

Application No. 15/00573/FULL

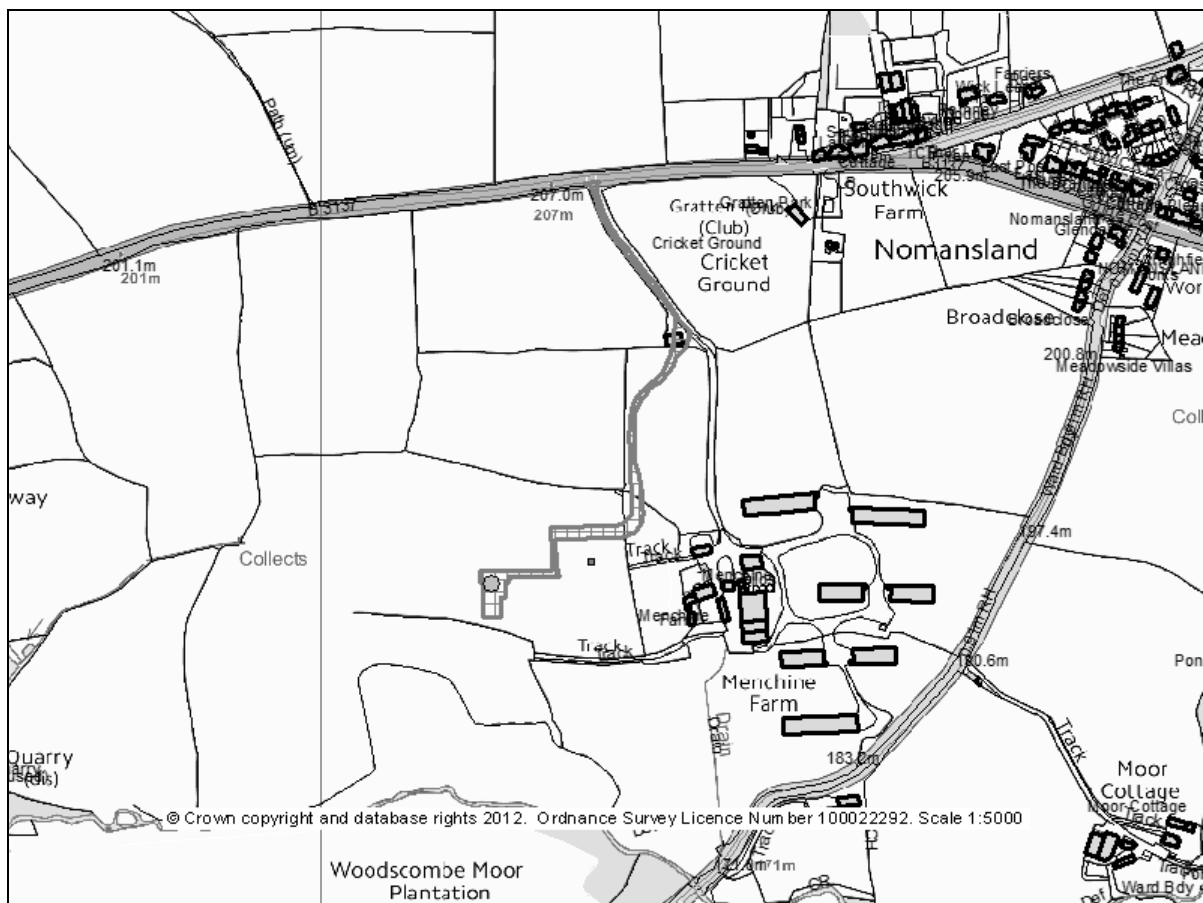
Grid Ref: 113579 : 283096

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



Update Report for the 2nd November Planning Committee meeting.

1. BACKGROUND:

The Planning Committee have considered this application on two earlier occasions as set out below. Both reports as referred to are included as appendices to this report.

On the 29th July 2015 members considered an officer recommendation to approve the application subject to the conditions as set out in report attached as **Appendix A**. At that meeting the members deferred their decision on the application until an outstanding appeal at the site had been completed into planning application ref: 14/01915/FULL which sought to change the operating output of the anaerobic digester; the appeal was dismissed.

On the 11th May 2016 members considered a further recommendation to approve the application subject to the conditions as set out in report attached as **Appendix B**. The conditions as recommended in this report had been revised since the drafting of the **Appendix A** report. Notwithstanding the further information set out in the report members resolved that the application be deferred for more information on the need for the size and capacity of the building proposed in relation to the digestate produced from the Menchine Farm AD Plant with a maximum of 500 kw output.

