

<b>APPLICATION NO</b>	<b>WD/2014/0908</b>
<b>APPLICANT</b>	Zebec Energy Ltd
<b>DEVELOPMENT</b>	Planning permission for the installation of an anaerobic digestion plant and ancillary infrastructure at an existing waste management site including the installation of a 6.9km pipeline (12.5cm thick) and compressor compound to export the resultant biomethane to the gas National Transmission System
<b>LOCATION</b>	Bio Waste Solutions, Bonby Lane, Bonby
<b>PARISH</b>	<b>BONBY</b>
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a unilateral undertaking, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Bonby and Saxby Parish Councils

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources.

Paragraph 109 sets out a variety of ways in which the planning system should contribute to and enhance the natural and local environment.

Paragraph 118 advocates the conservation and enhancement of biodiversity.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location and that the effects of pollution on health, the natural environment, general amenity and the sensitivity of the area or development to adverse effects from pollution should be taken into account.

Paragraph 121 further advocates that sites must be suitable for their new use taking account of ground conditions and land instability and that after remediation, as a minimum, land should not be capable of being determined as contaminated land.

Paragraph 122 states that local planning authorities should focus on whether the development itself is acceptable use of the land, and the impact of the use, rather than the control of processes or emission which are subject to approval under pollution control regimes.

Paragraph 123 aims to protect health and quality of life by avoiding or mitigating noise impacts.

Paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### **National Planning Practice Guidance:**

Waste

Noise

Renewable and Low Carbon Energy

#### **National Planning Policy for Waste**

#### **National Anaerobic Digestion Strategy and Action Plan**

#### **North Lincolnshire Local Plan:**

Policy RD2 (Development in the Open Countryside)

Policy HE9 (Archaeological Evaluation)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T14 (The North Lincolnshire Strategic Road Network)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy W1 (Applications for Waste Management Facilities)

Policy W2 (Groundwater Protection)

Policy W7 (Waste Management Facilities and Humberside International Airport)

Policy W9 (Handling of Waste)

Policy W11 (Processing of Waste Materials)

Policy W17 (Anaerobic Digestion)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

Policy DS21 (Renewable Energy)

### **Supplementary Planning Guidance 3 (SPG3) (Design in the Open Countryside)**

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS16 (North Lincolnshire's Landscape, Waterscape and Greenspace)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS20 (Sustainable Waste Management)

Policy CS25 (Promoting Sustainable Transport)

#### **Planning for Renewable Energy Development SPD:**

Policy 2 (Landscape)

Policy 3 (Visual Effects)

Policy 7 (Community Impact)

Policy 8 (Noise)

Policy 10 (Cumulative Effects)

Policy 14 (Local Grid Connections and Ancillary Equipment)

## CONSULTATIONS

**Highways:** No objections subject to restricting the quantity of waste that can be brought onto the combined Biowaste (TAD) and Zebec Energy (AD) sites to no more than the 75,000 tonnes currently permitted at the Biowaste site.

**Archaeology:** Further to geophysical work and trial trenching taking place the HER withdraw their holding objection subject to appropriate conditions.

**Environmental Health:** The proposed installation will require a permit under the Environmental Permitting Regulations to control environmental emissions such as odour, noise and emissions to land prior to operation. Regulation of such a permit will fall to the Environment Agency (EA).

Following the submission of a noise impact assessment and additional odour modelling information, and discussions relating to a legal agreement restricting the amount of waste to be brought onto site, and linking the existing Biowaste (TAD) plant to the odour treatment equipment on the proposed Zebec Energy (AD) plant, Environmental Health has no objection subject to conditions.

**Environment Team (Ecology):** Originally objected to the development because the pipeline trenching works would lead to the destruction of much of the Bonby Road Verges Local Wildlife Site (LWS). Without controls, the works could also affect Bonby Upper Meadow LWS, Elsham Chalk Pit North LWS and LGS, Elsham Chalk Pit LWS and Elsham Road Verges LWS. Subject to further drawings being submitted showing an amended pipeline route, which avoids Local Wildlife Sites, the Environment Team has no objections subject to conditions.

**English Heritage:** No comments.

**Humberside Fire:** No objection. Adequate access and water supplies must be provided for fire-fighting.

**Environment Agency:** No objection subject to conditions. Operation of the proposed anaerobic digestion plant will be classed as a waste activity and require a bespoke environmental permit; this will contain conditions that must be complied with.

**Campaign to Protect Rural England:** Objects to the development on the grounds that it is contrary to North Lincolnshire's policy on development in the open countryside and that it would result in over-industrialisation of a very rural area. By allowing the continued expansion of the site, the council would be blighting the area for a future where refusing development for other industrial activities would be increasingly difficult and industrialisation of a very rural area would occur by default.

It should be remembered that only a few months ago the Secretary of State ruled that the construction of 10 wind turbines to the north of this proposal would *'result in substantial harm to the quality and character of the landscape, as well as having a significant visual impact'*; and that *'the proposal would adversely affect those elements which distinguish this stretch of the Wolds, would diminish the contribution that the Wolds make to the wider landscape and would run counter to the undeveloped and open character of this part of the Wolds. The proposal would also diminish the physical tranquillity of this landscape.'*

Along with industrialisation comes the prospect of increased traffic movements.

CPRE supports anaerobic digestion as a means of dealing with unwanted organic waste and generating energy. However, this is not an agricultural activity but an industrial one which would be much more appropriately sited on an industrial estate such as Elsham Wold where access is much better and appearance matters less. There is no reason whatsoever why this facility should be located in an agricultural area.

**Humberside Airport:** No objection.

**North East Lindsey Drainage Board:** The site lies outside the Board's district; this area is covered by the Ancholme Drainage Board.

**Ancholme Drainage Board:** No response received.

## PARISH COUNCILS

### Saxby Parish Council

Object on the following grounds:

- The industrial and hazardous nature of the development is entirely unsuitable for a rural and agricultural setting. It should be on an urban, purpose-built industrial area with attendant safety measures and proper infrastructure.
- The size and height of the proposed development is far too big for the setting and will overly dominate the beautiful surrounding countryside and permanently spoil the area.
- The Secretary of State has recently thrown out plans for the Saxby Wold Wind Farm on the grounds of visual amenity and the detriment it would have on the local area. The parish council feels that this development would be as bad, if not worse.
- The road leading to the proposed development is a 'C' road and is completely unsuitable for a concern of this size and has been beset with problems because of the current business. It is not a road that tankers should be using, it damages the road and verges, it is too narrow and causes problems for other road users.
- The parish council is concerned about contamination of springs and aquifers from the work carried out at the plant.
- There is concern about the notion that dirty tankers bringing in waste will be leaving clean and yet there is no mention of a wash-out facility – where will waste water drain off to?

- This cannot be classed in the category of standard farm biowaste digesters, as it will be at least eight to sixteen times the size of these.
- The proposed extended opening hours will cause light and noise pollution affecting local residents and the countryside/wildlife.
- The parish council is unhappy about the pipeline running along Middlegate Lane – this is a single-track country lane set in lovely countryside and is the wrong place for such a pipeline. There are grave concerns for wildlife if hedgerows are removed for such a plan. The effect on wildlife as a whole because of the proposal is a concern.
- This business was originally supposed to be for green agricultural waste and seems to have crept slowly and without check into an industrial concern. There have been huge amounts of complaints about the business and concern about it breaking its conditions, operating hours and odour management. The impact an even larger concern will have on local residents and the surrounding countryside is unacceptable.
- If this even larger proposal is permitted then more industrial businesses will try to use it as a precedent to set up close by. Then in time there will be an industrial estate sitting in once peaceful and beautiful countryside. It is totally inappropriate considering all the brownfield urban areas that could be used.
- The hazardous nature of the business (gas production) is very worrying – if there was a leak it would roll down the hill to surrounding villages. The site is miles from emergency services and hospitals. It should be in a designated area such as the Hazard Zone near Grimsby where adequate safety measures can protect both workers and the general populous.
- The parish council feels that inadequate public consultation has taken place and that letters should have been posted to all local residents.

### **Bonby Parish Council**

Objects to the development on the same grounds as those raised by Saxby Parish Council. In addition Bonby Parish Council questions why no Environmental Impact Assessment was submitted with the application.

### **Worlaby Parish Council**

No objection to the application. However they would prefer to have the gas pipeline that will run from Bonby to Elsham located in the verge and not for Middlegate Road to be dug up.

### **Elsham Parish Council**

No comments or objections.

## **PUBLICITY**

The application has been publicised via site and press notices and the applicants carried out pre-application consultation with local communities prior to the planning application being submitted.

Letters of objection have been received on the following grounds:

- The development constitutes industrial development in the open countryside, which is totally unacceptable in this location.
- There have been odour problems associated with the existing site since 2007 and, despite efforts to reduce these problems in recent years, they still exist. How do local residents know that they will not face the same situation again with the proposed development?
- The development will have a significant impact on the character of the landscape and will set a precedent for future industrial development in the area.
- Traffic generated by the development will impact on the peaceful atmosphere of the area.
- Bonby Lane has already had to be resurfaced due to the HGV traffic generated by the site; this will be exacerbated by the development.
- There will be a noise impact on local residents from pumps, fans and HGVs.
- Information with regard to the future of the existing site is conflicting.
- What facilities are being provided for employees?
- What safety precautions will there be for employees and local residents?
- It will take a long time for the proposed trees to screen the structures.
- What precautions are to be taken to prevent contamination of the chalk aquifer?
- A lot of supplementary information relates to a previous application.

## **ASSESSMENT**

The application site is a parcel of land directly adjacent to and adjoining an existing waste facility, comprising a thermophilic aerobic digestion (TAD) plant, located approximately 1.4 kilometres to the north-east of Bonby. Access to the site, and the existing waste facility, is via Bonby Lane, a small C-class road linking Brigg Road to the north-east and Middlegate Lane to the south-west. The surrounding area is predominantly agricultural in nature, with the application site being surrounded by arable fields, except to the south-east where it abuts the existing waste facility. Field boundaries are mostly defined by hedgerows and there are small stands of plantation woodland to the north and west.

This application seeks planning permission for the erection and operation of an anaerobic digestion (AD) plant to the north-west (rear) of, and linked to, the existing TAD plant; and a 6.9 kilometre biogas pipeline running to a new compressor compound which is to be erected approximately 500 metres to the south-east of Elsham Wold Industrial Estate. The proposed AD plant will occupy an area of approximately 1.5 kilometres, accommodated predominantly within the boundaries of the existing site. The main built elements of the AD facility will comprise of:

- a weighbridge, feedstock reception building and tankage;
- digestion tanks, buffer mixing plant and propane storage;

- biogas upgrading plant and standby biogas flare;
- maintenance and storage area; and
- biofilter (odour control).

The existing TAD facility processes up to 75,000 tonnes per annum of food and agricultural waste (feedstock) originating mainly from the Grimsby, Scunthorpe and Doncaster area. The feedstock is currently processed to produce compost and fertiliser. All gases produced in the current (aerobic) process are lost to the atmosphere as greenhouse gases. The proposed AD facility will only handle wastes from the existing TAD plant and as such there will be no net increase in vehicle movements and waste brought onto the site. Waste will continue to be processed via the existing TAD plant to sterilise the material prior to it being fed into and processed through the AD facility. It is anticipated that fifteen percent in weight of the feedstock will be converted to biogas, leaving approximately 68,000 tonnes per annum of digestate. It is intended that the digestate will be certified under the PAS 110 Quality Protocol for use as an agricultural fertiliser.

The proposed pipeline will be 125 millimetres in diameter and can be laid up to a depth of up to 75 centimetres. The compressor compound will increase the gas pressure from 7 bar to 30 bar for injection into the national gas grid. The compound and connection point will cover <0.1 acres of land, currently part of an agricultural field. It has been stated by the applicants that the AD facility will produce enough biomethane gas to supply up to 3,915 average households (up to 5.8Mm<sup>3</sup> per year).

Planning permission for the TAD plant was granted in 2005 (PA/2005/0736). Further planning applications were submitted on the application site in 2012 (WD/2012/1438) and 2013 (WD/2013/0566) on behalf of Tamar Energy Ltd for an AD plant; these applications were withdrawn due to concerns relating to the scale of the development, traffic generation and odour issues. The currently proposed scheme is materially different from the previous applications for an AD plant, with a reduction in the scale of the plant and the removal of Combined Heat and Power (CHP) engines in favour of exporting all of the natural gas to the national grid via a pipeline.

**The main issues in the determination of this planning application are:**

- **whether the principle of the development is acceptable in this location;**
- **whether the proposed development would have an unacceptable visual impact on the open countryside;**
- **whether the proposed development would have an unacceptable impact on the amenity of local residents; and**
- **whether the proposal would be harmful to highway safety.**

**Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North



Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The development plan policies of most relevance to establishing the principle of this development are policies W17 of the NLLP and policy CS20 of the NLCS.

Policy W17 guides proposals for the disposal of waste via anaerobic digestion. Such developments will only be supported where the proposed site is located close to the main sources of waste and/or the markets for the recovered materials; the site has adequate access to the highway network; and the proposal will not give rise to unacceptable impact on the local landscape, local community, or the environment.

The impact on landscape, local amenity and the environment are considered below, however no objections have been made by statutory consultees and the environmental impact of the development, in the longer term, is considered to be positive.

Policy CS20 of the NLCS outlines a hierarchical approach to the identification of new waste management and treatment facilities. The application site is considered to comply with this hierarchy as it is located close to recipient farms for the generated digestate and the use of existing industrial and business sites is also listed as the fifth most preferable type of site. Whilst the site itself is not a farm, the predominant destination for the produced digestate is the 4,500 hectares of farmland close to the site which is owned by White's Recycling Ltd (the parent company of Biowaste Solutions).

