

30 November 2010

Waste Planning Application (County Matter)

**Erection of an Anaerobic Digestion Plant at Chichester Food Park,
Runcton, nr Chichester, West Sussex**

Application No: WSCC/061/10/NM

Report by Divisional Manager (County Development)

Local Member: Andrew Smith

District: Chichester

Executive Summary

This report concerns a proposal by Langmead Farms Ltd to erect an anaerobic digestion plant resulting in the production of biogas and digestate at the Chichester Food Park, off the A259 at Runcton, near Chichester. The site, which covers an area of 1.88 hectares, is located south-east of Chichester, to the east/north-east of the village of Runcton, and to the west of the settlement of Merston.

This report provides a generalised description of the site, sets out the relevant planning history, and describes the proposal, and the policy context within which it should be considered.

Chichester District Council, North Mundham Parish Council, and Oving Parish Council raised objections on policy and environmental grounds. No objections have been received from other consultees. Representations from local residents object to, but are not restricted to, inappropriateness of location, traffic, noise and odour, proximity of development to residential housing, and visual intrusion in the landscape.

Consideration of Key Issues

The main material planning considerations are whether the proposal:

- meets an identified need;
- accords with the local Horticultural Development Area policy;
- is satisfactory in terms of design and appearance;
- is acceptable in terms of highway capacity and road safety; and
- has an acceptable impact on local amenity;

Identified Need

The development proposed is in line with national policy guidance requiring the movement of waste up the waste hierarchy. There is an established, ongoing need for

the development of green infrastructure which the proposed development would provide, making a significant contribution to meeting renewable energy targets and reducing the need to use fossil fuel based power. The AD plant would help to meet the needs of local farmers and the fresh food related industry on and around the Chichester Food Park. In so doing, it would use horticultural waste productively and meet the need to reduce the volume of waste that would otherwise go to landfill.

Horticultural Development Area Policy

Policy RE11A seeks to guide the location of commercial horticultural to the HDA to protect the environment and amenities. It does not preclude the development of other development within the HDA and, therefore, the current proposal does not conflict with Policy RE11A. Notwithstanding this fact, it should be recognised that the proposal would play a part in supporting the horticultural and glasshouse industries within the HDA which are important to the local economy.

Design and Appearance

The design of the anaerobic digester and associated structures takes account of practical considerations and is suitable for its intended purpose. Although the digesters are large, they will be seen in context with other large structures in the locality, including those within the HDA. In conjunction with the proposed bunds and landscaping, the form, and siting of the structures and plant is acceptable.

Highway Capacity and Road Safety

Subject to securing a Section 106 Routing Agreement and imposition of appropriate conditions, the amount of tractor/trailer/HGV trips associated with the development would not give rise to an unacceptable impact on local highway capacity. Conversely, the provision of an AD plant would, on balance, be likely to reduce both the number and length of trips taking place both presently and in the future. The traffic generated would not impinge to any significant degree on road safety.

Local Amenity

The proposed development is within an agricultural and rural area where farming practices customarily, from time to time, produce odours and noise and where harvesting will occur seasonally. In light of the distances involved and the matters which can be secured by condition, the development would not cause unacceptable impacts upon local residential amenity.

Conclusion

The proposal is in accordance with national policy guidance requiring the movement of waste up the waste hierarchy. It is needed to meet national and local waste disposal objectives and to serve the local horticultural and agricultural industry, and is appropriately located for the latter purpose. There are no adverse highway implications and imposition of appropriate conditions can both protect visual amenity and ensure that there are no unacceptable residential amenity impacts. Accordingly, the proposed development is in compliance with the relevant development plan

policies.

Recommendation

That planning permission be granted subject to:

- (a) conditions and informatives set out in **Appendix 1** to this report; and
- (b) completion of a Section 106 routing agreement.

1. Introduction

- 1.1 This report concerns a proposal by Langmead Farms Ltd for the erection of an anaerobic digester (AD) plant to produce biogas for the generation of renewable energy at Chichester Food Park at Runcton, near Chichester.
- 1.2 The proposed development will take feedstock from local growers and packers both within and outside the Langmead Group and utilise this material to generate biogas and digestate.
- 1.3 The applicant owns the adjoining existing open-air composting site and use the compost produced there on their own farmland in Chichester District. Some of the material currently sent there will be diverted and used for the proposed anaerobic digestion plant.

2. Site Description

- 2.1 The site is located south-east of Chichester, to the east/north-east of the village of Runcton and to the west of the settlement of Merston. The site is accessed off the A259 and covers an area of 1.88 hectares. **(Appendix 2 – Location Plan and Appendix 5 – Site Context Plan).**
- 2.2 The application site is currently used as agriculture. It is situated in a rural location and within the larger Chichester Food Park site, which comprises a variety of different structures. The site boundary is open and the surrounding area is low-lying and flat, synonymous with a coastal plain environment. The nearest residential properties lie approximately 200m to the south-west of the site.

