessity, the Local Planning authority would need to demonstrate why it is necessary to control a 500kw exceedance (by any amount). It is likely to be argued by the applicant that this will be unreasonably restrictive as a exceedance of even 1kw would be in breach of condition and require extensive operational management to maximise efficiency without breaching the condition.

It is noted that whilst the application is for a 500kw plant with a single CHP unit, x2 CHP units have been installed on site. The applicant advises that this is for the purpose of back up and maintenance of the 1<sup>st</sup> CHP unit. Separate planning permission will be needed to retain this second unit or for the plant to operate at 1000kw (x2 output). Given the presence of a second CHP unit, Members may consider that this gives them the necessity for limiting the generation from the development to 500kw.

Additional condition (23) –

*The permission hereby granted is for a 500kw anaerobic digester only. Power generation from the development shall not exceed 500kw. Records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.*

*Reason - To ensure the power generation from the AD plant is in accordance with that as set out in the application and supporting information and in order to ensure that the impacts of the development are acceptable.*

Members may wish to consider making an enforcement resolution seeking the removal of the second CHP unit which is not required for the operation of a 500kw plant although there is the option to request an application for its retention. Officers consider that the issuing of an enforcement notice to remove the second CHP unit could be warranted. The timescale for compliance would be twenty-eight days (28) after the notice takes effect.

Members are therefore advised to consider the following in addition to the determination of the application with associated conditions:

#### **Enforcement recommendation:**

**That the Legal Services Manager be authorised to take any appropriate legal action, including the service of an enforcement notice or notices seeking the**

**removal of the second combined heat and power plant (CHP) from the site. In addition, in the event of the failure to comply with any notice served, to authorise prosecution, direct action and/or authority to seek a court injunction.**

### **3.5 Access to metering systems.**

Members sought to ensure Local Planning Authority access to on site metering systems in order to scrutinise them and provide independent verification of their data. Conditions seek to ensure that feedstock and digestate data from the weighbridge records and power generation (records for feed in tariff purposes) are submitted quarterly to the Local Planning Authority. Furthermore, feedstock input figures through the AD feedstock hopper (triolet) are also kept and are proposed to be conditioned to be submitted. These records in combination will provide extensive information on the operation of the AD plant.

Members will need to decide whether a further requirement of Local Planning Authority access to on site monitoring systems (at reasonable times) will meet the tests of necessity and reasonableness. If so, the following would achieve this:

Additional condition:

*24. The Local Planning Authority shall be afforded access at reasonable times to all on site monitoring systems associated with the operation of the AD plant hereby granted.*

*Reason - To ensure the AD plant operates in accordance with the parameters and limitations as approved and as set out within the application and its supporting information.*

### **3.5 Monitoring liaison groups.**

At the meeting of Planning Committee on 8<sup>th</sup> June officers were asked to consider requiring the applicant to enter into a monitoring liaison group and reference was made to such arrangements as set up by Devon County Council on certain minerals and waste applications. Clarification has been gained from DCC on how these groups operate:

- i) There are a number of liaison groups for the various mineral and waste sites in the county.
- ii) They are informal arrangements and cannot be required by planning condition. At mineral and waste sites where there isn't a liaison group and there is a planning application DCC sometimes add a recommendation to the committee report that the applicants be requested to facilitate the setting up of a liaison group.
- iii) There's no legislative framework for the setting up of liaison groups.
- iv) They're not groups that are owned or operated by the planning authority – the authority acts as facilitator for the first meeting and assists the group with terms of reference and membership. Secretarial duties such as minute taking and agenda preparation are usually provided by the site operator.
- v) The group has no powers planning enforcement powers – these remain with the planning authority.

- vi) External bodies such as the Environment Agency are finding it difficult to resource such groups going forward and are tending to withdraw their support.

The applicant has been contacted about the instigation of such a group and is willing for one to be set up in connection with this development. Committee may wish to formally request that the applicant facilitate the setting up of a liaison group, but it cannot be made the subject of a planning condition.

### **3.6 Conclusions on conditions.**

Officers have set out a response to the request from Members for additional conditions (22, 23, 24) and have amended condition 10 to control digestate destination. In order to apply them, Members need to be clear that these changes to conditions are warranted and meet the tests as set out at the beginning of this section, also bearing in mind the approach of the Fletcher Bank appeal inspector – whether they will require an intolerable level of supervision.

## **4. LIST OF CONDITIONS.**

For Members benefit a full list of conditions incorporating those additional /amended is as follows:

1. The date of commencement of this development shall be taken as the 17<sup>th</sup> July 2015 when the application was registered by the Local Planning Authority.
2. The development hereby permitted is for the erection of an anaerobic digester and associated works which 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 month of the date of this approval and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details within 2 months of approval of the submitted 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 and operations shall take place in accordance with the approved details during construction and operation phases of the development. The date the plant first becomes operational shall be confirmed in writing to the Local Planning Authority no more than one week following that date.