The suitability of the location for the proposed use must also be assessed against the Locational Criteria at Appendix B of the National Planning Policy for Waste (NPPW), which superseded Planning Policy Statement 10 on 16 October 2014. The subsections below all assess this application with due regard to this guidance. The NPPG also provides guidance on waste developments and more specific guidance on related subjects such as noise.

In addition, the NPPF established a presumption in favour of development that is sustainable and gives strong support to projects that would lead to the reduction in greenhouse gas emissions by supporting the delivery of renewable and low carbon energy and its associated infrastructure. The NPPF sees this as being central to the economic, social and environmental dimensions of sustainable development (paragraph 95).

It is therefore concluded that the application is acceptable in principle and complies with policy CS20 of the NLCS. Compliance with policy W17 of the NLLP is dependent upon the acceptability of the scheme when assessed against environmental and visual harm and the potential loss of residential amenity.

### **Visual impact**

The application site lies adjacent to an existing waste facility within the open countryside. The surrounding landscape does not attract any formal national or local landscape designation. The local landscape is one of open rolling farmland and is characterised by an open and expansive, rolling arable landscape, dissected in places by gently graded dry valleys; large fields, often lacking boundary definition; occasional blocks of mainly deciduous woodland; and isolated farmsteads surrounded by shelterbelts of trees. The application site lies on the sloping north-eastern side of a ridgeline that runs parallel with

Middlegate Lane and is afforded some screening from wider views by the rolling landscape and surrounding ridgelines.

The site of the proposed AD plant lies directly adjacent the existing TAD plant within the visual envelope of this existing site. The existing waste facility comprises modern industrial development in the form of large sheds and tanks in a relatively open location and itself sits directly adjacent to existing agricultural barns that front Bonby Lane. Overhead transmission lines are a prominent feature in this open landscape. The compressor compound will sit within a field along Middlegate Lane and views toward it will be achieved from the approaches along Middlegate Lane from the north-west to the south-east.

The applicants have submitted a Landscape and Visual Impact Assessment and Appraisal (LVIA) as part of the planning application, which considers the impact of the proposed development on the character and appearance of the area. This document concludes that the impact of the proposed development on the surrounding landscape will not be significant. The applicants have also proposed a landscaping scheme incorporating bunding and planting around the perimeters of the site and have confirmed that the proposed building and tanks will be coloured green to soften their appearance.

In conclusion it is considered that, due to the position of the site within a dip in the rolling landscape directly adjacent to the existing waste facility, and the proposed mitigation measures (landscaping) detailed on the submitted drawings, the proposed development will not have an unacceptable impact on the surrounding landscape despite its industrial nature.

### **Residential amenity (noise and odour)**

The proposed AD plant will be located adjacent to an existing waste management facility which uses similar technology. The nearest residential receptors are over 900 metres from the site. Noise at the existing TAD plant is generated by vehicles servicing the site, waste acceptance and the general movement of plant and equipment. Additional noise from the AD plant will be associated with ventilation and cooling fans, gas blowers and compressors, pumps and mixers. It is proposed that the plant will operate 24 hours per day; however restricted hours for deliveries to the site have been proposed and a condition has been imposed in this regard.

The applicants have submitted a noise impact assessment as part of the planning application. This document concludes that the additional noise from the proposed AD plant will not be significant and will not result in an unacceptable impact on residential amenity in the area. This is due to existing noise levels (existing plant) and the distance to the nearest residential receptors. The council's Environmental Health department has been consulted on the application and has requested a condition be imposed restricting noise levels from the site should planning permission be granted. Environmental Health has confirmed, subject to this condition, that the proposed plant can operate without having an adverse impact on the amenity of local residents as a result of noise and disturbance.

An odour assessment has been submitted as part of the planning application. The AD system is a sealed system which is designed to prevent the release of odours from the processing of waste. Odour release during waste reception, storage and handling will be minimised by ensuring that such activities only take place within the waste reception hall. Air from the reception hall will be extracted and passed through a biofilter before being released into the atmosphere, thereby minimising the likelihood of any fugitive odour release. In addition to this, there will be no outdoor storage of waste materials within the AD

facility, further minimising the risk of odour release. The processing of waste will be fully contained within the digester tanks, with the resultant biogas being drawn off and piped to the compressor compound where it will be exported to the grid. Resulting digestate from the AD process will be contained within sealed storage tanks and transferred to delivery vehicles for onward transfer as a soil conditioner and fertiliser. This sealed system will dramatically reduce the potential for any odours to be released into the atmosphere.

The digestate produced on site will be produced to a standard known as PAS110, a much higher standard than that produced at the existing TAD facility. This digestate is classed as a 'product' rather than waste and will be used as a direct replacement for fertiliser in the surrounding area. As part of the PAS110 standard there is a responsibility to make sure that a wide range of environmental legislations are met and that the digestate does not release 'offensive' odours when spread. To comply with PAS110 regulations the operator must meet a range of legislative requirements to ensure that the waste is fully treated and of appropriate standard for use as an agricultural bio-fertiliser. Therefore the final digestate product will be of such a standard that it should not result in odour nuisance when spread.

Complaints have been received from local residents with regards to the existing TAD waste facility. The applicants have stated that the majority of these complaints related to smells emanating from open windrow composting and the spreading of inferior digestate on surrounding land. The applicants have stated that the existing TAD plant will be the primary source of waste fed into the proposed AD plant and as such the plants will be linked; they have also agreed that emissions from the existing plant can be treated by the superior odour abatement plant proposed for the AD facility. This in turn will reduce the potential for odour nuisance arising from the operation of the TAD facility. The applicants have suggested that this will constitute a planning gain as the operation of the proposed AD facility will reduce odour emissions from the site. It should also be noted that Biowaste Solutions has already decommissioned the open windrow composting and slurry lagoon at the existing site, which were two aspects of the facility which were known to contribute to odours. Furthermore, Biowaste Solutions has confirmed that the existing TAD plant will be decommissioned within six months of the date on which the AD plant first exports gas to the grid.

The council's Environmental Health department has confirmed that it has no objections to the proposed development with regard to odour subject to the necessary legal agreements (between the operators of the two sites) being in place to link the existing TAD and proposed AD plants and restricting the combined input of waste to the two sites to no more than currently permitted at the TAD plant (75,000 tonnes). Environmental Health has also suggested rigorous planning conditions controlling the management of odours at the site. In addition to these conditions, it should be noted that the proposed facility will require an Environmental Permit which is regulated by the Environment Agency (EA) and will also have strict conditions controlling the facilities releases to air, water and ground. The EA will monitor the site as part of their environmental permitting regime.

A condition has been imposed to control the extent of any external lighting at the site. This will prevent unacceptable light pollution.

In conclusion, it is considered, subject to the aforementioned conditions and legal agreements, that the proposed development will not have a significant detrimental impact on residential amenity in the area.

## **Highways**

Access to the site will be via Bonby Lane and will be shared with the existing TAD waste facility. Bonby Lane is a narrow C-class road that links Brigg Road and Middlegate Lane. It is proposed that all traffic will enter the site from the north-east, via the A15 dual-carriageway, which offers a convenient link to the national motorway system. This would mean that no vehicles would be expected to reach the site by travelling through Bonby, or nearby villages. It is proposed that the waste to be processed by the new AD plant will be fed into it from the adjacent TAD plant and that there will be no increase in the amount of waste brought onto site. The applicants (Zebec Energy) and the operators of the existing TAD plant (Biowaste Solutions) have agreed to a legal agreement restricting the amount of waste that can be imported to the two sites to 75,000 tonnes; this is the amount that is currently permitted to be processed by the TAD plant. Therefore the proposed development will not result in an increase of waste being brought onto the site and as such there should be no increase in HGV movements to and from the site.

The council's Highways department has been consulted on the application and has confirmed that it has no objection to the proposed development subject to the necessary controls limiting the volume of waste being in place and subject to appropriate conditions. On this basis it is considered that the proposed development will not result in any significant detrimental impact to the local highway network.

### **Ecology**

The council's ecologist has been consulted on the application and has provided detailed advice to the applicants with regard to the routing of the proposed gas pipeline. This has included identifying areas of verges and hedgerow that are designated as Local Wildlife Sites (LWS). Consequently, the applicants have amended the route of the pipeline to avoid the ecologically sensitive locations identified. The council's ecologist has confirmed that they have no objection to the proposed scheme following this rerouting and subject to conditions intended to secure biodiversity enhancements.

### **Contamination**

The council's Environmental Health department has confirmed that there is the potential for contaminants to be present on site associated with its historic use and infilled ground. Consequently conditions have been imposed requiring investigative work to be undertaken to establish the presence of land contamination and any necessary mitigation prior to development being commenced.

The EA has requested a condition requiring works to be carried out in accordance with the submitted flood risk assessment, including a surface water drainage scheme. It should also be noted that the site will be regulated by the EA under their environmental permitting regime, which controls emissions to air, water and ground. This permitting regime will regulate the site with regard to measures to prevent groundwater contamination. The EA has raised no objections to the proposed development with regard to either flood risk or groundwater contamination.