3. Relevant Planning History

- 3.1 The open-air composting operation to the south of the application site, received permanent planning permission on 29 October 2009. This came after a temporary permission was granted in order to monitor and assess its effect on the wider area.

4. The Proposal

- 4.1 The planning application is for buildings and structures required to create an anaerobic digestion (AD) plant to produce biogas for the generation of renewable energy. It includes, inter alia, a storage clamp (5,000m³/16,000tonne capacity for

the ensiling and storing of input feedstock), a reception tank (for the direct unloading and storing of agricultural trimmings only), main digesters (two in number), two combined heat & power (CHP) units, a pump room, feed hoppers, and other associated machinery. The current proposal is an amendment to a withdrawn application which proposed three digesters at a greater height and which required a greater land area. The visual impact of the proposed development, given its location on the coastal plain, is a significant consideration. The applicant advised that an alternative arrangement of the plant would be suitable and decided to submit a revised application.

- 4.2 The largest structures proposed are the two primary digesters and the digestate storage tank. Each would be coloured green standing at a height of 6.8m to eaves, with domed inflatable polyethylene roofs to a maximum height of 12m. **(Appendix 4 – Proposed Elevations)**
- 4.3 The storage clamp would measure 70m x 72m (x 4m high) and would be built from pre-cast concrete panels. The clamp would be covered with only one face exposed to the air. A smaller cylindrical reception tank with its own dedicated hopper would receive the salad, vegetable and fruit waste stream directly from the production and processing areas (i.e. this waste is not stored in the open on the site). This would then be pumped directly into the digester as required where it would be mixed with the whole crop and maize feedstock. The two digesters would be connected by a large diameter balance pipe to a sealed airtight digestate storage tank with a conical roof.
- 4.4 The whole complex would be enclosed by a 2m high chain link fence. There is an existing earth bund to the south and a new bund is proposed on the east boundary. All boundaries would be landscaped.
- 4.5 The anaerobic digester would process (be fed) 28,000 tonnes of material per annum comprising: 9,000 tonnes of salad trimmings, vegetable, and fruit waste; 3,600 tonnes of green wheat crop; and 15,400 tonnes of maize crop. Close to a third, a substantial proportion would be actual 'waste' that had not been grown specifically for the digester.
- 4.6 Deliveries of feedstock would vary according to type and the seasons. The site would be at its busiest when the storage clamps are being filled. For large parts of the year, activity may be restricted to either a few or no deliveries. The general pattern of deliveries and exports is as set out below:

The salad, vegetable and fruit waste would be delivered five days a week between 8.00am and 5.00pm (year round).

The wheat crop would be delivered seven days a week between 6.00am and midnight, but only from mid July until the end of August.

Approximately 7,400 tonnes of maize crop would be delivered seven days a week between 6.00am and midnight, but only from the end of August until early October.

Approximately 15,400 tonnes of maize crop would be delivered five days a week between 8.00am and 5.00pm (year round).

- 4.7 The end product after the AD process is complete is called digestate and it forms two fractions, solid and liquid. The liquid fraction is ideal irrigation water and would be pumped offsite, using the existing irrigation system, to the Water Storage Lagoon at Park Farm, Lagness. The solid product 'cake' resembles good quality compost when dried. It is a nutrient rich soil improver and conditioner, which is easily stored, transported, and worked into the farm topsoil.
- 4.8 Knowing the source and precise content of both the solid and liquid digestate would provide the opportunity to better control what nutrients are used to fertilize the ground, enabling better management of the land and achieving improved agronomy. The cost of disposing of waste agricultural material, e.g. by ploughing back in a failed crop, is significant. Using the waste to gain income through energy and heat generation provides a more efficient alternative.
- 4.9 Initially, the AD plant would use the feedstock proportions referred to in paragraph 4.5 above, but once commissioned the facility could attract custom from more local vegetable and plant growers and reduce the proportion of break crops used. Break crops (such as wheat, linseed, maize, etc) are an important part of planned crop rotation and will always be a component part of the farming process. There is no plan to bring meat, dairy or processed food onto the site. Such processes are not compatible with the established vegetable and salad leaf businesses on the Food Park, would be contrary to the site's bio security, and would require separate permits from the Environment Agency.
- 4.10 The applicant suggests that the proposal would offer a number of benefits in both economic and environmental terms. The plant would have the ability to produce over 8,000 Megawatt hrs of green electrical energy and the ability to produce 4,000 Megawatt hrs of useable heat. The energy produced would be used in the nearby chilled packing plant and glasshouses and could also supply the local grid. The overall effect would be a reduction in the use of fossil fuel consumption.
- 4.11 The applicant advises that once commissioned, the plant would provide employment for one full-time employee and that it would generate business during the planning and construction phase for groundworks, construction, and other services. During operations, the site would require maintenance and repair services. The business would also benefit by association with a renewable energy initiative, in so far as its customers are receptive to green initiatives taken by their suppliers.