5. The passing bay on Crown Hill shall be completed in accordance with the details shown on plan '00030-GFL-Hartnoll-Passing bay' approved under planning permission 13/0160/MFUL within 3 months of the date the AD plant becomes operational and be so retained. Written confirmation of the date the AD plant first becomes operational shall be submitted to the Local Planning Authority within 1 week of this date.
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 liquid buffer tank and feeder hopper serving the AD digester 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 and east adjacent to the highway shall be retained and maintained to a minimum height of 2 metres.
10.
  - i) 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 21<sup>st</sup> August 2015).
  - ii) The digestate destination for the anaerobic digester shall be to the sites named in the application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha and Maunders 7.71ha 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 21<sup>st</sup> August 2015).

iii) A log book shall be maintained and completed detailing where and when the feedstocks for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record name of farm, plot, supplier, number and weight of vehicles along with date and time of feedstock delivery / digestate distribution).

iv) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.

v) Records of feedstock input into the digester by weight from the hopper (triolet) shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

11. Prior to installation, details of any external lighting including a lighting assessment which should include the following information:
- A description of the proposed lighting scheme together with hours of operation;
  - A layout plan of the proposed development site showing the lighting scheme together with light spread, spill and intensity;
  - Details of the proposed equipment design;
  - An assessment of the impact of the proposed lighting upon ecology; neighbouring properties, roads and character of the site and its surroundings;
  - Details of any proposed measures to mitigate or compensate for the possible impacts of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority.
- Any approved external lighting shall be installed in accordance with the approved details and thereby retained.

12. The storage of digestate or other hazardous substances must be within properly constructed bunded areas of sufficient capacity and containment, details of which are to be provided in writing prior to the first storage of any digestate outside the digestate storage tank and separator fibre clamp. 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. 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, unless the Local Planning Authority gives written consent to any variation.

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 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 Operational commencement 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 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 for 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 regraded 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 LPA
20. Notwithstanding the submitted details, within 1 month from the date of the grant of planning permission, details of an earth bund and any stock fencing to enclose the western and southern sides of the site together with a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The bund shall be provided in accordance with the agreed details prior to the development becoming first operational and the landscaping scheme shall be completed in accordance with the agreed details within the first planting season following the development becoming first operational. Once provided the bund and landscaping scheme shall be so retained. 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, unless the Local Planning Authority gives written consent to any variation.
21. The visibility splay at the site entrance shall be provided and laid out in accordance with plan 13425/T03 within 1 month of the date of this permission with no obstructions within the visibility area over 1m above the adjacent carriageway level. It shall thereafter be so maintained for that purpose.
22. Within 1 month from the date of approval, details are to be provided in writing to the Local Planning Authority of the location and type of electronic system to be installed to monitor the number and type of vehicles entering and leaving the anaerobic digester site. Such approved system is to be installed and operational prior to the first operation of the anaerobic digester site. Such results of the monitoring system shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority. The approved system is to be so retained for the duration of the operation of the site.
23. The permission hereby granted is for a 500kw anaerobic digester only. Power generation from the development shall not exceed 500kw. Records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.

- 24 The Local Planning Authority shall be afforded access at reasonable times to all on site monitoring systems associated with the operation of the AD plant hereby granted.

## **REASONS FOR CONDITIONS**

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2.
5. In the interest of highway safety and to ensure that adequate passing facilities are available for vehicles attracted to the site in accordance with DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
6. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development
7. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with policies DM2, DM22 and DM27 of the local Plan Part 3 (Development Management Policies).
8. To reduce odour levels within the site and to prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies)
9. In the interest of the visual amenity of the area and to protect the setting of the Grand Western Canal in accordance with policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
10. The application has been considered as a site accepting these feedstock types only and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been made on this basis and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).

11. To protect the rural character of the area in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
12. To prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies).
13. To ensure the archaeological works are completed prior to the planting of the screening to minimise disturbance to the planting scheme and to provide further screening for the site and assist with reducing any potential noise.
14. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3
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17. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3
18. To ensure the Local Authority are made aware of the impending cessation of the use to enable proper consideration of the removal of the items on the site.
19. To achieve a satisfactory landscape/restoration
20. Reason: In the interest of the visual amenity of the area in accordance with policies DM2, DM22 of the Local Plan Part 3
21. To provide adequate visibility from and of emerging vehicles
22. In the interest of highway safety and consideration of the impacts on the environment, neighbouring residents due to the number of movements to and from the site and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
23. To ensure the power generation from the AD plant is in accordance with that as set out in the application and supporting information and in order to ensure that the impacts of the development are acceptable.
24. To ensure the AD plant operates in accordance with the parameters and limitations as approved and as set out within the application and its supporting information.

**Contact for any more information**

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**Background Papers  
File Reference**

15/01034/MFUL

**Circulation of the Report**

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