

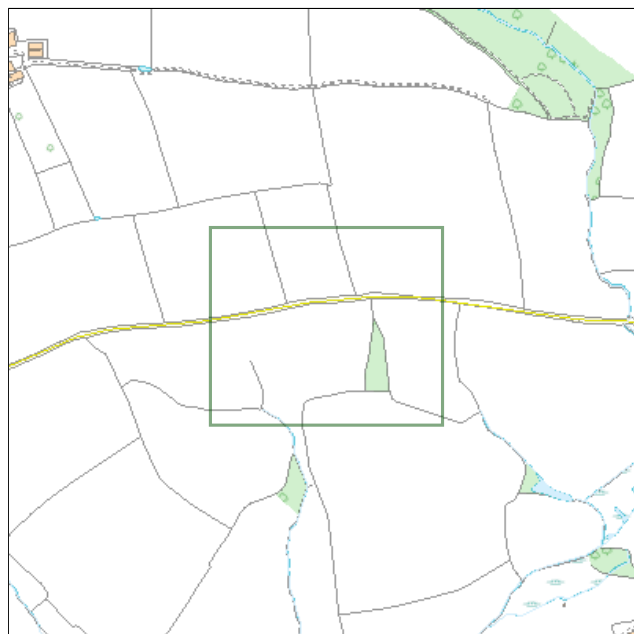
Ward Exe Valley

Reference 20/1517/FUL

Applicant Mr T Stuart (Stuart Partners Limited)

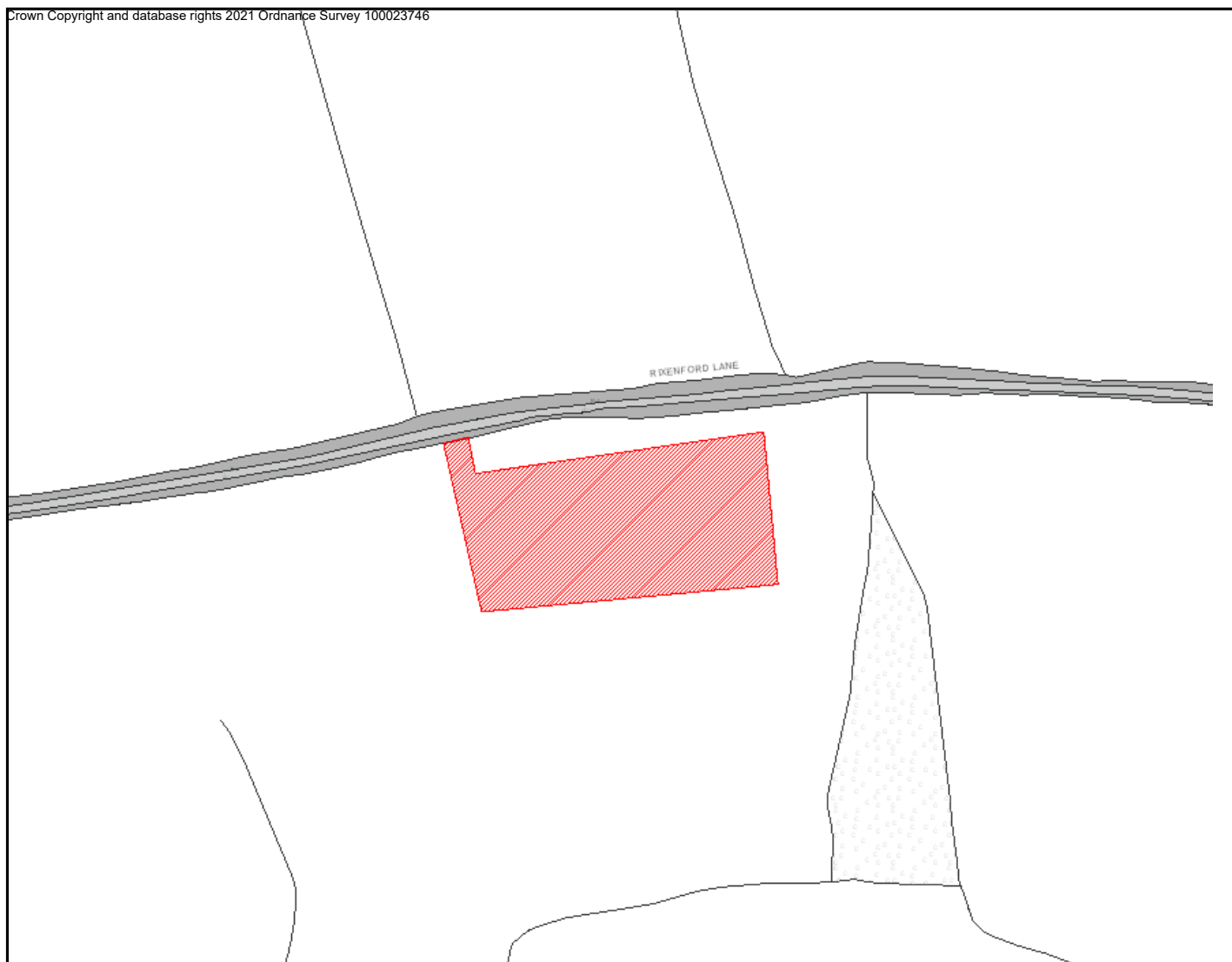
Location Land South Of Rixenford Lane Upton Pyne

Proposal Construction of digestate storage lagoon, with associated hardstanding and 2.4 metre high security fencing



RECOMMENDATION: Approval with conditions

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		Committee Date: 9th June 2021
Exe Valley (Upton Pyne)	20/1517/FUL	Target Date: 09.10.2020
Applicant:	Mr T Stuart (Stuart Partners Limited)	
Location:	Land South Of Rixenford Lane Upton Pyne	
Proposal:	Construction of digestate storage lagoon, with associated hardstanding and 2.4 metre high security fencing	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs to the view of the ward member.

The application relates to part of an agricultural field situated approximately 2.5km (measured in a straight line) north of Upton Pyne. The site is outside a built-up area, and is rural in nature. There is a single track public highway running along the northern edge of the site, which is known as Rixenford Lane. The boundary between the road and the site consists of a mature hedge, which includes some trees, but also a gateway into the site. The aforementioned highway also forms the boundary between East Devon District Council and Mid Devon District Council. The safety zone around a high pressure gas pipe line is located close to the site. The area around the application site is also known for archaeology. The site is not located within any flood zone. There are no residential properties located immediately adjacent to the site; however, there are a small number within approximately 1km of the site.

Planning permission is sought for the construction of a digestate storage lagoon, with associated hardstanding and 2.0 metre high security fencing. The supporting statement says that the proposed facility would be used to store materials from Enfield Farm AD unit. It is understood that by storing digestate on site for use on the farm, it aids the more efficient spreading of the digestate (as it is readily available in good weather) and avoids periods where numerous vehicle movements may occur to collect and spread digestate. A need for the facility in accordance with Policy D7 has therefore been demonstrated.

The farm on which the site is located is one which is able to receive, and spread, material from Enfield Farm, near Clyst St, Mary, so a key part of the justification of the proposal is that the proposal would enable a reduction in the number of vehicle movements between the host farm and the Enfield Farm. The agents acting

on behalf of the applicants have confirmed that the material would be used on the host farm, but were unable to confirm the times and locations for this, on the basis that it varies depending upon the use of a particular field and any one time.

The impact of the proposal on highways, especially through the perceived increase in vehicle movements and the types of vehicles it is proposed to use, has been a significant source of the concern for residents local to the site. When assessing the application as originally submitted, the County Highway Authority (CHA) objected to the proposal. In response, the applicants commissioned a 'Transport Technical Note' which acknowledges the concerns relating to the application, and confirms that the applicant is able to change the proposal from using HGV's to transport material to using a tractor and trailer; the method which is currently approved. This would reduce the size of the vehicles used - reducing the impact on the highway and the impact on other road users - but would result in an increase in the number of movements required from 500 annual return trips if using HGV's to 875 with a tractor and trailer, and compared to consent as part of the AD Plant. This is because a tractor and trailer has a lower capacity than an HGV. Upon receipt of this information, the CHA provided updated comments and confirmed that the revisions to the scheme in highway terms were sufficient for their objection to be removed.

There are no residential properties located immediately adjacent to the site. Therefore, the development of the site itself would not have an impact on the amenity of the occupiers of any other properties, in terms of its visual appearance. However, other factors could have an impact. Most notably, is the impact the proposal would have on traffic levels on the surrounding highways, which are narrow and pass close to houses. Clearly, some vehicle movements connected to the transportation of material from the Enfield AD Plant to the farm are already permitted. The development would alter these but, as discussed above, the movements associated with the development are not considered to be detrimental. Given these factors, and as stated above, the impact on highway safety is considered acceptable, it is considered that the vehicle movements associated with the development would not be detrimental to the occupiers of properties in the area.

The Council's Environmental Health Department has considered the application has not raised any objections. Therefore, it is considered that the proposal would not have any detrimental noise or odour impacts on the occupiers of properties in the area, in accordance with the relevant local plan policies.

The proposed development would be modest in size. However, it would be located in an area of relatively flat land, with the only existing screening immediately adjacent to the site being the hedge to the north. Further from the site, there are other landscape features which would provide some screening; such as the rising land to the north, and areas of woodland or hedges to the south east and west. Despite that, the proposal would alter the landform, through the introduction of an access, bund, fencing and hardstanding. Therefore, it is considered reasonable to impose a condition to ensure that suitable landscaping is installed in order to reduce the visual impact of the development on the countryside, and also to protect the existing hedge to the north of the site. Whilst the proposal would have

a visual impact, lagoons of this type in the countryside are not uncommon features.

The Ecology Report submitted with the application concludes that the site is considered to be of "low ecological value", and details various mitigation measures which could be undertaken to ensure that any biodiversity present is not harmed. A Habitats Regulations Assessment is not considered necessary as the development would not permit the spreading or transportation of more material than that already permitted.

The application site is located close to a high pressure gas pipeline. The Health and Safety Executive has not objected to the proposal, and their guidance confirms that development of the type proposed does not present a risk in this location.

The County Archaeologist has recommended a condition to secure a Written Scheme of Investigation. This is considered reasonable.

The site is not located in a flood zone, and the Environment Agency (EA) has not objected to the proposal. Also, the site is not within 10 metres of a watercourse or 50 metres of a well, spring or borehole, which are the parameters detailed by the EA in their consultation response with regard to pollution.

It is clear that this proposal has generated considerable interest from local residents and other consultees. However, given the considerations discussed above, it is considered that, on balance, and subject to conditions, the proposal is acceptable. Therefore, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council

The application contends that the construction of the storage facility will reduce the level of traffic currently passing through the village in concentrated bursts to spread the digestate. This is misleading as the total movements required to fill the facility spread over the whole year will exceed those seen at present. The condition of the roads, particularly Rixenford Lane itself which is particularly unsuitable for large articulated tankers additionally becomes impassable with floodwater on numerous occasions each winter.

No mention is made of the exact route that the tankers would propose to take but there is a junction at Nomans Chapel which would be impassable for large arctics approaching through Upton Pyne and we understand the alternative route approaching Rixenford Lane through Langford Road is subject to restriction on movement of large arctics serving an existing business. Also, no reference is made to the monitoring of the traffic flow.

We are also very concerned that the Environmental report has skimmed over the potential pollution risk ignoring the fact that a large part of the site and surrounding fields are under standing water each winter and drain via Jackmoor Brook into the

River Creedy. The screening proposed does not hide the fact that the site sits at the low point of the valley and is therefore visible from numerous points. There is also a new wedding/social meeting venue (which although not in our parish), would be affected by the aromas released from the operation of the site.

For these reasons we do not support application.

Further comments:

Upton Pyne and Cowley Parish Council have commented below regarding the above application:

This does not alter any of the main objections. The main points, that is, the Highways objections regarding the size of vehicles has been addressed by saying they will revert back to using tractor /tanker combo, this will in fact increase the volume of traffic movements substantially.

The Parish Council feel that this amendment does not address concerns, therefore they do not support this amended application.

Exe Valley - Cllr Fabian King

Rixenford Lane Digestate Storage Lagoon.

OBJECTS: This Application proposes to introduce a significant Logistics Distribution Hub for toxic liquid, with all its feeder traffic to a currently deserted narrow, clay bedded country lane. I object for the following reasons.

HIGHWAYS & TRAFFIC

The Support Document boasts of traffic and trip reductions which hides the truth. Rixenford Lane has never before experienced regular heavy axle loads from 45 tonne HGVs, nor was the road constructed for it. The road has been thinly laid on clay and current traffic movements require it regularly to have large expanse pot-hole repairs. Winter heavy traffic tends to break up the road in places. It is occasionally flooded in Winter.

Rixenford Lane is a narrow single lane with few passing places and is constrained by ditches each side. The Eastern end at Nomans Chapel has a very tight corner that an HGV would not currently be able to take. The other entrances to Rixenford Lane invite traffic through Langford, which has recently succeeded in restriction orders on some notable current users due to very heavy fast traffic serving another facility near Shute Cross.

There has been no traffic movement information provided with the Application, but if there is a well balanced calculation of use with choosing a 7,000 cubic metre lagoon: Say, 10,000 tonnes moved each year, then there would be 800 trips each way for the 28 tonne tankers alone, and a further 2,000 round trips for tractors and their 10 tonne trailers. Add to that the service and maintenance personnel and you have 3,000 trips per year in one remote location where there are currently very few vehicle movements at all which is why it is a favourite corner of England for horse riding, cycling and walking.

The Enfield Anaerobic Digester was approved in 2014 (14/0858/MFULL) to be built to operate within a maximum limit of 26,537 tonnes imported material. This limit was confirmed in Decision 17/0650/VAR on 1st Nov 2017, and at the same time a request was refused to operate 2 HGV tankers per day as a Variation of the original 2014

conditions. Note also that a more recent, 2019, planning application was also refused. This was to increase capacity by 249%, from 26,537 tonnes p.a. to 66,000 tonnes p.a. - 18/2173/VAR, date of decision 4th June 2019.

LICENCES, LOGS & RECORDS

Many believe the Enfield Anaerobic digester is operating already beyond its approved limit. If this were true, the transport plans for both inbound outbound waste will therefore be operating further afield and at higher throughput than what was approved. To avoid Rixenford Lane having a proposal for a logistics distribution hub placed there unnecessarily I ask that the proposers show the production capacity records and transport records for the Enfield AD, so as to verify that the enterprise is operating within licenced limits. Licences for transporting the digestate and for its end use would also be worth checking to ensure compliance in this nascent industry which is starting to show it is having a life of its own that goes far beyond the original permissions for AD to help home farm economies. It is being taken up as an industry in its own right.

POLLUTION

In 2001 the Exe Valley becomes one of 40 pilot studies in the UK for the Environment Land Management Scheme (ELMs). It is a government initiative funded by DEFRA, managed by the Soil Association to record changes in about 20 variables in the local habitat, water, soil, air and so judge how well the landowner is contributing to the well being and upkeep of the countryside, etc. The purpose is to see how to reward landowners for such care. The soil and water of the Exe Valley and Creedy will come under the spotlight very soon.

This Application choses a site involved within ELMs and environmental pollution is the headline consideration. However, the Application presents no risk assessment of spillage during loading and unloading, nor of vehicle movement on-site and in the lanes. My experience in heavy industry knows that these events are the reality and you assess and plan for them. No monitoring of loading/unloading is proposed In the Application for recording the provenance and destinations of the digestate. There are no plans in place for handling a severe spillage yet the water table leads directly into the stream, the Creedy and the River Exe. The lack of considering these points seriously causes me to doubt the integrity of the proposed operation.

RECOMMENDATION

I object to this Application for the reasons above and recommend that it should not be approved.

If this Application were to be approved, then I request that conditions are imposed requiring that written logs must be maintained for all cargo in - out movements and with load, source and destination details, for the records, etc. These must be retained for inspection, e.g. at times when new developments are applied for to support significant growth of operating capacity.

Further comments:

In addition to my objection dated 11th September, I must add that I have been inundated with residents objecting to the digestate lagoon proposed to be installed on the Rixenford Lane. The main concern is the transport aspects of the proposals and its recent revisions. Residents are also concerned for their welfare because of this application

The villages and the lanes leading to the proposed location for the lagoon are not capable of sustaining the proposed increase in traffic. The roads will collapse and be effectively closed for the local residents. We do not want that to happen, because it

will completely hamper their daily lives ' going to school, to the doctor's surgery, etc. The round trips will be trebled in distance and other villages will have an overflow of traffic.

The records show another road from Upton Pyne towards Rixenford Lane became unusable for over two years because it had collapsed due, not to fully loaded HGVs, but to increased quantity of traffic when a farm opened some business units after converting some of its buildings for that purpose. Residents have bitter experience of this outcome and dramatically increased their mileage, time, costs and CO2 emissions to compensate, for more than 2 years.

The claims about minimal risk of danger and harm to the villagers and users of Rixenford Lane are preposterous. The current records do not relate to the proposed excessive traffic. The revision to the proposal is a carefully crafted document that understates the true impact of the transport to and from the lagoon.

As a transport/logistics storage depot, it has a capacity of 7000 cubic metres. The calculation of road trips pretends that there is no churn of storage during the year which would result in the trips increasing by a multiple of the product of calculating 7000 divided by 16 tonnes. The churn could result in 10,000 cubic metres or more travelling through the lagoon in a year. Do the arithmetic now, then read the next paragraph.

The calculation of road trips pretends there are no further trips involved, as if the lagoon is never emptied or never has its contents distributed in onward delivery. A crude adjustment would therefore double the concluded number of trips, but there is more besides.

I have seen the transport maps and believe they count for very little. The tractor drivers have schedules to keep and will use their GPS or any other means to find a quick way through, this causes a lot of traffic to go through Upton Pyne with really difficult results for the residents.

I have received many horror stories of residents having to reverse long distances to get out of the way of the tractor trailer units during the Maize harvest, then they proceed with their journey after the tractor has passed only to find another tractor trailer unit coming at them again; and even a third time, because they travel in spaced out convoys.

A further account reports a person walking their dog and finding they have to walk back up the lane more than a hundred metres, because the tractor-trailer is so wide there is no space in the narrow lane for them to pass. And because they walk at a walking pace the tractor driver becomes impatient and is following right behind them hunting their engine in a terrifying manner. These lanes are not fit for this type of traffic. I object to this application.

Further comments:

Thank you for this report and especially for the efforts made in Conditions 3 and 8, to cater for the anxieties running strongly in the villages affected by this application.

I set out the bones of the recommendations for the lagoon here; that it should be:

1. no more than 7000 cubic metres of digestate is permitted to be delivered to the new lagoon annually
2. said digestate may only come from **Enfield Farm (Gorst/Ixora AD/Biodigester)** at Clyst St Mary, and nowhere else

3. said digestate may only be used on the farm where the lagoon is to be sited, and those few farms permitted under **17/0650/VAR**
4. if the lagoon is not use for more than 6 months it must be removed and the site restored.

The intended outcome is that the tractor-trailer traffic should be more evenly distributed through the year and that it should amount to no more traffic than prevails today for digestate coming from Enfield Farm. The transport route plan is to be agreed.

My comments on the report are:

The prevailing opinion is that the heavy tractor trailer traffic has grown substantially over the last three years and that this lagoon will, in a few years, come to serve the growing network of ADs/Biodigesters around Devon.

The proposed Conditions are commendable, but such conditions have not stopped the AD/Biodigester at Enfield Farm more than doubling its original size and the geographical reach of its operations extending from its original two farms to reach the other side of Devon.

It is not enough to park this criticism as belonging to Enforcement, and therefore it has no consideration in Planning Approval. To do so would be setting something up to fail. It has failed at Enfield and there is a firm belief it will fail at Upton Pyne. We all acknowledge that enforcement is underpowered and ineffectual.

There are fears that, just like the lamentable history of the AD/Biodigester at Enfield Farm, incremental development by the owner and associates, using means available will take place, such that with the inclusion, in due course, of other AD/Biodigesters as sources of digestate, this lagoon will achieve its full potential as a storage and distribution hub with traffic flowing to maintain balanced capacities between the different AD/Biodigesters around Devon and beyond. This is the traffic that we fear and, using the vernacular language, our lanes "will be stuffed". I have described these deplorable circumstances at length in my statutory comments during Consultation. The Planning Team have done an admirable job, but all credit for that evaporates in the face of the anticipated failure of performance according to the conditions.

This fear is based upon the experience at Clyst St Mary and upon the history of the operators of that plant and the interested parties of the biodigester industrial base, of which this Applicant is one.

I maintain my objection on the basis that the history of the AD/Biodigester industry in Devon, of which this application is a part, has a record of deviating from the agreed conditions and from the intentions declared when the application is made. In short, promises are not kept after permission is granted.

In the event that this application is approved, I ask that the Condition3 be amended so that "weight of the vehicle" is broken down into

1. Tare (net) weight of trailer
2. weight of load
3. weight of combined tractor with loaded trailer

and that details of the Owners of the tractors are better recorded.

I Object to this application

I echo the opinion in Exe Valley, which is that the lagoon should not be built.

Technical Consultations

Devon County Highway Authority

09.09.20

I appreciate that the vehicle movements from this proposal may be reduced but the size of the proposed vehicles would eliminate any mitigation due to the impact onto the carriageway formation of roads around Upton Pyne which consists of lanes in the majority. Due to constrained authority funds, the maintenance hierarchy of the lanes is low.

Additionally passing is difficult in this location and larger vehicles than the existing tractor system will only exacerbate this problem.

It is for these reasons that the County Highway Authority recommends refusal.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The roads giving access to the site are by reason of their inadequate width and condition unsuitable to accommodate the form of traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework.

Further comments:

Addendum 14/12/2020

Through discussion with the applicants transport consultant, SLR, it has been greatly received in the October 2020 Transport technical note the associated vehicle movements would only be carried out through a system of tractor and trailer as opposed to HGV movements should the application gain permission. This will greatly reduce point load damage to the highway network, especially being only of lane composition.

Additionally the proposed storage lagoon can only accommodate 7000 tonnes, however it was made clear in the latest technical note that the Upton Pyne area has a designated approved 7500 tonne slurry reception from a previous planning application, the entirety of which is to remain, therefore it must be made clear that this additional

500 tonne movement figure is missing from the trip generation figures quoted in the transport technical note. i.e the proposed 16t Tractor and trailer two-way movements of 875 plus the remaining two-way movements of 64 actually gives a proposed increase from 762 to 939.

However, with the restriction of conditioning the route of these movements to and from Clyst St Mary to avoid the now evident problems of north Rixenford lane. Along with the reduced highway impact of tractor and trailers, the highway authority is able to remove its stance of refusal to this application and awaits a suitable condition for the routing plan, to recommend.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF
DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Apologies for the delay in getting a response to you.

I have assessed the applications trip generation calculations which outlays the existing and proposed movements. Both Mid Devon district council and my colleague for Mid Devon district council have been consulted on this application and have both not raised an issue of cumulative trip generations should this application gain permission. Therefore I do not feel the latest information is substantial enough for me to change my stance on this application.

Environment Agency

Thank you for consulting us on this application.

Environment Agency position

We have no objections to the proposed development provided that the store is not located within 10 metres of a watercourse or 50 metres of a well, spring or borehole. The reason for this position and advice is provided below.

Reason - As outlined in our previous consultation response, the applicant should construct the store taking account of CIRIA guidance 759 and 736. Therefore the lagoon lining must be impermeable and comply with the standards set out in CIRIA 759. The storage of the digestate in this situation does not require a permit from us, however the applicant must ensure that the digestate is managed, stored and used correctly to avoid the potential for pollution.

Please contact us again if you require any further advice.

The Health & Safety Executive

HSE is a statutory consultee on relevant developments within the consultation distance of a hazardous installation or a major accident hazard pipeline. Planning Authorities should use HSE's Planning Advice Web App to consult HSE on such applications and produce a letter confirming HSE's advice. This service replaces PADHI+ HSE's on-line software decision support tool.

The Web App can be found here;

<http://www.hsl.gov.uk/planningadvice>

All planning authorities were contacted prior to the launch of the Web App with log in details to set up an administrator. This administrator will be able to set up other users within the organisation. If you require details of the administrator for your organisation please contact us.