5. **Policy**

Statutory 'Development Plan'

- 5.1 Planning applications must be determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. For the purposes of the application, the following approved or adopted planning policy documents form the statutory 'development plan'; the South East Plan (2009) and the Chichester District Local Plan (1999).

- 5.2 The key policies in the 'development plan' are summarised below. In addition, reference is made to relevant national and other planning guidance that guides the decision-making process, all of which are material to the determination of the application.

South East Plan (2009)

- 5.3 Although the Government revoked Regional Spatial Strategies (RSS) on 6 July 2010, following a recent legal challenge, this decision has been reversed and the South East Plan (SEP) still forms part of the development plan. However, the Government has restated its intention to abolish RSS through the Localism Bill and this fact is a material consideration.
- 5.4 The South East Plan (2009) provides general support for the appropriate provision of waste management facilities that will move waste up the waste hierarchy.

Chichester District Local Plan (1999) (saved policies)

- 5.5 The key policies from the Local Plan are:
- Policy R1 – Development in the Rural Area
 - Policy RE11A – Horticultural Development Area (HDA)
 - Policy BE11 – New Development
 - Policy TR6 – Highways Safety
 - Policy B5 – Rural Area – New Build and Extensions

Planning Policy Statement 10: Planning for Sustainable Waste Management (2005)

- 5.6 PPS10 includes a number of planning objectives that are relevant to the need for the development and its location (paragraph 3):

"Helping to deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option".

"Help implement the national waste strategy and supporting targets".

"Securing the recovery or disposal of waste without endangering human health and without harming the environment".

"Ensure the design and layout of new development support sustainable waste management".

Planning Policy Statement 23: Planning and Pollution Control (2004)

- 5.7 PPS23 advises that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced by the relevant agencies and therefore they should act to complement rather than duplicate controls. However, development control decisions on individual planning applications, particularly those for potentially polluting processes, can have an

immediate impact on the local environment, human health and well-being.

- 5.8 In considering proposals for development, local planning authorities should take account of the risks of and from pollution and land contamination, and how these can be managed or reduced. PPS23 advises that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use.

West Sussex Waste Local Plan

- 5.9 Although not formally adopted, the West Sussex Waste Local Plan Revised Deposit Draft (2004) was approved for development control purposes and, therefore, its policies can provide assistance when determining waste planning applications. The key policies are:

- Policy N1 – Need for facilities.
- Policy G2 – Impact on the character of the area
- Policy G3 – Environment.
- Policy G5 – Managing waste close to source
- Policy G6 – Transport
- Policy G7 – Public amenity and neighbouring land uses.
- Policy G8 – High quality development

6. Consultations

- 6.1 **Chichester District Council (Planning):** They consider that the proposal is an industrial process, which is a fundamentally inappropriate land use in the open countryside. The proposed use is not for commercial horticulture and, therefore, it conflicts with Local Planning Policy RE11A which is designed to protect the HDA from development other than commercial horticulture. They also raised serious concerns at the likely impact of the proposal in terms of noise, odour and landscape, and object on these grounds unless the County Council are fully satisfied on these matters.
- 6.2 **Chichester District Council (Environmental Health):** Considers the Noise Impact Assessment and the Air Quality Assessment submitted with this application to be both professionally written and reasonable in their conclusions. Recommends conditions be imposed requiring odour monitoring and no night time deliveries and movement on site.
- 6.3 **North Mundham Parish Council:** Object. Consider it inappropriate to site such a large scale development so close to housing. Has additional concerns relating to the site being within the designated HDA, occupying valuable land that is presently used for arable and intensive cropping.

