

<b>APPLICATION NO</b>	<b>WD/2015/1196</b>
<b>APPLICANT</b>	Mr N Kirby
<b>DEVELOPMENT</b>	Planning permission to install an anaerobic digestion plant with associated infrastructure (to be fuelled with organic waste)
<b>LOCATION</b>	Corrboard UK Ltd, Waldo Way, Normanby Enterprise Park, Flixborough, DN15 9YG
<b>PARISH</b>	Flixborough
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Flixborough Parish Council

## **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 significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 32 states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 56 states that good design is a key aspect of sustainable development, it is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 66 states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

Paragraph 93 states that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated.

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 states 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 emissions 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 Policy for Waste**

Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

Recognise that proposals for waste management facilities such as incinerators that cut across up-to-date local plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the local plan will not undermine the objectives of the local plan through prejudicing movement up the waste hierarchy.

Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.

Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Concern themselves with implementing the planning strategy in the local plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

**North Lincolnshire Local Plan:** Policies DS1 (General Requirements), DS11 (Polluting Activities), DS21 (Renewable Energy), W1 (Applications for Waste Management Facilities), W2 (Groundwater Protection), W6 (Transportation of Waste), W9 (Handling of Waste), W17 (Anaerobic Digestion), T1 (Location of Development) and T2 (Access to Development) apply.

**North Lincolnshire Core Strategy:** Policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering more Sustainable Development), CS5 (Delivering Quality Design in North Lincolnshire), CS11 (Provision and Distribution of Employment Land), CS19 (Flood Risk) and CS20 (Sustainable Waste Management).

## **Supplementary Planning Document: Planning for Renewable Energy Development**

### **CONSULTATIONS**

**Highways:** No objection, but recommend a condition in respect of a phased traffic management plan.

**Historic Environment Record:** The proposal does not adversely affect any heritage assets or their settings.

**Environment Team (Ecology):** The site has limited biodiversity value at present and is negligible for protected species. Recommends conditions in respect of the submission and implementation of a biodiversity management plan.

**Environment Agency:** The proposed plant will require an environmental permit. No major concerns have been identified about issuing a permit for this development. The permit will require certain infrastructure including bunding of waste processes and storage areas and abatement of reception areas. Adequate digestate capacity will need to be provided when digestate cannot be spread on land over the winter months.

**Environmental Health:** No objection on grounds of air quality. Given the location, scale and nature of the development, and the failure of the applicant to provide any details in relation to proposed odour abatement, this department objects to the application without information in respect of an odour management plan, specification of the odour control unit and the submission of a site specific bioaerosol assessment.

Following receipt of additional information from the applicants, no further comments have been received.

### **PARISH COUNCIL**

Objects on grounds of odours and leachate going into the ground. Comments made that existing businesses already result in odour issues in Flixborough village.

### **PUBLICITY**

Site and press notices have been posted. Two letters of objection have been received, both on behalf of a neighbouring company raising the following issues:

- no guarantee of odour control
- devaluation of business property value
- impact on local wildlife, including oystercatchers
- mud distributed along local roads

- the vehicular access to Nisa Today is already blocked at times; this will be exacerbated by the proposed development
- no safeguards on odour control
- recommend refusal of the planning application.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has not undertaken any consultation prior to the submission of the planning application, therefore no statement of community involvement has been submitted.

## **ASSESSMENT**

The application site consists of a flat area of ground to the rear (south) of the Corrboard factory, located on the Normanby Enterprise Park. The site contains an area of hardstanding to its western edge and is predominantly laid to grass. The ground level is significantly lower than that of the public highway to the west and south, a difference of approximately 5 metres. Buildings in the vicinity of the site include factories, offices and distribution centres. The site is located 3.15 kilometres to the north of Scunthorpe town centre, within the settlement boundary and approximately 1.16 kilometres to the south-east of Flixborough village.

