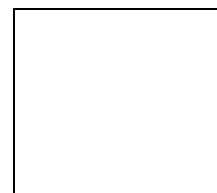


Agenda Item:



# Regulatory Committee

**Dorset County Council**



Date of Meeting	27 November 2014
Officer	Head of Economy
Subject of Report	<b>To consider planning application No. 2/2014/0529/PLNG under Schedule 1 Paragraph 1 of the Town and Country Planning Act 1990, in North Dorset District Council, as amended by Drawing No: 5114/004 Rev D received 26/09/2014, for proposed development of a Storage Lagoon at Land to the South of A354, Milborne St Andrew, Dorset for Eco Sustainable Solutions Ltd.</b>
Executive Summary	The report considers a planning application for the construction of a digestate storage lagoon. The report recommends approval of the development subject to conditions.
Impact Assessment:	Equalities Impact Assessment: This report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.
	Use of Evidence: The recommendation has been made after consideration of the application and supporting documents, the development, government policy, legislation and guidance, representations and all other material planning considerations as detailed in the main body of the report.
	Budget: Generally the determination of applications will not give rise to any budget implications for the Committee.
	Risk Assessment: As the subject matter of this report is the determination of a planning application the County Council's approved Risk Assessment methodology has not been applied.

	Other Implications: None
Recommendation	That planning permission be granted subject to the conditions set out in paragraph 9.1 of this report.
Reason for Recommendation	The reasons for granting planning permission are set out in full in paragraph 6.15
Appendices	<ol style="list-style-type: none"><li>1. Location Plan</li><li>2. Site Plan</li></ol>
Background Papers	PA File 2/2014/0529/PLNG  NB: Copies of representations may be inspected in the Environmental Services Directorate and will be available for inspection in the Committee Room prior to the meeting.
Report Originator and Contact	If you have any queries on this report please contact Name: Mr Rob Jefferies Tel: (01305) 224279 Email: r.w.jefferies@dorsetcc.gov.uk

## 1. Background

- 1.1 Planning permission was granted in 2008 for the construction of an Anaerobic Digestion (AD) facility at Bourne Park Estate, Piddlehinton. The facility was developed to process 25,000 tonnes per annum of organic domestic and commercial waste and also 12,000 tonnes of agricultural slurry arising from local pig farms. It was proposed that the facility would generate up to 700 kw of power, via a gas turbine, for supply to the national grid, whilst the final digestate would be used on local farms as a soil improver.
- 1.2 At the time the application for the AD facility was considered it was envisaged that around 90% of the 18,000 tonnes of digestate produced each year would be used as a soil improver on farms immediately surrounding the digester, without the need to transport it on the local road network. The officers' report for the proposal stated *"it is possible that this figure will vary throughout the year and periods of wet weather could present problems. If this figure is not achieved then no objection would be raised to the product being exported from the site, provided all HGVs turned south, towards Dorchester"*. A planning condition attached to the original consent stated that *"Unless otherwise agreed in writing by the Waste Planning Authority, not more than 2 loads of product per day shall be exported from the site. These loads shall be removed via the southern section of the B3143 only."*
- 1.3 The AD facility is now operational. The current application details two principal reasons why the landholding around the AD facility at Piddlehinton has not been used for digestate spreading. Firstly, the holding is located on land classified as a Ground Water Source Protection Zone 1. In such areas only waste which achieves a certain level of accreditation can be spread on the land. In light of operational issues concerning higher levels of grit and glass within the waste stream than was originally forecast, the appropriate level of accreditation has not yet been reached to allow the waste to be spread on the land. In addition, the amount of waste from intensive pig farms within the locality that is being spread on the land holdings immediately surrounding the AD facility is higher than envisaged. This has further reduced the opportunities for digestate from the facility to be used in addition to this pig waste.
- 1.4 This report considers only the impacts associated with the construction of the digestate lagoon and its subsequent use. Considerations as to whether it would be appropriate or not to vary conditions that currently limit the amount of digestate exported from the Piddlehinton AD facility to the proposed lagoon are not a material consideration in this instance.
- 1.5 This application was submitted in conjunction with three other planning applications for the construction of digestate lagoons at Broadmayne, Puddletown and Waterston. The applications relating to the sites at Puddletown and Broadmayne have subsequently been withdrawn by the applicants. An application for a digestate lagoon at Laycock Farm, Waterston (Application Ref: WD/D/14/001088) has recently been approved under delegated powers.

## **2. Site Description**

- 2.1 The application site is located to the south of the A354 approximately 500 metres to the west of Milborne St Andrew.
- 2.2 The application site measures approximately 1 ha, including the access track and turning area. Vehicular access to the site is via an existing agricultural access off the A354.
- 2.3 The application site and surrounding area is characterised by fields laid to pasture or crop production enclosed by mature hedgerows.
- 2.4 The nearest residential property is located approximately 150 metres to the west of the proposed lagoon.

## **3. The Proposal**

- 3.1 The proposed storage lagoon will be excavated to a depth of 3.5 metres and will be constructed with engineered earth banks using site excavated materials. The earth banks will be 1.5 metres above ground level and profiled to provide an overall depth to the lagoon of 5 metres.
- 3.2 The lagoon will be lined with a high-density polyethylene liner and will also be fitted with an impermeable cover to keep rain water out. A 1.8 metre high anti-climb fence with locked gate will be provided around the perimeter of the lagoon to prevent unauthorised access.
- 3.3 It is proposed that the lagoon will receive digestate via tractor and tankers from the AD facility at Bourne Park, Piddlehinton at a rate of 3 deliveries on weekdays and 1-2 deliveries on Saturdays. The application states that these figures do not represent an average but are the specific movements projected throughout the year.
- 3.4 The application states that the delivery of digestate would take place during the normal operating hours of the AD facility which are 07:00 – 17:00 Monday to Friday and 07:00 – 13:00 on Saturdays.
- 3.5 In addition, the application states that the digestate stored within the lagoon will only be used on the land holding and will not be exported off site to other farms.

## **4. Consultations and Representations**

- 4.1 The application was advertised in the local press and by site notice and by one neighbour notification. One letter of objection has been received from the occupier of Greenacres. The representation states that tractors and trailers will be using an access onto a road that has a 60 mph limit. The letter of objection states that there has been three accidents on this stretch of road in the last 12 months. An objection is also made in relation to the use of a wheel wash facility as during cold weather any remnants of water may come onto the road and will become slippery and accidents may occur. The representation also queries the health issues caused by the so called low odour and asks why the lagoon has to be constructed so close to the road.

4.2 North Dorset District Council:

The District Council objects to the proposal as it would result in 17 deliveries (34 vehicle movements) of slurry/digestate on six days of every week throughout the year. Given that Bourne Park is some 8 miles away by road the proposal is considered wholly unsustainable in terms of vehicle movements, vehicle fuel use, vehicle emissions, traffic generation, inconvenience, road safety, noise and road congestion. It is stated that the facility should be located either at, or much closer to the Bourne Park Estate. Concerns are also raised in relation to the landscape impact of the proposal and the potential risk the facility may pose to anyone who might enter the site – either deliberately or inadvertently. Any such facility should be contained within an entirely securely fenced, alarmed and CCTV monitored enclosure.

4.3 Milborne St Andrew Parish Council:

Awaiting comments.

4.4 Highway Liaison Engineer:

No objection, subject to conditions.

4.5 Environment Agency:

No objection subject to conditions.

4.6 Wessex Water:

The proposed development is within a Source Protection Zone and any surface water discharge will need to be in line with the Environment Agency guidelines.

4.7 Senior Landscape Officer:

No objection subject to a condition requiring details of vegetation to be retained.

## 5. **Planning Policy Framework**

5.1 Applications for planning permissions must be determined in accordance with the development plan unless material considerations indicate otherwise. The term 'other material considerations' is wide ranging, but includes national and emerging planning policy documents.

5.2 The Development Plan includes the saved policies of the Bournemouth, Dorset and Poole Waste Local Plan (BD&PWLP) originally adopted June 2006. The following policies are of particular relevance to this application:

- Policy 1 (Guiding Principles).
- Policy 4 (Landscape Character).
- Policy 21 (Transport).

5.3 National Planning Policy for Waste (NPPW). The following sections are of particular relevance to this application:

- Paragraph 7 (Determining Planning Applications)
- Appendix B (Locational Criteria)

## 6. **Planning Assessment**

6.1 Having regard to the provisions of the development plan, the information submitted in support of the application and the representations received, the

main issues raised by this application concern the visual and landscape character impacts of the development on the surrounding area, the impacts of traffic movements on the local road network and their associated impact on amenity, and the potential for adverse odours.

#### Landscape and Visual Impact

- 6.2 Policy 4 of the BD&PWLP states that applications for waste facilities will be permitted where they are in scale and keeping with the local landscape character and that there are no unacceptable adverse impacts on the local character of the landscape, taking into account mitigating measures. Appendix B (c) of the NPPW states that in determining planning applications, waste planning authorities should consider the potential for design-led solutions to produce acceptable development that respects landscape character.
- 6.3 The proposed lagoon will be excavated into the ground to a depth of 3.5 metres, with the resulting fill being used to form the outer earth banks 1.5 metres in height. The cross sections submitted in support of the application show that the profile of the earth banks that enclose the lagoon will be shallow and will grade into the existing ground levels in the locality. Mature hedges are situated immediately to the north and south of the lagoon. Having regard to the nature of bank profiling and the presence of mature hedging to the west of the lagoon, it is considered that the visual impact of the proposed lagoon when viewed from public vantage points would be minimal and would not adversely impact upon the landscape character of the locality.
- 6.4 The application details the provision of a 1.8 metre high anti-climb fence around the perimeter of the lagoon. Whilst no specific details of the proposed fence have been submitted, the applicants have stated that the fence will be of a chain-link style. Owing to presence of mature screening vegetation between the public highway and the proposed development, it is considered that a fence of this scale will not appear intrusive and will not add significantly to the prominence of the development within the landscape. The precise details of the fencing can be controlled satisfactorily by means of condition.
- 6.5 Overall, having regard to the appearance and scale of the proposed development as well as the presence of mature hedging that both screens and assimilates the development into the wider landscape, it is considered that there will be no detrimental impact upon the visual and landscape qualities of the area. The proposal is therefore seen to accord with Policy 4 of the BD&PWLP and Appendix B (c) of the NPPW.

#### Highways Impact

- 6.6 Policy 1(i) of the BD&PWLP states that in considering proposals for waste management facilities, the Waste Planning Authority will take into account the location of the proposed development in relation to the source of waste, the destinations of any transferred waste and the markets for any recycled or recovered material. Policy 21 of the BD&PWLP states that proposals for waste management facilities will not be permitted where the associated traffic would have an unacceptable effect on residential or other environmentally sensitive areas, in terms of noise, disturbance, vibration or safety, and that harm could not be avoided or adequately mitigated through an acceptable

highways agreement, planning obligation and related package of works/traffic management measures or through appropriate planning conditions. Appendix B (f) of the NPPW states that in determining planning applications, waste planning authorities should consider the suitability of the road network.

- 6.7 Taking into consideration the location of the proposed development in relation to the source of waste, it is noted the proposed lagoon is situated 9.2km (5.7 miles) from the entrance of the Bourne Park Estate in Piddlehinton. 4.3km (2.7 miles) of this overall distance is on the A354 (Puddletown to Blandford Road) with the remainder being on Class C roads.
- 6.8 The application states that the location of the proposed lagoon has been selected as it is within relative close proximity to the AD facility at Piddlehinton but crucially lies outside of the Source Protection Zone 1 and as such the digestate can be spread on the land within the agricultural holding.
- 6.9 The application states that number of vehicles will be 3 deliveries on weekdays and 1-2 deliveries on Saturdays. This equates to 17 deliveries (34 vehicle movements) per week. Data from a recent traffic survey demonstrates that during the stated hours of digestate delivery, average traffic flow exceeds 28,000 movements per week along this section of the A354. The proposed levels of traffic associated with the development are relatively low and the proposed lagoon is within reasonably close proximity of the source of the waste. It is considered that there would be no detrimental impact upon the existing highway network or highway safety as a result of the proposed development and no objection has been received from the Highway Liaison Engineer.
- 6.10 The proposal is considered to be in accordance with Policy 1(i) and Policy 21 of the BD&PWLP and Appendix B (f) of the NPPW, and no unacceptable effect on residential areas will result by way of noise, disturbance, vibration or safety.

#### Odour

- 6.11 Policy 1(iv) of the BD&PWLP states that in considering proposals for planning permission for waste management facilities, the Waste Planning Authority will take into account the environmental impact of the proposal. Appendix B (h) of the NPPW states that in determining planning applications, waste planning authorities should consider the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.
- 6.12 Having regard to the potential for the proposed development to generate odour, it is noted that that the slurry lagoon incorporates a floating cover and is therefore sealed apart from a ventilation pipe built into the lagoon. In addition, the application states that the digestate itself is low odour.
- 6.13 The nearest residential property to the proposed lagoon is Green Acres Farm, situated 150 metres to the west.
- 6.14 In considering the provision of a floating cover to the lagoon, the low odour emission of the digestate and the distance between the proposed lagoon and the nearest residential property, it is considered that no adverse impacts on

residential properties by way of odour will be generated by the proposed lagoon. The proposal is therefore seen to accord with Policy 1(iv) of the BD&PWLP and Appendix B (h) of the NPPW.

### Conclusion

6.15 The appearance and scale of the proposed development as well as the presence of mature hedging that both screens and assimilates the development into the wider landscape, will ensure that there will be no detrimental impact upon the visual and landscape qualities of the area. The proposal therefore accords with Policy 4 of the BD&PWLP and Appendix B (c) of the NPPW. Having regard to the close proximity of the source of the waste to the proposed lagoon, it is considered that the proposal accords with Policy 1(i) of the BD&PWLP. In addition the level of vehicular movements between the sites is not considered to be significant and the proposed access to the application site is suitable in respect of highway safety. The proposal therefore accords with Policy 21 of the BD&PWLP and Appendix B (f) of the NPPW. The digestate to be stored in the proposed lagoon is low odour and the lagoon will be fitted with a cover and so accords with Policy 1(iv) of the BD&PWLP and Appendix B (h) of the NPPW having regard to potential odour impacts.

## **7. Human Rights Implications**

7.1 The provisions of the Human Rights Act and the principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

- i. Article 8 - Right to respect for private and family life; and
- ii. The First Protocol, Article 1 - Protection of Property.

7.2 Having considered the impact of the development, as set out in the assessment above as well as the rights of the applicant and the general interest, the opinion is that any effect on human rights does not outweigh the granting of the permission in accordance with adopted and prescribed planning principles.

## **8. Statement of Positive Involvement**

8.1 In accordance with paragraphs 186 and 187 of the NPPF, the Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by:

- i. updating the applicant's agent of issues as they arose in the processing of the application;
- ii. discussing possible solutions to material concerns raised; and
- iii. providing the applicant with the opportunity to address issues so that a positive recommendation to grant permission could be given.



## 9. Recommendation

9.1 That planning permission be granted subject to the conditions set out below:-

### Time Limit - Commencement

1. The development hereby permitted shall be begun not later than the expiration of 3 years beginning from the date of this permission.

#### Reason:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

### Adherence to approved plans and details

2. Unless otherwise approved in writing by the Mineral Planning Authority, no development shall be carried out other than in strict accordance with the Drawing No's 5114/004/Rev E dated October 2014, 5114/006 dated July 2014, 140601-01 and 140601-03. Operations on the application site shall be carried out in accordance with the approved plans and details and no part of the operations specified therein shall be amended or omitted without the prior written approval of the Waste Planning Authority.