- 6.4 **Oving Parish Council:** Object. Although they appreciated the amendments from the original (now withdrawn) application, they made the following comments:
- strongly objects to the visual intrusion for the residents of Merston and elsewhere of these huge constructions.
 - supports local residents' view that this is an application for a power plant and that the historic village of Merston with its Grade 1 listed buildings would be overwhelmed by the close proximity of this proposed power plant development.
 - questions whether the building of a power plant is an appropriate activity on a Horticultural Development Area and whether this sets a dangerous precedent for further inappropriate industrialisation of this HDA.
 - questions whether crops to fuel this plant should be grown instead of food on local prime agricultural land.
 - has serious concerns about the increase of traffic in the area.
 - objects to this application because of the potential noise nuisance.
 - remains concerned about the potential odour nuisance for Merston residents. It seems unreasonable to impose on the residents of Merston a second potential source of unpleasant odour when Oving Parish Council is fully aware that there already remains an intermittent odour problem on the adjacent Walnut Tree Farm composting site.
 - recognises the concerns of residents that this development will have a serious impact on the local wildlife such as kingfishers and water voles.
- 6.5 **Environment Agency (Planning):** No objection. Provides informative advice.
- 6.6 **English Heritage:** Objects. Due to the Grade I Listed St Giles Church lying a short distance from the site, deems the application to require, at the very least, a true historic landscape assessment and that without one, the application should be refused.
- 6.7 **Natural England:** No comments to make.
- 6.8 **WSCC Highway Authority:** No objection, subject to conditions.
- 6.9 **WSCC Ecology:** No objections.
- 6.10 **WSCC Archaeology:** No objection subject to suitable archaeological conditions.
- 6.11 **WSCC Landscape Architect:** Raises a landscape objection. Considers the location not ideal and suggests a better location in proximity to the packing plant to the west to make better use of the existing on-site screening. In addition, the landscape and planting proposals are insufficient to provide suitable screening for the proposed development - the northern and eastern elevations would require a greater depth of planting to provide appropriate screening. It is not clear what the proposals are along the western boundary (which is less sensitive), but this would require structure planting nonetheless.

6.12 **WSSC Conservation Architect:** No objection. In the light of English Heritage's comments, WSSC's Conservation Architect has considered the impact of the development on the nearby Grade I Listed St Giles Church and is of the opinion that the anaerobic digester and associated plant would not affect the setting of the church. Overall, the Conservation Architect does not see any grounds for requiring a landscape impact assessment in respect of the relationship between the St Giles Church and the proposed AD plant.

7. Representations

7.1 The application was publicised in accordance with article (8)(5)(a) of The Town and Country Planning (General Development Procedure) Order 1995. In response to the erection of 3 site notices located around the site and the local area, and an advertisement in the Chichester Observer, 145 representations have been received objecting to the proposal. The main concerns relate to:

- size and visual dominance of the structures;
- proximity to residential property;
- noise, disturbance and odour that will be generated;
- incorrect information provided to support the proposals;
- inappropriate siting on an agricultural field and designated HDA;
- levels of traffic; and
- hours of operation resulting in unacceptable levels of disturbance.

7.2 Representations from the District Council and members of the public were also made expressing concern regarding the County Council, as waste planning authority, being the determining authority. This concern was largely focused around the fact that the feedstock for the AD plant will comprise approximately 2/3rds product grown for the purpose and approximately 1/3 waste cuttings. Counsel's opinion about the correct determining authority was therefore sought and the advice received is that the County Council is the correct body to determine this application largely for two reasons; the first is that AD plants are commonly treated as being waste facilities and second that the waste element of this application forms a substantial element of the application. In situations like this it is however important that the County Council consults with the District Council and that any recommendations provided by the District Council are explicitly taken into account when an application is determined. The advice received has been shared with the District Council.

7.3 One representation has been received supporting the proposal and is summarised as follows:

- the development of AD Plants should be considered jointly with Horticultural Hubs;
- provision should be made for combined heat and power installations and other alternative energy production systems;
- the energy can be exported to the National Grid and also used utilised in the local glasshouses.

8. **Consideration of Key Issue**

8.1 The main material planning considerations are whether the proposal:

- meets an identified need;
- accords with the local Horticultural Development Area policy;
- is satisfactory in terms of design and appearance;
- is acceptable in terms of highway capacity and road safety; and
- has an acceptable impact on local amenity.

Identified Need

8.2 National and local policies continue to promote the movement of waste up the waste hierarchy and encourage sustainable technologies. The benefits of AD plant technology are clear.

8.3 The AD technology selected and referenced in the application produces a biogas that can be burnt to generate heat or electricity. As well as biogas, AD produces solid and liquid residues which can be used as a soil conditioner and fertilizer. Looking at the scheme in a broader context, the proposal would reduce the carbon footprint of Langmead Farms Ltd and is in line with local and national policy guidelines, adding to the UK's renewable energy targets.

8.4 The packhouses on the Chichester Food Park produce large volumes of trimmings and there will always be a proportion of their produce that has to be disposed of as it is unfit for sale. Some can be open-air composted but, at busy times of the year, that option may not be either economic or available owing to capacity constraints. The establishment of an AD plant would offer other local farmers and growers a solution to their disposal needs. Future expansion of local growers and packers production would give rise to additional waste that, when traditional open-air composting options are at capacity and in the absence of the AD option, would need disposing of, potentially via landfill.

8.5 The rotation of crops on given fields continues to be necessary to mitigate against pests and disease and to provide the reinvigoration of the soil by varying the demands upon it and by returning nutrients for the following crop, thus maximising yield and efficiency. Although vegetable and salad farmers grow break or 'combinable' crops, there are difficulties in that they tend to have unpredictable values.

8.6 The ability of the farm to grow and harvest various essential break crops with a predictable value means that food production land does not have to be taken out of production. Also, marginal agricultural land, which cannot be used for salad or vegetables can be used for break crops. The break crop is a feature of the annual farming cycle and this proposal utilises it in a more economical way.

- 8.7 The above paragraphs demonstrate how the AD plant would support the local horticultural industry and bring benefits that would be needed if agri-industry locally is to remain competitive.
- 8.8 *In conclusion, the development proposed is in line with national policy guidance requiring the movement of waste up the waste hierarchy. There is an established, ongoing need for the development of green infrastructure which the proposed development would provide, making a significant contribution to meeting renewable energy targets and reducing the need to use fossil fuel based power. The AD plant would help to meet the needs of local farmers and the fresh food related industry on and around the Chichester Food Park. In so doing, it would use horticultural waste productively and meet the need to reduce the volume of waste that would otherwise go to landfill.*

Horticultural Development Area Policy

- 8.9 The application site is located within a designated Horticultural Development Area (HDA). Consultee response and representations have been received expressing concern regarding conflict with Policy RE11A of the Chichester District Local Plan
- 8.10 Policy RE11A states that "*Within the HDA ... applications for commercial horticultural development, including glasshouses and packhouses, will be permitted, provided that ...*" The supporting text to Policy RE11A states that horticultural and glasshouse industries are important to the local economy. It clarifies that the purpose of the policy is define areas where such uses should be located and it states that there will be considerable constraint on such development elsewhere (paragraph 83).
- 8.11 Although the District Council have stated that the policy is "*designed to protect the HDA from development other than commercial horticulture*", this is not stated in either the policy or the supporting text and it should be noted that Policy RE11A does not preclude other development within the HDA. With regard to the current proposal, therefore, it is considered that there is no direct conflict with this policy.
- 8.12 *In conclusion, Policy RE11A seeks to guide the location of commercial horticultural development to the HDA to protect the environment and amenities. It does not preclude the development of other development within the HDA and, therefore, the current proposal does not conflict with Policy RE11A. Notwithstanding this fact, it should be recognised that the proposal would play a part in supporting the horticultural and glasshouse industries within the HDA which are important to the local economy.*

Design and Appearance

- 8.13 Although the plant, buildings and associated works may not fit into the traditional idea of a typical rural area, it should be recognised that intensively farmed areas increasingly adopt 'high tech' plant reflecting the sophisticated nature of the agricultural industry.

- 8.14 The largest structures proposed have a maximum height of 12m. The proposed development would include landscape screening in order to minimise its intrusiveness. The development should also be considered in the context of the existing buildings and structures in the HDA.
- 8.15 To the west of the site are eight hectares of glasshouses, with a height of 7.5m to ridge and most notably the Wight Salads packhouse, a 50m long building, standing 10m to its eaves and 12m to the ridge. At the VHB Nursery within the HDA, south of Marsh Lane, there is further significant glasshouse cover with ridge heights at 5.5m and circular storage tanks 10.5m high.
- 8.16 There is, therefore, clear precedent for large structures within the HDA and the currently proposed tanks would not be dissimilar from grain silos or feed hoppers now common place on farms.
- 8.17 It is considered that views of the proposal will be limited and interrupted by roadside dwellings, existing trees, and landscaping. The development proposes a new 3m high earth bund to the east and planting to the north to include poplars. Although this will not completely screen the development, it will mitigate the visual impact to an acceptable extent. The landscaping would be subject to a condition to secure adequate screening.
- 8.18 *In conclusion, the design of the anaerobic digester and associated structures takes account of practical considerations and is suitable for its intended purpose. Although the digesters are large, they would be seen in context with other large structures in the locality, including those within the HDA. In conjunction with the proposed bunds and landscaping, the form, and siting of the structures and plant is acceptable.*

Highway Capacity and Road Safety

- 8.19 Vehicular access to the site would be via the concrete access road, off the A259, which currently serves the open-air composting site directly to the south. The supporting Transport Assessment concludes that, over and above the existing composting operations associated with the immediately adjoining farm and packhouses, there would be additional traffic generated on the local highway network. This would be likely to be mainly by tractor and trailer bringing waste material to the new AD plant from other farms locally. The additional information expands upon the vehicle movements associated with the digester and shows that traffic movements would be at their highest level during the month of September. At this point, it is expected that 15 journeys a day (i.e. 30 movements) would occur on the highway network.
- 8.20 There is no intention to use Vinnetrow Road or March Lane (see Appendix 2) for movements related to the new plant and no trips are proposed to occur during peak hours for the local highway network i.e. between 08.00am and 09.00am and between 17.00pm and 18.00pm in the afternoon. The requirement that all access should be from the roundabout on the A259 via the concrete access road serving the Chichester Food Park can be secured via a Section 106 Routing Agreement.