### **Archaeology**

The application site lies within a wider zone of archaeological interest with known prehistoric and Roman sites and there have been a number of Roman/Iron Age finds in the nearby locality. The applicants have carried out archaeological evaluation in the form of geophysical survey work and trial-trenching and have submitted an archaeological

mitigation strategy as part of the application. The council's archaeologist has been consulted and has confirmed that, subject to appropriate conditions, the proposed development would have no significant impact on below ground heritage assets in the area.

### **Cumulative impact**

Planning permission has recently been granted (WD/2014/0606) for a farm-based anaerobic digestion plant at Northwold Farm, Worlaby. This site is approximately 1.3 kilometres to the south-east of the application site. The approved site will cover 0.9 hectares and will burn its biogas in an on-site combined heat and power plant. The facility will use pig slurry and manure but the majority of feedstock will be generated by maize and beet. There are no other anaerobic digestion plants within the vicinity of the site at present. However, as set out above, the proposed AD plant does sit next to an existing thermophilic aerobic digestion plant.

The site at Northwold Farm will be regulated under the Environmental Permitting regime and all emissions are anticipated to be properly managed to minimise any residual impacts. Like the proposed scheme, the recently approved AD plant is a sealed system which should not result in significant environmental harm. On this basis it is considered that the proposed development will not result in any cumulative impact in terms of odour or noise. As the proposed development is intended to reduce odour impacts from the existing TAD plant it is considered that the cumulative impact of the development in terms of odour could be considered to be lessened by the proposed development.

The consented AD plant at Northwold Farm sits on an existing farmstead alongside agricultural buildings. Due to the rolling nature of the landscape and existing structures on both sites it is considered that there will be no significant cumulative visual impact should the proposed AD plant be approved.

It should also be noted that whilst it has been recently consented the AD plant at Northwold Farm has not been constructed and there is the possibility that it never will be built out.

### **Benefits**

It is anticipated that, during its operational phase, the scheme will generate 6 full-time jobs. In addition to this it is anticipated that 50 jobs will be generated for the duration of construction works and the applicants have confirmed that they will make all reasonable efforts to employ local people where appropriate. It is further anticipated that a number of indirect and induced jobs will be created because of the need to service the site.

The proposed AD facility offers an environmentally sound option for waste management that helps divert waste from landfill, reduce greenhouse gas emissions and produce renewable energy which can be used to power homes. It has been stated that the development will produce sufficient energy to power approximately 3,915 average households per year.

Furthermore, the by-product of the anaerobic digestion process (digestate) offers a sustainable alternative to fertiliser and will be used on local agricultural land. This digestate will be produced to a much higher standard than that produced on by the TAD plant and as such result in a reduction in odour as a result of it being spread on the land.

It has also been put forward by the applicants that the proposed AD plant will benefit local residents by improving the existing facility, particularly with regard to the odour abatement equipment that is proposed.

## **Conclusion**

In conclusion, it is considered that the proposed development will have no unacceptable visual impact. It will not have a significant impact on residential amenity and, subject to appropriate controls, could result in an improvement to the existing situation. Furthermore, the development will have no significant impact on the local highway network above and beyond what is currently consented at the site. It is further considered that the environmental and economic benefits of the scheme outweigh any of the limited detrimental impacts identified above. On this basis it is recommended that planning permission be granted.

## **RECOMMENDATION**

**Subject to the completion of a unilateral undertaking restricting the amount of waste to be brought onto the sites of the Biowaste TAD plant and Zebec Energy AD plant cumulatively to 75,000 tonnes, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the undertaking;**
- (iii) if the undertaking is not completed by 11 July 2015 the Head of Development Management be authorised to refuse the application on grounds of impact on residential amenity in the area; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: EI434 (PL)001 rev A, EI434 (PL)002 rev A, EI434 (PL)003 rev A, EI434 (PL)004 rev E, EI434 (PL)005 rev C, EI434 (PL)006 rev B, EI434 (PL)007 rev A, EI434 (PL)008, EI434 (PL)009 rev B, EI434 (PL)010 rev A, EI434 (PL)011, EI434 (PL)012 rev A, EI434 (PL)013 rev A, EI434 (PL)014 rev A, 319/01/IR/102, 319/01/IR/103, 319/01/IR/104, 319/01/IR/105, 319/01/IR/106, 319/01/IR/107, 319/01/IR/108, 319/01/IR/109 and 319/01/IR/110.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The development hereby permitted shall be carried out fully in accordance with the approved Flood Risk Assessment dated 22 November 2012. In particular, surface water shall be re-used within the anaerobic digestion plant and excess surface water will discharge into a suitable soakaway.