#### Reason:

To maintain planning control over the site and to ensure the permission is implemented in accordance with Policies 1 and 4 of the Bournemouth, Dorset and Poole Waste Local Plan.

### Exportation of Waste

3. No digestate stored within the lagoon hereby approved shall be exported off the agricultural holding containing the lagoon.

#### Reason:

To ensure that the traffic movements and any associated environmental and highway impacts connected with the use of the lagoon are maintained at acceptable levels in accordance with the submitted application and Policies 1, 4 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

### Importation of Waste

4. Only digestate generated from the Piddlehinton AD Facility as approved by Planning Permission 1/D/08/0989 (or any subsequent consent granted over the same area) shall be imported into the site.

#### Reason:

To ensure that the traffic movements and any associated environmental and highway impacts connected with the use of the lagoon are maintained at acceptable levels in accordance with the submitted application and Policies 1, 4 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

### Construction Environmental Management Plan

5. The development hereby permitted shall not be commenced until a Construction Environmental Management Plan incorporating pollution prevention measures has been submitted to and approved by the

Waste Planning Authority. The Plan shall be implemented in accordance with the approved details and agreed timetable.

Reason:

To prevent pollution of the water environment having regard to Policy 1 of the Bournemouth, Dorset and Poole Waste Local Plan.

Access Crossing

6. Prior to the commencement of any other part of the development hereby permitted the first 15.00 metres of the access crossing measured from the nearside edge of the carriageway shall be laid out and constructed to a specification first submitted to and approved in writing by the Waste Planning Authority.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Parking and Loading Areas

7. The development hereby permitted shall not be occupied or brought into use until the areas shown the submitted plans for the manoeuvring, parking, loading and unloading of vehicles have been made available for these purposes. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Entrance Gates

8. Any entrance gates shall be set back a minimum distance of 15.0 metres from the edge of the carriageway and hung so that the gates can only open inwards.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Visibility Splays

9. Prior to the commencement of the development hereby permitted, the visibility splay areas as shown on the submitted plans shall be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free from all obstructions.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Wheel Washing Facilities/Provision of Appropriate Surface

10. Prior to the commencement of development a scheme showing precise details of the design, specification and position of a wheel washing facility or an appropriately bound surface of an agreed

specification shall be submitted to and approved by the Waste Planning Authority. The approved scheme shall be implemented and maintained in full working order for use throughout the duration of the development.

Reason:

In the interests of road safety having regard to Policy 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Construction Traffic Management Plan

11. The development hereby permitted shall not commence until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include a scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason:

In the interests of road safety having regard to Policies 1 and 21 of the Bournemouth, Dorset and Poole Waste Local Plan.

Landscaping

12. Prior to the commencement of the development hereby approved a scheme of soft landscaping shall be submitted to and approved by the Waste Planning Authority. These details shall include:
- Planting plans to include a schedule of plants, noting species, planting sizes and proposed numbers / densities where appropriate;
  - Implementation timetables; and
  - Details for the retention, protection and management of existing vegetation for the life of the development.

The approved landscaping shall be carried out in the first available planting season. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Waste Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason:

To safeguard the environment of the surrounding area having regard to Policy 4 of the Bournemouth, Dorset and Poole Waste Local Plan.

Fencing Details

13. Prior to the commencement of the development hereby approved a detailed specification of the proposed perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The development shall then be carried in accordance with these approved details.

Reason:

To safeguard the environment of the surrounding area having regard to Policy 4 of the Bournemouth, Dorset and Poole Waste Local Plan.

9.2 ADDITIONAL INFORMATION FOR INCLUSION IN DECISION NOTICE

- I. Informatives as requested by the Environment Agency and Highway Liaison Engineer
- II. A statement explaining how the Council worked with the applicant in a positive and proactive way as set out in paragraph 8.1 above.

**Matthew Piles**

Head of Economy

October 2014