- 8.21 Traffic on the local road network would be kept to a minimum as the intention of the applicant is to back-haul i.e. utilise the emptied delivery trailers to transport the saleable compost produced by the AD plant. This would bring economic advantages to all concerned. Presently all the waste produce of Langmead Farms that cannot be windrow composted on site has to be transported on the public highway either to an AD plant elsewhere or landfill. There are no grounds to resist the proposal from the highway point of view.
- 8.22 *In conclusion, subject to securing the Section 106 Routing Agreement and imposition of appropriate conditions, the amount of tractor/trailer/HGV trips associated with the development would not give rise to an unacceptable impact on local highway capacity. Conversely, the provision of an AD plant would, on balance, be likely to reduce both the number and length of trips taking place both presently and in the future. The traffic generated would not impinge to any significant degree on road safety.*

Impacts on Local Amenity

Hours of Operation:

- 8.23 In common with the pattern of all agricultural working practice, the hours of deliveries to the AD plant would of necessity reflect the farming seasons. The description of development at paragraph 4.6 sets out the applicant's projected delivery times reflecting the seasonal production of the different types of feedstock. These can be summarised as follows:

Monday to Friday 0800hrs to 1700hrs (year round).

Monday to Sunday 0600hrs to 2400hrs (16 July until 16 October)

- 8.24 The considerable distances separating the AD plant from residential properties and the availability of access from the local highway via a private concrete service road ensure that any disturbance caused by deliveries broadly in line with the above times would not impact unacceptably on residents of adjoining residential properties. A measure of disturbance from farming related activities is to be expected. However, working from a start at 0600hrs in the morning through to midnight for 3 months is likely to give rise to more disturbance than might be expected from normal farming activity and accordingly it is proposed to limit delivery times by condition to between 2300hrs on any day and 0700hrs the following day. Limits will also be imposed on deliveries and exports during the rush hour periods when slow moving farm vehicles can significantly exacerbate traffic congestion.
- 8.25 The feedstock is fed into covered steel feed hoppers (4 no.) using a front end loader. From here the feedstock would be fed in a controlled manner directly into the anaerobic digesters via an auger. Feeding the digesters would be a daily undertaking lasting only a few hours and can be required to take place at times during the normal working day. A condition is proposed requiring Feed Hoppers to be loaded with feedstock only between 0800hrs and 1700hrs Monday – Friday and

1000hrs – 1600hrs on Saturday, and not at all on Sundays, public and bank holidays unless with prior approval.

- 8.26 **Odour:** Some odours are an inevitable consequence of farming processes. They are, however, seasonal in the main e.g. muck spreading, fertilising etc. The AD plant, reflecting seasonal farming practice, would operate continuously throughout the year. Accordingly, odour impacts need to be rigorously controlled and, if not avoided completely, must be kept to an acceptable level within the rural context of the site.
- 8.27 The storage and handling of the feedstock are the activities with the potential to generate odours. Detailed discussions with the applicant have demonstrated that they recognise the potential for problems to arise from this area of the operation. They acknowledge that diligent management of the site would be crucial to ensuring minimal odour emissions. The AD process itself would be fully enclosed and the product upon completion odourless. Conditions can be imposed requiring compliance with odour management schemes. The 'high tech' nature of the equipment on site, substantial investment required to establish the AD plant, and operational expertise needed to run it, provide the best assurance that the site would be managed to a high standard.
- 8.28 **Noise:** Although the AD process is silent, noise impacts would arise from deliveries and exports and loading the feedstock into the hoppers. Regulating operating hours would be the most effective way to ensure that noise impacts are not unacceptable. (See paragraph 8.25 above)
- 8.29 The gas produced during the digestion process powers the engines in the (2 no.) combined heat and power units. The units would be fully enclosed and soundproofed such that there would be no noise from them outside the site boundaries.
- 8.30 *In conclusion, the proposed development is within an agricultural and rural area where farming practices customarily, from time to time, produce odours and noise and where harvesting will occur seasonally. In light of the distances involved and the matters which can be secured by condition, the development would not cause unacceptable impacts upon local residential amenity.*

9. **Overall Conclusion and Recommendation**

- 9.1 The proposal is in accordance with national policy guidance requiring the movement of waste up the waste hierarchy. It is needed to meet national and local waste disposal objectives and to serve the local horticultural and agricultural industry and is appropriately located for the latter purpose. There are no adverse highway implications and imposition of appropriate conditions can both protect visual amenity and ensure that there are no unacceptable residential amenity impacts. Accordingly, the proposed development is in compliance with the relevant development plan policies.

9.2 It is **recommended**, therefore, that planning permission be granted subject to (a) the conditions and informatives set out in **Appendix 1** of this report and (b) the completion of a Section 106 routing agreement.

10. **Crime and Disorder Act Implications**

10.1 There are no implications with relation to this planning application.

11. **Human Rights Act Implications**

11.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

11.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

11.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington
Divisional Manager (County Development)

List of Appendices

Appendix 1 – Conditions and Informatives

[Appendix 2 – Site Location Plan](#)

[Appendix 3 – Proposed Layout](#)

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[Appendix 5 – Site Context Plan](#)

Background Papers

Chichester District Local Plan (1999)

West Sussex Waste Local Plan, Revised Deposit Draft (2004)

Planning Policy Statement 10: Planning for Sustainable Waste Management (2005)

Planning Policy Statement 23: Planning and Pollution Control (2004)

Contact: Chris Bartlett ext. 56864.

Appendix 1 - Conditions and Informatives

GENERAL

1. The development hereby permitted shall 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.

Approved Plans

2. The proposed development shall not take place other than in accordance with the particulars of the application and the approved drawing numbers:

Site Layout – 201;

Elevations – 202;

Site Context Plan – 203;

Noise Impact Assessment - ref: 10069/001/JS/C;

Air Quality Assessment; and

Archaeological Assessment

save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: To secure a satisfactory development.

PRIOR TO COMMENCEMENT OF DEVELOPMENT

Wheel Washing Facility

3. Prior to commencement of the development hereby approved the applicant shall submit and secure approval in writing from the County Planning Authority, for a scheme detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth and mud adhere to the wheels or chassis in a quantity which may introduce hazard or nuisance on the highway and actions to be taken in the event of mud or debris arising from the development being present on the highway. Thereafter the approved scheme shall be implemented in full and operated throughout the period of construction.

Reason: In the interests of highway safety.

Landscaping Scheme

4. Prior to commencement of the development hereby approved the applicant shall submit a scheme for approval in writing by the County Planning Authority detailing landscaping/tree replacement. The scheme will include such matters as species; sizes; planting densities; and planting specification for all sizes of trees and shrubs. The approved scheme shall be implemented in its entirety during the first available planting season. (A copy of West Sussex County Council's Landscape Architect comments is attached with the Decision Notice)

Reason: In the interests of visual amenity and of the environment of the development.

Lighting

5. Prior to commencement of the development hereby approved the applicant shall submit a scheme for approval in writing by the County Planning Authority detailing external lighting. The scheme will consider the lighting effects on surrounding residents and address issues relating to hours of operation, light intrusion and potential nuisance. The approved scheme shall be implemented in its entirety.

Reason: In the interest of residential amenity.

Colour Scheme

6. Prior to commencement of the development hereby approved the applicant shall submit a scheme for approval in writing by the County Planning Authority detailing the colours to be used to paint the approved structures. The approved scheme shall be implemented in its entirety.

Reason: In the interest of visual amenity.

Archaeology

7. No ground excavations, landscaping works or infrastructure works pursuant to the planning permission will commence on the site until the implementation of a programme of archaeological work in accordance with the Written Scheme of Archaeological Investigation which has been submitted to and approved by the County Planning Authority.

Reason: To ensure appropriate investigation and recording of archaeological Heritage Assets on the site prior to commencement of new building works.

CONTROLLING CONSTRUCTION

Construction Working Hours

8. In relation to construction of the approved development, no plant, machinery or vehicle shall enter or leave the site or be operated on the site except between:
- the hours of 7.00 a.m and 6.00 p.m on Mondays to Fridays inclusive;
 - the hours of 7.00 a.m and 1.00 p.m on Saturdays;
 - and not at all on Sundays, bank holidays and public holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of local residents' amenity.

CONTINUING OPERATIONAL CONDITIONS

Feedstock deliveries

9. Unless otherwise agreed in advance and in writing by the County Planning Authority, there shall be no deliveries or movement of feedstock or digestate product to or from the site between:
- 2300hrs and 0700hrs on the following day;
 - 0800hrs and 0900hrs on any day; and
 - 1700hrs and 1800hrs on any day

Reason: *In the interests of amenity, to safeguard the environment and limit congestion due to slow moving traffic on the public highway during times of peak traffic flow.*

Feed Hopper Operations

10. Unless otherwise agreed in advance and in writing by the County Planning Authority, the Feed Hoppers will only be supplied with feedstock between the hours of 0800hrs to 1700hrs Monday – Friday and 1000hrs to 1600hrs on Saturday, and not at all on Sundays, public and bank holidays. The Feed Hoppers shall remain closed at all times when not being loaded with feedstock.

Reason: *In the interests of residential amenity and to safeguard the environment.*

Noise

11. No plant, equipment or vehicle shall be used on the site unless fitted and operated at all times with silencing measures to a standard not less than the manufacturer's UK standard specification for that equipment. Such measures are to be maintained and operated in good working order at all times.

Reason: *In the interests of the amenities of the locality.*

Noise Monitoring

12. Within 3 months of commencement of the operation of the anaerobic digester, a noise survey shall be carried out to demonstrate compliance with the submitted and approved 'Noise Impact Assessment'. The survey results are to be advised in writing to the County Planning Authority. Should the site fail to comply with the limits set out within the assessment, the applicant shall provide details of noise attenuation/mitigation measures to ensure compliance with the maximum noise levels. Those measures shall be put in place and a further noise survey carried out with results advised to the County Planning Authority. If necessary, further attenuation/mitigation measures should be employed until the maximum noise levels can be demonstrated to have been achieved.

Reason: *In the interests of residential amenity.*

Odour Monitoring

13. Prior to commencement of the anaerobic digester operation hereby approved the applicant shall submit an Odour Management Scheme for approval in writing by the County Planning Authority. The scheme shall allow for quarterly odour monitoring in the 12 months period commencing with the first use of the development. Monitoring, in accordance with the methodology established in the Environment Agency technical Guidance Note H4: Odour Management Consultation Draft (June 2009, and its preceding edition from 2002) shall be carried out at the site boundary and within a 250m radius of the site. The results of such monitoring, together with proposed mitigation measures if necessary, shall be submitted to and be approved by the Planning Authority. Once approved the mitigation measures shall be implemented and retained. Thereafter, monitoring shall take place in accordance with the approved scheme.

Reason: *In the interests of residential amenity.*

Local Liaison Committee

14. Prior to commencement of the operation of the development hereby approved the applicant shall submit a scheme for approval in writing by the County Planning Authority detailing the establishment of a local liaison group to include representation from local residents. The scheme shall include its objectives, membership, frequency and location of meetings and arrangements for the publication of minutes. Liaison group meetings shall be held in accordance with the approved scheme.

Reason: *In the interests of the local amenities of the area.*

No retail sales

15. No retail sales shall take place on site at any time.

Reason: *In the interests of local amenity and highway safety.*

Restricting Materials

The site shall not accept or process any livestock manures, kitchen or meat waste.

Reason: *In the interests of local amenity*

Detailed Records

17. Unless otherwise agreed in advance and in writing by the County Planning Authority, the development hereby permitted shall receive and process no more than 28,000 tonnes of feedstock per annum. At the request of the County Planning Authority, the operator shall produce written records detailing volumes of feedstock processed at the site over the preceeding 12

Reason: *To enable the County Planning Authority to control the development in the interests of the environment and local amenity.*

Decision Notice on Site

18. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: *To ensure the site operatives are conversant with the terms of the planning permission.*

INFORMATIVES

- A. The applicant should note the requirement to provide for emergency access arrangements to the site to ensure they meet site specific fire safety requirements as well as any other requirements for the general location, which may be sought by the County Fire Officer.

- B. The applicant is advised that should protected species be present work must stop and Natural England be informed. A licence may be required from Natural England before works can re-commence, Natural England will advise.
- C. A Waste Management Licence will be required for this activity, which can be obtained from the Environment Agency and in that respect the applicant's attention is drawn to the Environment Agency's comments and advice, a copy of which is attached.
- D. **Reasons for granting Planning Permission**

The proposed development meets the main material considerations in that it:

- meets an identified need
- does not conflict with the local Horticultural Development Area policy;
- is satisfactory in terms of design and appearance
- is acceptable in terms of highway capacity and road safety
- has an acceptable impact on local amenity

In determining the application the following planning policies were considered:

Chichester District Local Plan (1999)

- Policy RE1 – Development in the Rural Area
- Policy RE11A – Horticultural Development Area
- Policy BE11 – New development
- Policy TR6 – Highways Safety

West Sussex Waste Local Plan Revised Deposit Draft (July 2004)

- Policy N1 – Need for facilities.
- Policy G2 – Impact on the character of the area
- Policy G3 – Environment.
- Policy G5 – Managing waste close to source
- Policy G6 – Transport
- Policy G7 – Public amenity and neighbouring land uses.
- Policy G8 – High quality development