Reason

To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site.

5.

No development shall commence until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of nest boxes and bat boxes to be installed in trees or hedgerows within the area depicted on submitted drawing number (PL)004 Revision C;
- (b) proposed timings for the installation of the above features in relation to the completion of each building;
- (c) details for the creation and ongoing management of areas of wild bird seed arable habitat;
- (d) details for the planting and aftercare of native trees and shrubs;
- (e) details of measures to be taken during the construction phase of the proposal, to avoid harm to nesting birds and other protected species or priority species;
- (f) details of pipeline routing and sensitive pipeline installation methods to avoid impact on Bonby Road Verges Local Wildlife Site and other areas of lowland calcareous grassland flora identified along the pipeline route;
- (g) measures to avoid damage to hedgerows, highway trees and hedgerow trees in accordance with National Joint Utilities Group (NJUG) publication volume 4;
- (h) prescriptions for the reinstatement and enhancement of disturbed road verges using a calcareous grassland grass and wildflower mix of UK (ideally local) origin;
- (i) monitoring methods and remedial measures to be carried out as required.

Reason

To conserve and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

6.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise agreed in writing by the local planning authority. Prior to the operation of the anaerobic digestion plant or pipeline, the applicant or their successor in title shall submit a written report to the local planning authority with evidence of compliance with this condition.

Reason

To conserve and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

7.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

8.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

9.

No development shall take place until details of the external lighting of the site have been submitted to and agreed in writing by the local planning authority and only this agreed lighting shall be installed at any time, unless otherwise agreed in writing by the local planning authority.

Reason

In the interest of protecting the amenity of neighbouring properties and the visual amenity of the area in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy for North Lincolnshire.

10.

The proposed new parking, turning and servicing facilities shall not be brought into use until the new vehicular access to the site has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority.



Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

11.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

12.

No development shall take place until the details of plant and activities have been submitted to and approved in writing by the local planning authority. The submitted details shall include the location, layout and specification of all plant, including noise data. The noise data must include details of noise levels emitted by the proposed plant, including frequency spectrum information, noise attenuation measures, if appropriate, and the resulting predicted noise level at the closest residential property. The development must be carried out in accordance with the approved details.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

The rating level emitted from all plant on site shall not exceed a total of 35 dB LAeq,15mins at any residential boundary. The definition of rating level is as specified in BS4142:2014.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall incorporate the methodology set out in the submitted document 'Written Scheme of Investigation for Archaeological Mitigation, Archaeological Excavation - Strip, Map and Sample' prepared by CgMs Consulting, dated 8 May 2013 and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts

- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognized repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

15.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

16.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological significance.

17.

Contemporaneous records of waste throughput shall be kept on site at all times in order to demonstrate compliance with the TAD and AD plant combined throughput of 75,000 tonnes per year and they shall be made available for inspection by local authority officers on request.

Reason

To protect residential amenity in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

Prior to construction and operation of the site, a scheme for the capture and abatement of odorous emission from the Biowaste Solutions TAD plant and the Zebec Energy AD Plant shall be submitted to and approved in writing by the local planning authority. This scheme shall demonstrate that the combined odour abatement systems can achieve a minimum odour removal efficiency of 1,800 ouE/m<sup>3</sup>. This shall be supported by:

- information to demonstrate that low volumetric odorous emissions will be adequately pre-treated;
- information to identify and justify the rating of the proposed odour control unit which shall be no less than 25,000 cubic metres per hour;
- performance guarantees and emission test data for the Zebec Energy Biofiltration system and Secondary Carbon Polishing System to which the guarantees relate;
- information to demonstrate that odorous emissions from the Zebec Energy biofilter have been adequately pre-treated before being emitted to any secondary carbon polishing system;
- odour modelling data;
- pipework configuration and process diagrams.

The approved pipework configuration, pre-treatment and odour abatement systems shall be installed in full and maintained thereafter.

Reason

To protect residential amenity in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

19.

Prior to construction and operation of the site there shall be submitted to the local planning authority for written approval a scheme for the control of odour on the gas cleaning system that meets a minimum odour removal efficiency of 200 ouE/m<sup>3</sup>. The scheme shall be supported by performance guarantees and emission test data to which the guarantee relates and odour modelling data.

The approved scheme shall be implemented in full and maintained thereafter.

Reason

To protect residential amenity in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

20.

