

APPLICATION NO **WD/2014/1291**

APPLICANT Merlin Renewables

DEVELOPMENT Planning permission to vary condition 17 on previously approved application WD/2012/1336 dated 01/03/2013 to 'Unless otherwise agreed in writing with the local planning authority, material shall be imported to or exported from the site only between the hours of 7am and 7pm on any day.'

LOCATION Merlin Renewables Ltd, Redbourne Road, Hibaldstow

PARISH **HIBALDSTOW**

WARD Ridge

CASE OFFICER Mark Beevers

**SUMMARY
RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR
REFERENCE TO
COMMITTEE** Objection by Hibaldstow and Redbourne Parish Councils

POLICIES

North Lincolnshire Local Plan: Policies DS1 and DS11 only.

National Planning Practice Guidance: Use of Planning Conditions.

CONSULTATIONS

Environmental Health: No objections to the proposed variation of condition 17.

Highways: No objection.

Biodiversity: No objection.

Humberside Fire and Rescue: No objection.

Environment Agency: No objection.

Historic Environmental Record: This proposal does not adversely affect any heritage assets of archaeological interest or their settings.

PARISH COUNCILS

Both Redbourne and Hibaldstow Parish Councils strongly object to this planning application in the interests of highway safety and residential amenity. They highlight that planning permission granted for quarrying activities to the west of the site were subject to a condition preventing vehicle movements on Sundays and Bank Holidays.

PUBLICITY

No letters of objection have been received from nearby residential properties.

ASSESSMENT

The site

The site is located outside the development boundaries of both Hibaldstow and Redbourne, within the open countryside. The site is located on Hibaldstow Airfield, and is surrounded by agricultural land and adjacent to agricultural buildings. The area is rural and flat in character and the landscape comprises rolling arable fields. The application site is located less than 350 metres from the nearest residential properties, which are located adjacent to Hibaldstow Airfield. Properties in and around Redbourne are located just under 600 metres from the application site.

The proposal

The original application (WD/2012/1336) involved the construction of a locally sourced biomass fuelled, renewable energy facility. This facility was anticipated to supply gas for 2,500 homes in winter and 40,000 homes in summer. This development involved the building of a biomass plant comprising a number of buildings and structures including three tanks and a silage clamp of earth bund design. Access to the site is via the existing access on Redbourne Road.

The application now submitted aims to vary condition number 17 of the original consent. The original condition is worded as follows:

Material shall not be imported or exported from the site between the hours of 7pm to 7am the following day and not at all on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

It is now proposed to vary this condition to:

Unless otherwise agreed in writing with the local planning authority, material shall be imported to or exported from the site only between the hours of 7am and 7pm on any day.

This variation allows the applicants to transport material into the site on Sundays and Bank Holidays between the hours of 7am and 7pm. Such movements were previously excluded.

For clarity it should be noted that this application has been amended, the application originally proposed the following condition:

With the exception of urgent maintenance requirements or unless otherwise agreed in writing with the local planning authority, material shall be imported to or exported from the site only between the hours of 07:00 and 19:00 on any day.

The reference to 'urgent maintenance requirements' has been removed from the proposed condition. It is considered that condition 17 on application number WD/2012/1336 would not have prevented maintenance from occurring as the condition only restricts the import and export of materials. As such this reference was not considered to have been necessary and the removal of the reference to 'urgent maintenance requirements' is considered to be non-material.

Planning assessment

Planning condition 17 was imposed to prevent adverse environmental impacts in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan (NLLP). As such it must be considered whether the proposed condition still prevents adverse environmental impacts. It must also be considered whether the amended condition still passes the tests for conditions as outlined within the suite of documents which comprise the National Planning Practice Guidance (NPPG).

Planning condition 17 was recommended by the council's Environmental Health team. Environmental Health have been consulted as part of this application and they have raised no objections to it. It was confirmed that the condition was originally imposed as a precaution due to the number and type of vehicle movements anticipated during the harvest season and the disruption this would cause to local residents on Sundays and Bank Holidays. It has been confirmed that no complaints have been received from local residents since the plant became operational.

Condition 17 only restricts the importation and exportation of material, it does not restrict operating hours. Condition 16, which will remain enforceable, prevents the dry feeder and separator plant from operating between the hours of 11pm and 7am the following day. This condition does not prevent this machinery from operating on Sundays and Bank Holidays. There are also no restrictions for other vehicle movements, only those vehicles importing and exporting materials.

A Traffic Statement was submitted in support of the original application (WD/2012/1336), which anticipated 52 agricultural vehicle movements per day during the three-month harvest season. 10% of this traffic will use roads through Hibaldstow village and 45% will use roads through Redbourne. This equates to 28 vehicle movements per day during the three-month harvest season through local villages; these vehicles will take the form of tractors with trailers from local farms.

It is not considered that this number of traffic movements causes unacceptable disruption on a Sunday or Bank Holiday, especially when those traffic movements are agricultural movements from the local area. Hibaldstow and Redbourne are rural areas and agricultural traffic movements must be expected in these areas, especially during harvest time. It is not anticipated that local farmers will be subjected to restrictions on agricultural movements and as such it is considered unreasonable to restrict movements into the application site.

Finally it is considered that the proposed condition meets the tests outlined within the NPPG. The timescales are suitably precise and enforceable and the reason for the condition continues to be relevant to the development permitted and to planning, necessary and reasonable.

Conclusion

It is not considered that the proposed variation will result in an unacceptable impact upon the amenity of local residents. The condition proposed continues to comply with the tests outlined within the NPPG.

RECOMMENDATION Grant permission 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: 17229/SK102 Rev D, 17229/804 Rev B, 17229/004 Rev M, 17229/803 Rev A, 17229/010 Rev B and 17229/011 Rev C.

Reason

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

3.

Before development commences on site, details of a landscaping scheme, which incorporates the landscaping proposed and the landscaping maintenance regime specified in the submitted Landscape and Visual Impact Assessment dated November 2012, shall be submitted to and approved in writing by the local planning authority. The approved landscape and maintenance scheme shall be implemented on site to the satisfaction of the local planning authority and there shall be no deviation therefrom, without the prior approval in writing of the local planning authority.

Reason

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

4.

All the approved landscaping shall be carried out within 12 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.

5.

The height of the tree boundary around the development shall not exceed 15 metres from ground level at any time.

Reason

In the interests of safety for users of Skydive Hibaldstow in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

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

- details of bat boxes and nest boxes to be installed;
- proposed timings for the installation of the above features in relation to the completion of each building;
- details for the creation and ongoing management of the balancing pond and areas of pollen and nectar mix, and neutral grassland rich in wildflowers;
- details of the planting and aftercare of native trees and hedgerows as described on page 68 of the submitted Landscape and Visual Impact Assessment dated November 2012;
- details of the landscaping features to maintain and enhance the value of the site for wildlife generally and for bats and farmland birds in particular;
- 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.

Reason

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

7.

The landscape and 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 approved in writing by the local planning authority.

Reason

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

8.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A (November 2012) and the revised Appendix A (January 2013). Specifically, surface water run-off generated by the development shall be limited so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The mitigation measures shall be fully implemented prior to occupation of the site.

Reason

To prevent flooding by ensuring the satisfactory storage and/or disposal of surface water from the site in accordance with policy CS19 of the adopted North Lincolnshire Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

9.

The existing vehicular access to the site shall be improved within highway limits 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 policy T19 of the North Lincolnshire Local Plan.

10.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

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 details have been submitted to and approved in writing by the local planning authority of the make, type, colour and finish of all external 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.

13.

No external lighting shall be installed on the site without the prior approval in writing of the local planning authority.

Reason

In order to safeguard the amenity of the locality in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

The energy facility hereby permitted shall only accept non-waste plant material as a feedstock.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

15.

Prior to construction of the energy plant hereby permitted, there shall be submitted for written approval to the local planning authority the detailed specification of plant and supporting technical air quality and noise data as detailed below:

Where proposed process conditions differ from those specified in Table 3 of the submitted 'Air Quality Assessment dated 9 October 2012 produced by REC Ltd prepared on behalf of Merlin Renewables Ltd Report Ref: 33044p1r2 Revision 2' full technical justification shall be provided for the proposed final choice of chimney height, which shall not exceed the approved height of 10 metres and where proposed plant attenuated noise levels differ from those specified in 'Noise Impact Assessment dated 10 October 2012 produced by REC Ltd prepared on behalf of Merlin Renewables Ltd Report Ref: 90122 Revision 1 Final Issue' the impact of plant noise levels shall be re-assessed with respect to existing background noise levels (in accordance with BS4142:1997) in order to ensure that attenuation is sufficient to protect local residents.

The approved plant and all attenuation measures shall be implemented in full and retained thereafter.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan .

16.

The approved dry feeder and separator plant shall not operate between the hours of 11pm to 7am Monday to Sunday inclusive.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

17.

Unless otherwise agreed in writing with the local planning authority, material shall be imported to or exported from the site only between the hours of 7am and 7pm on any day.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

18.

The approved biogas engine shall be installed, operated and maintained in accordance with the manufacturing and servicing company's instructions.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

19.

Prior to the biogas engine being brought into use, a written proposal for sampling of emissions from the engine shall be submitted for approval to the local planning authority. In designing the sampling strategy regard shall be had to the air quality advice contained in the Environment Agency Standard Rules Permit SR2010 No 16. The proposal shall include expected parameters for operating conditions during sampling.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

20.

Sampling of emission parameters as identified in the approved sampling proposal required by condition 19 above shall be implemented at a timescale agreed in writing with the local planning authority and shall be no more than six months later than the date the gas engine is brought into use. A written report detailing the results, sampling and operating conditions shall be submitted to the local planning authority for written approval no less than eight weeks following sampling and shall demonstrate that emissions from the engine meet the standard specified in Table 3.1 of SR2010 No 16.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

21.

All liquid and solid digestate derived from the energy facility hereby permitted shall not be subsequently mixed with any additives or waste materials prior to being spread to land.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

22.

Prior to the operation of the energy facility hereby permitted, there shall be submitted for written approval to the local planning authority an odour management plan which shall be drafted in accordance with the advice contained in 1. Environment Agency H4 Odour Guidance Appendix 4 and 2. Environment Agency Odour Management Plans for Waste Handling Facilities Version 1.0 15/11/10 and shall include a detailed process description from material intake and storage through to digestate storage and removal from site with an accompanying reference to a process flow diagram.

The approved odour management plan shall be implemented in full and retained thereafter. Any amendments to the odour management plan shall be approved in writing with the local planning authority prior to implementation.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

23.

The anaerobic energy plant hereby permitted shall process no more than 35,000 tonnes/annum of non-waste plant material.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

24.

The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime.

Reason

In order to safeguard safety and security in accordance with policy DS3 of the North Lincolnshire Local Plan.

25.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the approved facility is brought into use and once built/planted us shall be retained.

Reason

To provide an appropriate level of screening in accordance with policy DS1 of the North Lincolnshire Local Plan.

26.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

Informative 1

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.

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

The applicant's attention is drawn to the attached comments made by the Chief Fire Officer dated 12 December 2012 and the Environment Agency dated 3 January 2013 and 18 January 2013 respectively.

Informative 4

All planning conditions from decision notice WD/2012/1336 are replicated on this decision notice for clarity. Conditions discharged under application number WD/2012/1336 remain discharged as part of this application and will be enforced by the local planning authority on this basis unless otherwise agreed in writing.