2. At the meeting on the 11th May 2016 it was considered by members that the further advice provided by officers in the assessment section of the **Appendix B** report and the justification provided by the applicant (paragraph 3.4) did not serve as sufficient justification to support the proposed building given that it was designed and submitted for approval by the applicant when it was intended that the Menchine Farm AD plant would operate on the basis of 1,000 KW output, the proposals for which had been dismissed at appeal. In essence members did not wish to confirm approval for the application scheme unless a robust case is made to support it when tested against policy DM22.
3. Since the last consideration of the application the Committee members have visited and completed a guided tour of the Menchine AD complex accompanied by the Head of Planning and Regeneration in order to assist their understanding as to how the Plant operates. At present the digestate fibre that is produced as a by product is stored on site and the transported away in bulk loads by tractor and trailer. Between May 2015 – June 2016 the operations at Menchine have generated 2,166.44 tonnes of Digestate fibre which has generated 166 loads to be removed from the site. Some of these movements have been via the highway in terms of exporting to other farms. Over this period the removal of dried digestate has generated 234 road movements (vehicle arriving and vehicle departing), with a further 114 movements on farm (total 348).
4. In addition, the applicant has provided the following further additional information in terms of seeking to justify the size of the building as proposed:

As stated before, I am planning on dividing the internal space into 3 equal sections. The total floor space is 450m² which gives 3 areas of 150m². These areas will be used to store product prior to pelleting, storing pelleted product and the other area used to site the machinery required. If product is stacked 2m high then this will give around 300m³ of storage in each storage area.

Unpelleted material will have a low specific weight so I estimate will only hold around 100 tonnes of fibre. In the 12 months to the end of August we produced 2,691 tonnes (Officer comment: this updates the figure as reported above to reflect the extended time period) of fibre which means we will have around 2 weeks of buffer storage in the building. Once pelleted the product becomes much more dense so the same space should hold around 600 tonnes of pelleted fibre. This amount gives us almost 3 months of buffer storage so is compatible with the required closed period of spreading organic manures in NVZ areas.

5. POLICY: Policy DM22 supports new agricultural development subject to complying with the following tests:

- 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.

6. POLICY ASSESSMENT: An assessment of the application scheme against the criteria set out at Policy DM22 is set out in the **Appendix A** report. The section below provides an overview of the conclusions reached in completing that assessment, and if the conclusions remain robust and justified.

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 for use as an agricultural fertiliser.

The size and dimensions of the application building remains as originally submitted in April 2015. At that time the applicant sought to increase the operations of the AD plant to 1 MW rather than the 500 KW as approved. The resulting appeal was dismissed, confirming operational power output to 500 KW. Logic would indicate a reduction in the size of this building.

Although your officers have discussed the opportunity to modify the size and scale of the building with the applicant, the plans as originally submitted remain unaltered. The applicant wishes it to be determined as applied for. Paragraph 4 above sets out how the process will be managed in the building, which provides 450 square metres of floorspace, with the additional information seeking to demonstrate that the building is not oversized for the amount of raw material that will be processed based on the outputs over the last year when the plant has been operating at a 500 Kw output. Whilst the size of the building clearly incorporates buffer space it would appear a reasonable size for the levels of material that will be processed in it with the Menchine Plant operating with a 500 KW output, in the absence of being able to compare it against another identical operational unit. Members are asked to note that despite research officers have not been able to identify the processing of digestate fibre into pellets on an operational basis elsewhere. There is therefore no currently available scheme comparison.

The building is stepped in the landscape standing at 6.25 metres high (north elevation) and 9.3 metres high (south elevation). In terms of the size of the building; the height and scale of the building will sit comfortably below and subservient to the main plant buildings on the Menchine AD Plant site. The building is of a similar size to the Intake store building (building 3 on the submitted plans) which the members walked through as part of the site tour. Given the existing planting on the site and the scope of new and additional planting that is recommended (refer to condition 3) the impact of the building in terms of how it affects the visual amenities, of the area, and on landscape character, considered to be negligible.

In terms of impact on the living conditions of local residents in the locality and on the environment generally, the position of building is set directly adjacent to the existing compound which is approximately 700 metres from the nearest properties at Nomansland Cross. As members witnessed on the site tour the site is well contained in terms of noise and odour impacts and it is not considered that the additional activity will generate any significant additional environmental impact.

Finally in terms of the impacts on the local highway network, the digestate fibre waste is currently transported away from the site and operating at 500 Kw output this could generate up to 348 trips on the highway. Given the nature of the proposed use for the building if the digestate fibre is processed into a pelleted format then it would be reasonable to assume the number of vehicular movements associated with exporting product off site would fall.

7. **SUMMARY AND RECOMMENDATION:** This update report provides clarification that the proposed size and scale of the building is not unreasonable for the Menchine AD plant which is restricted in operational terms to 500 KW. Efforts have been made to give further updated information on the size/capacity of the proposed building from the applicant in light of the failure of the appeal to increase the AD plants power generation. Supporting information where available is set out. The scheme overall is considered compliant with policy DM22. Therefore members are respectfully requested to endorse the recommendation as set out below, and as originally presented in the **Appendix B** report but with original conditions (hardening/surfacing of the first 10m of the access road and disposal of surface water so none drains to the highway) 3 and 4 no longer considered to be required as the works have been completed.