Prior to construction and operation of the site there shall be submitted to the local planning authority a scheme that allows for the venting and capturing of odorous emissions during the loading of digestate into tankers following processing on site. The approved scheme shall be supported by performance guarantees and emission test data to which the guarantee relates and odour modelling.

The approved scheme shall be implemented in full and maintained thereafter.

**Reason**

To protect residential amenity in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

21.

All throughput material awaiting processing shall only be stored inside the reception buildings which are ducted to an odour abatement system which has prior written approval from the local planning authority.

**Reason**

To protect residential amenity in the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

**Informative 1**

This application must be read in conjunction with the relevant Unilateral Undertaking.

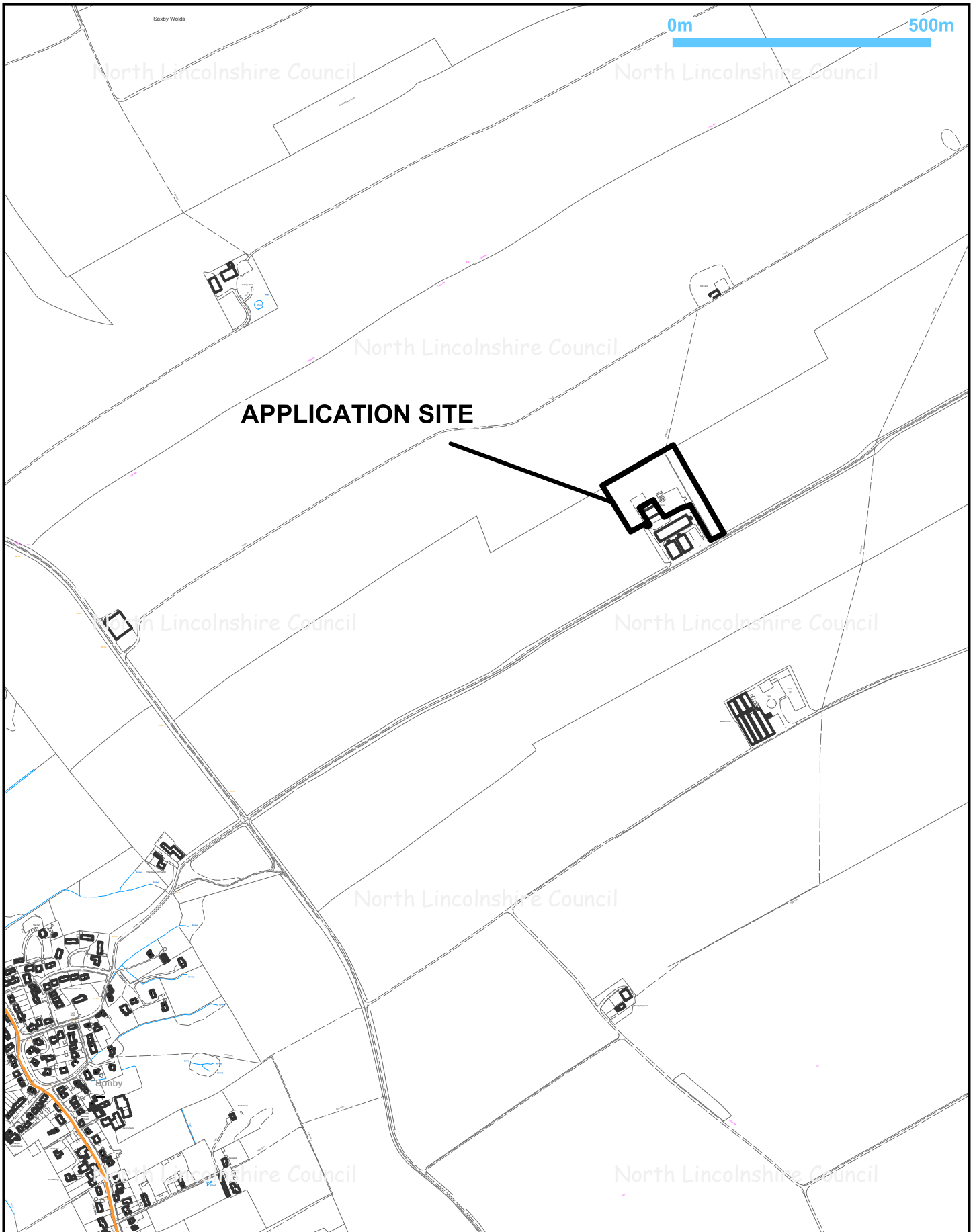
**Informative 2**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 3**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: WD/2014/0908

Drawn by: Sue Barden

Date: 27/01/2015

Scale 1:10000



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Ordnance Survey 0100023560



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