**The main issues in the determination of this planning application are the principle of development, and impact on the character and appearance of the area, and residential and local amenity.**

### **Principle**

The proposal is for the installation of an anaerobic digestion (AD) facility at an existing factory for the purposes of reducing waste from local businesses, generating electricity and heat, and producing fertiliser. The digester will be fuelled by a mix of food waste, vegetable offcuts, process liquids and green waste. It will be a waste-based 499KW digestion plant and comprises the following equipment and associated groundworks:

- 499KW combined heat and power unit (CHP)
- 31 metre by 33 metre digester and 35 metre by 37 metre storage tower
- 25 metre by 20 metre reception building
- site office, liquid reception building and turning area
- biogas flare

Heat produced by the process will be used to heat the existing Corrboard building and provide steam for the manufacturing process to reduce natural gas requirements. Electricity generation will be sufficient to power over 1000 average households, but will essentially be used to fully supply the Corrboard factory, with any excess electricity being exported to the National Grid.

Policies W17 (Anaerobic Digestion) of the North Lincolnshire Local Plan and CS20 (Sustainable Waste Management) of the Core Strategy are considered to be the most

applicable. Policy CS20 states that the council will consider new and enhanced facilities for the treatment and management of waste in a number of broad strategic areas, one of which is identified as being Scunthorpe. Site 1 is identified as being for the on-site management of waste where it arises at retail, industrial and commercial locations, particularly in the main urban areas. This proposal will use waste (food waste, vegetable offcuts, process liquids and green waste) derived from local businesses, processing 25,000 tonnes of waste per year, this averages at approximately 67 tonnes per day. The proposal is therefore considered to comply with policy CS20 of the Core Strategy in terms of site selection.

Policy W17 of the local plan states that proposals for centralised anaerobic digestion facilities for the treatment of agricultural wastes will be permitted provided that:

- (i) the proposed site is located close to the main source(s) of agricultural waste and/or the market(s) for the recovered materials; and
- (ii) the proposed site has adequate access to the road network; and
- (iii) the proposal will not give rise to unacceptable impact on the local landscape, local communities or the environment.

Whilst this policy makes specific reference to the treatment of agricultural waste, it also refers to anaerobic digestion being recognised as a potential solution for the treatment of organic municipal solid waste and is linked to food processing and agricultural waste streams in the region. A planning statement has been submitted with the planning application. This states that the proposal is for the generation of electricity (499 KW) and waste using organic waste from businesses in the locality. In addition it will provide fertiliser for use on agricultural land. The AD plant will support the existing business and reduce its carbon footprint. It is proposed to reduce wastage from businesses local to the site by processing 25,000 tonnes per year. The proposal will reduce the amount of waste disposed of via landfill.

In terms of vehicle movements, the site will be accessed via the internal access road from Waldo Way. Highways have considered the proposals and raise no objections on highway grounds, but recommend that a phased traffic management plan be secured by planning condition. A transport statement has been submitted with the planning application, which states that the existing factory generates approximately 700 HGV movements per week. In terms of the development itself, the statement attests that the AD plant will generate 20 traffic movements per day, 50% of which will be generated by members of staff, the remainder being the movement of feedstock and digestate. With regard to paragraph 6.9 of the Transport Statement, the proposed development will import the following quantities of waste:

- 2000 tonnes of manure and slurry by tractor and trailer;
- 4750 tonnes of food factory waste to be delivered by HGVs; and
- 18000 tonnes of food waste and green waste to be delivered in container skips and articulated lorries.

All of these deliveries are proposed throughout the year.

Other than during the construction period, and for the distribution of fertiliser (the end product), it is considered that the proposals will not significantly increase the number of

vehicle movements to and from the site, particularly when considered against the volume of traffic that the existing Corrbord factory generates. The subsequent section of this report will consider and assess the impact of the proposal upon the character and appearance of the area.