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 proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B (received on 26th May 2015) and as required as part of the scheme approved for the AD plant (approved under LPA ref: 14/00575/MFUL) shall be carried out in the first planting season following the substantial completion 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 substantial completion of the building hereby approved. Any trees or plans 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.

4. 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.
5. 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. 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).
4. 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).
5. 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 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.

APPENDIX A

Plans List No. 2

Application No. 15/00573/FULL

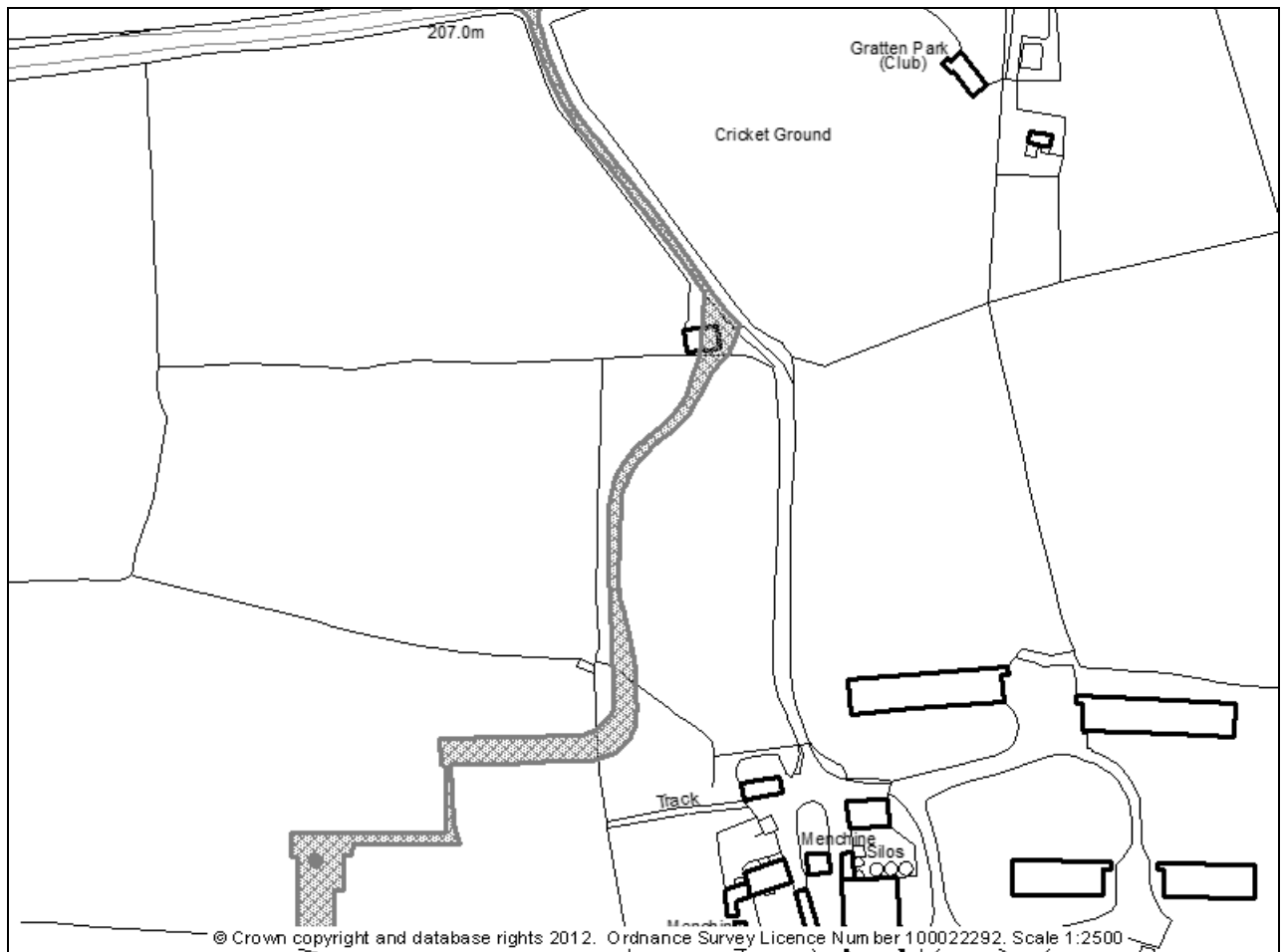
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Application No. 15/00573/FULL

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 Mid Devon District Council 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 new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

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

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 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 would 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.

APPENDIX B

AGENDA ITEM

PLANNING COMMITTEE

11th MAY 2016

REPORT OF THE HEAD OF PLANNING AND REGENERATION

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 29th 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 29th 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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Background Papers

File Reference

15/00573/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee