

## **BRECKLAND COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 15<sup>th</sup> FEBRUARY 2010**

### **REPORT OF DEPUTY CHIEF EXECUTIVE**

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#### **ATTLEBOROUGH; PROPOSED ANAEROBIC DIGESTION UNIT, LAND AT ATTLEBOROUGH POULTRY FARMS, OFF B1077**

**Applicant: S S Agriservices**

**References: 3PL/2009/1143/F**

**Summary** – This report concerns proposals to develop land between Attleborough and Great Ellingham for an anaerobic digestion unit. Key issues relate to potential effects on local amenity, landscape impact and traffic. It is recommended that permission is refused.

### **1. INTRODUCTION**

This report concerns an application for full planning permission for the development of an on-farm anaerobic digestion unit on agricultural land to the north of Attleborough. The development would include a digestion unit, combined heat and power (CHP) plant, gas storage vessel and underground storage tanks, together with a silage clamp and a lagoon for the storage, respectively, of feedstock and digestate. A new access road is proposed from the digestion unit to the B1077, together with some off-site highway improvements.

Anaerobic digestion (AD) is the process whereby bacteria break down organic material in the absence of air, producing a biogas containing methane. As well as biogas, AD produces a solid and liquid residue, called digestate, which can be used as a soil conditioner and fertiliser. AD is a well established renewable energy technology which has been widely used elsewhere in Europe.

The anaerobic digestion unit proposed here would utilise green crops grown locally, poultry manure and cattle slurry from local farms, and brewer's grains from Suffolk to produce biogas. This would be used to fuel a Combined Heat and Power (CHP) plant, producing electricity (for the National Grid) and heat (for the digester and adjacent poultry farm). The digestate would be used to produce fertiliser for use on the farm.

The application site is located within an area of generally open countryside just to the north of Attleborough. Development in the immediate vicinity is sporadic in nature and includes a number of residential properties, farms and business premises. St Luke's Hospital (formerly Wayland Hospital) is located to the north-west. The application site is separated from the northern outskirts of Attleborough by the A11 bypass, agricultural land and the adjacent poultry farm.

The application is supported by a Design & Access Statement, an Environmental Statement, a Landscape Assessment, an Ecological Assessment, an Air Quality Assessment, a Transport Assessment and a Noise Report.

### **2. KEY DECISION**

This is not a key decision.

### **3. COUNCIL PRIORITIES**

The following Council priorities are relevant to this report:

- A safe and healthy environment
- A well planned place to live and work

### **4. SITE HISTORY**

A planning application for the development of an anaerobic digestion plant on the current application site was submitted in March 2009. The application was withdrawn by the applicant, prior to its consideration by Development Control Committee in June 2009, in response to objections raised by the Environment Agency.

### **CONSULTATIONS**

Attleborough Town Council has raised no objection to the application, but has made comments on access matters.

Great Ellingham Parish Council – comments awaited.

The Highway Authority has requested further information in relation to the proposed access visibility improvements. It is noted that the proposed visibility improvements would be of general benefit to traffic using the B1077.

The Environment Agency has raised no objection to the application subject to conditions relating to drainage and contamination. However, the EA has indicated that an Environmental Permit would be required in connection with the proposed development, and that this would only be granted if appropriate technical standards and safeguards to prevent odour and noise pollution were secured.

The Tree & Countryside Officer has raised no objection in principle to the application, but has suggested revisions to detailed landscaping proposals.

The Senior Planning Policy Officer has noted that whilst national and local planning policies generally support the development of renewable energy projects, other policies require careful consideration to be given to landscape, amenity and transport impacts.

The Council's Environmental Health Officer has raised strong concerns about the effects of noise and smell from the proposal on the surrounding area. It is noted that these matters would need to be addressed before an environmental permit was issued. Should permission be granted, conditions are recommended relating to noise levels, delivery times, pest control and odour management.

The proposed development has given rise to a good deal of local interest, and a number of letters of objection have been received from local residents. At the time of writing more than 30 letters of objection had been received. Objections raised relate principally to smell nuisance, flies/vermin, noise, increased traffic, harm to wildlife and drainage. Objections have also been raised by the operator of the adjacent turkey farm, who is concerned that the proposal could adversely affect existing turkey breeding operations due to noise and airborne pollution from imported manure.

### **5. POLICY**

Relevant national planning policy can be found in PPS 1 'Delivering Sustainable Development', PPS 4 'Planning for Sustainable Economic Growth', PPS 7 'Sustainable Development in Rural Areas', PPS 23 'Planning & Pollution Control' and PPG 22 'Renewable Energy'. PPS 1 notes that the use of renewable energy

sources is an important element of the Government's sustainable development strategy. PPS 7 encourages the diversification of farming operations, including the use of renewable energy crops. PPS 23 indicates that the wider environmental benefits of renewable energy projects should be given significant weight in the determination of planning applications. PPS 23 considers the role of the planning system in dealing with pollution, alongside other statutory controls.

At a regional level, Policy ENG.2 of the East of England Plan supports the development of renewable energy. Locally, Policy DC15 of the Council's Core Strategy & Development Control Policies DPD supports renewable energy proposals subject to criteria relating to landscape impact, residential amenity and conservation of ecological/heritage interests. Other relevant policies include: Policy CP 9 (Waste & Pollution), Policy CP 11 (Landscape protection), Policy DC 1 (Amenity) and Policy DC 12 (Trees & Landscape).

## **6. ASSESSMENT**

The principal issues raised by the application concern: i) the effects of the proposals on local amenity due to smell, noise, etc, ii) the impact of the development on the rural landscape and iii) highway safety.

### **Local amenity**

Core Strategy Policy DC15 supports renewable energy projects provided that they would not have a significantly adverse effect on local amenity. The nature of the proposed development is such that it has the potential to impact on local residents due to increased smells. Representations received indicate that problems of smell nuisance are major source of concern to local residents.

Although anaerobic digestion is essentially a sealed process, there are a number of associated operations which have the potential to generate odours. Potential sources of odour emissions include the storage of green crops/manure with the silage clamp, transfer of this feedstock to the digester, storage of the end substrate and the operation of the gas fired CHP plant. In order to address issue of local amenity, an Air Quality Assessment has been submitted with the application, together with a Noise Impact Report. A number of odour management measures are proposed to address potential emissions from these operations. The submitted Air Quality Assessment concludes that the impact of the proposal on nearby residential properties will be minimal, due to low levels of odour produced and separation distances.

The Council's Environmental Health Officer has raised concerns about noise and smell impacts on the locality. It is considered that concerns about noise could be addressed by planning conditions specifying maximum noise limits and restricting delivery times. However, the situation is less clear in respect of smell, as odour management controls would be a matter for the Environment Agency under the Environment Permitting Regulations.

As set out in PPS 23, the planning and pollution control systems are intended to be separate but complementary. Pollution control is concerned with preventing pollution through measures to prohibit or limit potential harmful emissions. The role of planning system is to direct potentially polluting development to appropriate locations and to ensure that existing development is not affected by pollution. Planning authorities must assume that relevant pollution controls will be properly applied and should not seek to duplicate controls. Whilst there is no requirement to obtain an environmental permit prior to seeking planning permission, PPS 23 indicates that submitting applications in parallel can help to avoid to avoid conflict and duplication between the

systems, and allow any requirements of environmental permitting to be taken into account in the planning application.

The Environment Agency has raised no objection to the current application, but has indicated that even if planning permission was granted, an environmental permit would only be issued if adequate pollution prevention measures were put in place. As yet an application for a permit has not been submitted. Pollution control measures required by the EA under an environmental permit could include the construction of additional buildings and the installation of further plant and equipment (which are not included in the current planning application). The EA also notes that its own draft Standard Rules for anaerobic digestion facilities indicate that such facilities should not be located within 250 metres of any building used by the public including dwellings (the closest such buildings – a veterinary consultancy and residential property - are respectively approximately 160 metres and 235 metres from the proposed plant).

Taking account of the representations received it is considered that the applicant has not demonstrated satisfactorily that the proposal in its current form would not adversely affect nearby properties as a result of smell.

### **Landscape impact**

Core Strategy Policy DC15 supports renewable energy projects subject to certain criteria, including landscape impact. Policy CP11 requires rural landscapes to be protected in order to maintain their appearance and ecological/historic value. The landscape on the northern fringe of Attleborough has been identified as being of moderate sensitivity in the Council's Landscape Character Assessment Settlement Fringe Study (2007).

The proposed anaerobic digester would be located in part of a large arable field set within a gently undulating rural landscape. Although the buildings and structures proposed would occupy a relatively large footprint, the overall height and bulk of the development would not be a significant factor. The tallest structures (the CHP plant flue, digester and gasometer (6-9metres)) would be located at the lower end of the site and would be partly set into the slope of the land. Earth bunding around the proposed silage clamp and lagoon would vary in height up to a maximum of 4.4 metres above ground level and would be graded to blend with the surrounding landscape.

From the south and west, the proposed development would be well screened by existing trees/hedgerows and by adjacent existing poultry farm buildings. From the north and east, the development would be more exposed, although the impact would offset to some extent by distance, the local topography and by proposals for additional landscaping. The proposed plant would be located in a relatively low point in the landscape and would be partly set in the slope of the land. The proposed development would be located approximately 200 metres from the nearest public road. New field boundary hedging and two small copses are proposed to help assimilate the development into the landscape and promote biodiversity. This landscaping would also reflect the locally characteristic field pattern of a patchwork of small to medium sized fields defined by native hedgerows.

Overall, it is considered that, subject to the proposed landscaping, the proposed development would not have a significantly adverse effect on the surrounding rural landscape. The proposal would therefore accord with local planning policy in this respect.

### **Highway safety**

Access to the proposed anaerobic digester plant would be gained via new access road linking the site to the B1077 via an existing side road loop. The loop road currently provides access to St Luke's Hospital and several residential properties. The digester would also be linked to the internal road network of the existing farm.

Traffic movements associated with the proposed development would result from the delivery of green crops, brewers' grains and manure by farm vehicles and HGVs. Information provided by the applicant indicates that the maximum number of movements would be approximately 1,908 per annum. This takes account of the fact that some green crops would be delivered directly from the farm. Traffic movements would vary seasonally with the production of green crops. Peak flows of 12 movements per day would occur during September and October, whilst movements would reduce to 2 per day in the winter months (December-March). Vehicle counts on this stretch of the B1077 show a daily average of more than 6,000 vehicle movements.

In response to concerns raised previously by the Highway Authority in relation to visibility for vehicles turning off the B1077, off-site highway improvements are proposed in the form of a new visibility splay. Discussions with the applicant are on-going about the extent to which the applicant can control the relevant land in order to provide and maintain this splay. Provided that the applicant has sufficient control, the provision of the splay could be secured by a planning condition.

Based on the information provided, it is considered that the level of traffic likely to be generated by the proposed development would not have any significant impact on traffic conditions on local roads. Subject to any further comments from the Highway Authority in relation to visibility, it is considered that the proposed would not be detrimental to highway safety.

### **Other matters**

It is not considered that the proposed development will have an adverse effect on the ecology of the area. No protected species or habitats have been identified with the development site, and there are no statutory nature conservation designations in the locality. The proposals would not result in the loss of any existing trees or hedges. As noted above, proposals for new hedge and woodland planting would have a positive effect in terms of habitat creation and providing wildlife corridors.

### **Conclusion**

The proposed development would accord in general terms of local and national planning policy which encourages the development of renewable energy projects. In terms of the specific effects of the proposal, it is considered that the development would not have any significantly adverse effects on the appearance of the rural landscape or on traffic conditions on local roads. However, it is not considered that the proposals in their current form provide sufficient safeguards to ensure that harm to the local environment would not occur. Applying the precautionary principle, it is recommended that planning permission should not be granted until these concerns have been fully addressed.

## **7. RECOMMENDATION**

It is recommended that planning permission be refused on the grounds that the proposals present an unacceptable risk of pollution to the local environment as result of smell.