### **Character and appearance**

The proposal consists of a digestate tank measuring 31 metres by 33 metres, with a height of 7.5 metres, and a 35 metre by 37 metre storage tower, with a maximum height of 12.5 metres. These are supplemented by a CHP plant measuring 12 metres by 4 metres, with a biogas flare to the north-east. A reception building measuring 25 metres by 20 metres is also proposed, which will have a ridge height of 8 metres. This building, together with the digester, are proposed to be finished in forest green steel cladding, which will allow visual assimilation with the large, bulkier factory building located directly to the north. The biogas dome will be of light grey colour, which will allow assimilation with the prevailing sky. The tallest of the proposed structures will not compete visually with the factory building; all of the tanks and buildings will be viewed in conjunction with the much bulkier Corrbord factory to the north and against the wider backdrop of the industrial estate. The AD plant will not be highly visible from the public highway (Bloom Lane) to the west, particularly as it will be located 5 metres below the level of the road and will be screened by the factory to the north and palisade fencing along the western boundary. Given the position to the rear of the site, the bulk and height of the existing poultry factory and the proposed materials of construction, the proposed AD plant is not considered to result in an alien or discordant feature on the industrial estate.

The nearest residential property is located more than 1 kilometre to the south-east of the site and 1.16 kilometres to the north (Lodge Lane in Flixborough). These separation distances are considered sufficient to negate any potential for loss of residential amenity arising from odour or noise. In addition, there are a number of intervening bulky industrial uses between residential properties and the application site, including the Corrbord factory and the larger Nisa Today facility to the north-west. The subsequent section of this report will assess the issues in relation to odour and noise and potential for loss of residential amenity.

### **Residential and local amenity**

The previous section of this report highlighted the distance to the nearest residential properties or sensitive receptors, these being 1 kilometre and 1.16 kilometres respectively. Environmental Health have raised issues in respect of odour management and requested an odour management plan, specification of the odour control unit and the submission of a site-specific bioaerosol assessment. Issues relating to odour have been echoed by Flixborough Parish Council and the neighbouring land user (Nisa Today). The Environment Agency has commented that this proposal will be regulated through an environmental permit and no major concerns have been identified about issuing a permit for this development.

Reference is made to a recent appeal decision for an AD plant in Bonby (application reference WD/2014/0908). Within this report the Planning Inspector makes clear reference to the Planning Practice Guidance and issues which are covered by other regulatory regimes, and that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to

approval under other regimes. The Planning Inspector concluded that a bespoke environmental permit would be expected to address a range of matters, including odour, and given the scope of control available to the Environment Agency, there is no reason to doubt the effectiveness of regulation or take a different approach to that set out within the Planning Practice Guidance. The local planning authority is satisfied in this case that issues relating to noise, odour and emissions (the issues raised by Environmental Health) can be mitigated through the environmental permit issued by the Environment Agency. Furthermore no objections have been received from the Environment Agency.

### **Other issues**

It is the responsibility of the site operator to ensure that the existing site, including the proposed AD plant, are operated in a manner which ensures that the joint vehicular access (Waldo Way) is not obstructed, particularly by HGVs. The distribution of mud onto the local highway is a matter for the police to investigate. The means of vehicular access to the site, including those associated with the AD plant, will be via local roads; these are capable of accommodating HGVs. Devaluation of property prices is not a material planning issue, therefore it will not be assessed in this case. No objection has been raised by the council's ecologist in respect of impact on protected species, but conditions are recommended in relation to a biodiversity management plan; this will ensure biodiversity gain as a result of the proposed development. The development will generate at least five full-time staff.

### **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: PA/2015/1196/001, Location Plan and Elevations.

#### **Reason**

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

3.  
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.

4.

No development shall take place 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 measures to avoid harm to nesting birds and habitat features identified in the submitted ecological appraisal during site clearance and construction works;
- (b) prescriptions for enhanced management of retained grassland to benefit plant and invertebrate diversity; and
- (c) monitoring procedures and remedial measures triggered by monitoring.

**Reason**

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

5.

The biodiversity management plan shall be carried out in accordance with the approved details and timings unless otherwise approved in writing by the local planning authority.

**Reason**

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

6.

The waste throughput of the Waste to Energy facility shall not exceed 25,000 tonnes per annum unless otherwise agreed in writing by the local planning authority.

**Reason**

The proposed development has been assessed on the maximum level of waste processing and any exceedance will require further justification.

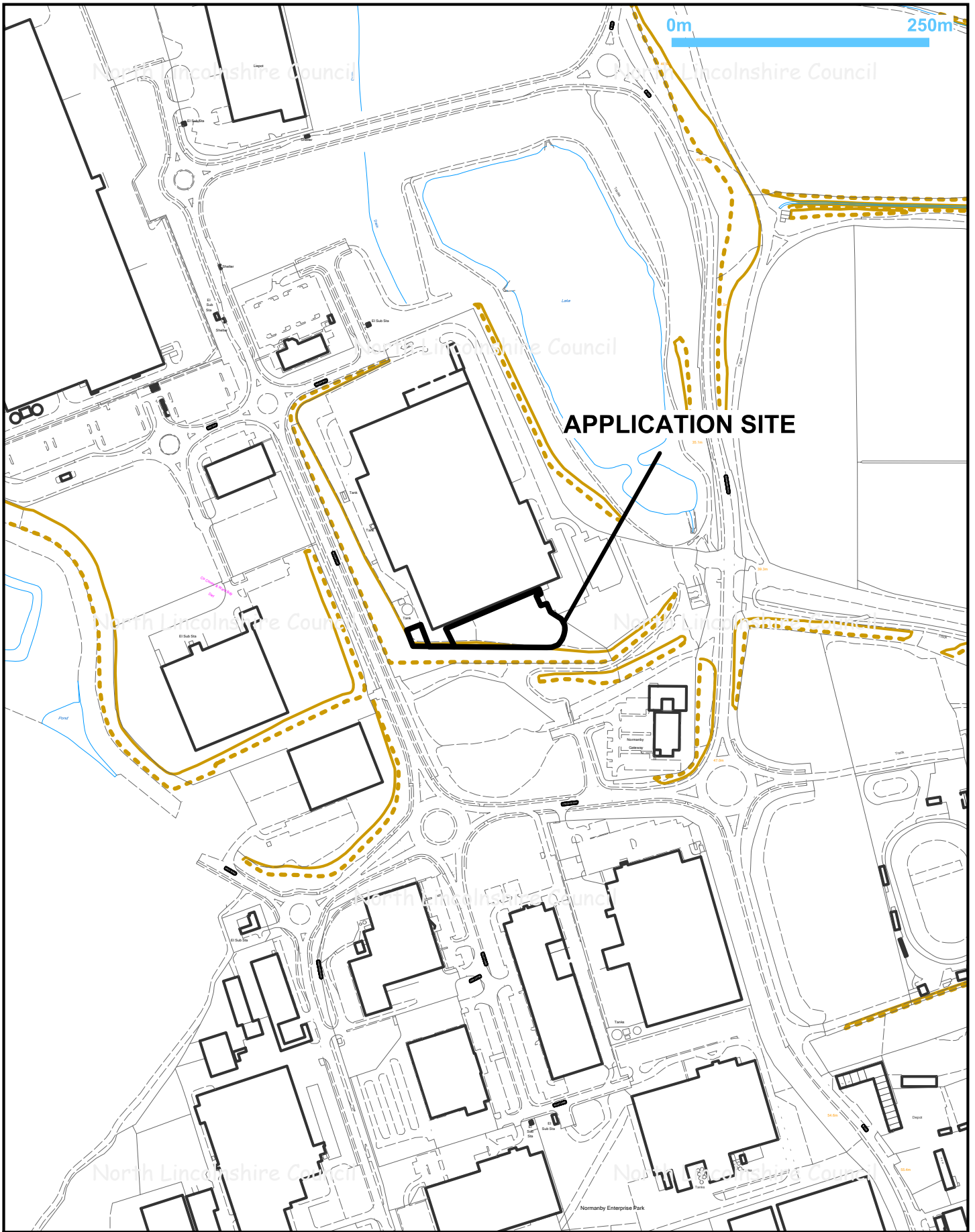
**Informative 1**

The proposed plant will require a relevant environmental permit under the Environmental Permitting Regulations 2010. The permit will require certain infrastructure, including bunding of waste process and storage areas and abatement of reception buildings. All waste storage and process areas will need to be on impermeable pavement with sealed drainage. If the conditions of a standard rules permit cannot be met, the applicant will have to apply for a bespoke permit.

**Informative 2**

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.



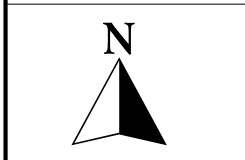


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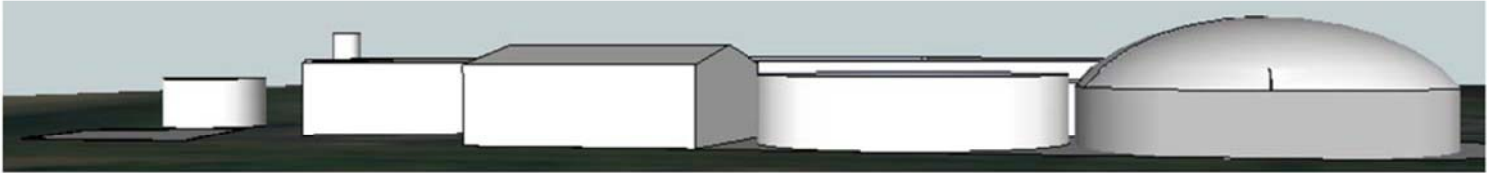
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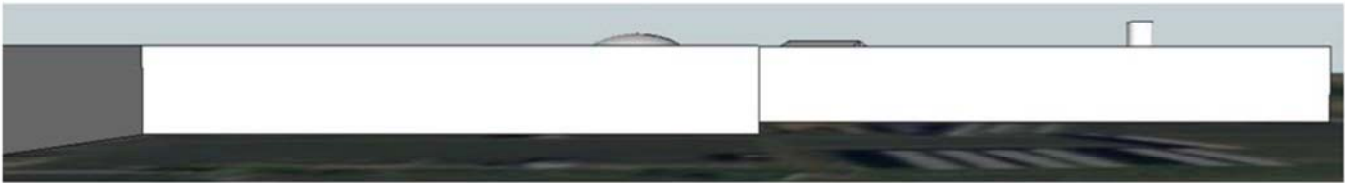
Director of Places  
Peter Williams  
BSc,DMS,CEng,MEI,MCMI,AMIMechE

# WD/2015/1196 Proposed Elevations - Not to scale

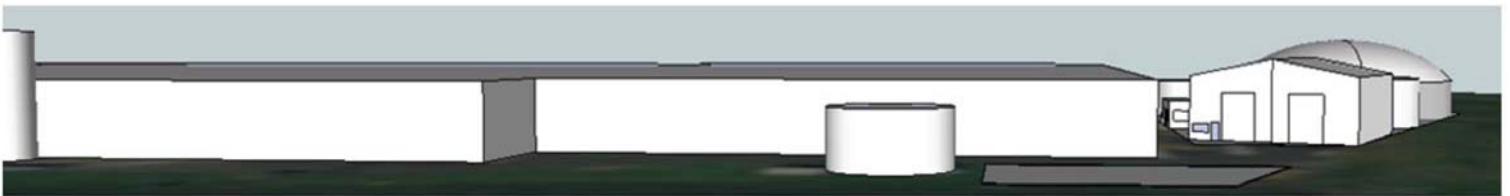
North



South



East



West



WD/2015/1196 Proposed Site Layout - Not to scale



WD/2015/1196 Proposed aerial view - Not to scale