Planning Authorities should use the Web App to consult HSE on certain developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- o residential accommodation;
- o more than 250m² of retail floor space;
- o more than 500m² of office floor space;
- o more than 750m² of floor space to be used for an industrial process;
- o transport links;
- o or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: www.hse.gov.uk/landuseplanning/methodology.htm

There is also further information on HSE's land use planning here: www.hse.gov.uk/landuseplanning/

Devon County Archaeologist

The proposed development lies in an area of known archaeological potential with regard to prehistoric or Romano-British activity in the surrounding landscape. To the south-east of the application area the county Historic Environment Record indicates the presence of a possible Neolithic mortuary enclosure, that has been identified through aerial photography, and due to the rarity and nature of such sites should be regarded as a significant heritage asset. To the north-east lies a rectangular ditched enclosure of unknown date but is likely to be prehistoric or Romano-British in date. The proposed development involves a substantial amount of ground disturbance which will impact upon any archaeological and artefactual deposits that maybe present. However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets that may be present within the application area or of the impact of the proposed development upon these heritage assets.

Given the high potential for survival and significance of below ground archaeological deposits associated with the known prehistoric archaeology in the immediate vicinity of the proposed development and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. The requirement for this information is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological

Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of:

- i) An archaeological geophysical survey, followed by
- ii) A programme of intrusive archaeological investigations.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Further Comments:

Application No. 20/1517/FUL

Land South Of Rixenford Lane Upton Pyne - Construction of digestate storage lagoon, with associated hardstanding and 2.4 metre high security fencing: Historic Environment

My ref: Arch/DM/ED/35798b

I refer to the above application and the results of the archaeological geophysical survey. In the light of the results of the geophysical survey the Historic Environment Team is able to withdraw its previous objection to this planning application and does not consider that the site contains heritage assets that require any mitigation by alteration of the design of the proposed lagoon.

However, due to the proximity of the proposed development to prehistoric archaeological sites recorded in the county Historic Environment Record there is potential for groundworks associated with the construction of the lagoon to expose artefactual deposits associated with the known prehistoric activity in the surrounding landscape that would be destroyed by the development. The Historic Environment Team would therefore recommend that any such impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme

of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Historic England

Thank you for your letter of 5 November 2020 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns

EDDC Landscape Architect - Chris Hariades

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals and means of access

The site is situated to the south side of Rixenford Lane approximately 2.8km north of Upton Pyne and 2.7km south west of Thorverton. Access is from an existing field gate directly off Rixenford Lane. The proposal comprises the construction of a digestate store comprising an excavated pit measuring 83m x 40m x 2m deep to house a 7000m³ storage bag, surrounded by 2.4m high mesh fence on a 1m high earth bund with adjacent new concrete surfaced access track.

2.2 Site description and context

The application site is located towards the northeast corner of a large arable field close to the northern field boundary adjacent to Rixenford Lane. The existing field extends to 8Ha and is bounded by low cut, species poor hedgerow, predominantly consisting of elm. The hedgebank to the north of the application site includes a mature ash to the east of the field entrance and a mature oak further to the east. A small deciduous copse lies adjacent to the eastern field boundary.

The field is low lying at an altitude of approximately 35m AOD and slopes gently to the southeast towards Jackman's Brook.

The surrounding landscape is open, gently rolling intensively managed farmland, mostly arable, with medium-large sized fields bounded by low cut hedgebanks with occasional trees and scattered copses.

There are no permanent structures on site or visible from it within the wider landscape. Views from the site are extensive to the north and south and more restricted to the east and west by tree cover and hedgerows

There is no public access within the site. Rixenford Lane which is a narrow county road following the northern field boundary is well used by walkers, runners and cyclists and provides limited views into the site. There are no other footpaths, roads or buildings in the vicinity from which views into the site can be obtained.

2.3 Landscape Character

The site lies within the Lowland Plains landscape character type (LCT) as defined in the East Devon and Blackdown Hills Landscape Character Assessment, key characteristics of which are:

- Level to gently sloping landform
- Mixed farmland, often in arable cultivation
- Small discrete broadleaf woodlands
- Regular medium to large field pattern with local variation
- Wide low roadside hedges and banks with hedgerow oaks
- Long views over low hedges
- Surprising feeling of remoteness in some parts, despite general level of

development Management guidelines for this LCT include:

- Encouraging gapping up of hedges with locally indigenous species
- Encouraging the appropriate management of hedges, in particular to benefit elm hedgerows and ensure their survival in the face of Dutch Elm Disease
- Encouraging the maintenance and increased planting of hedgerow oaks, to provide vertical elements and help screen development
- Where development is permitted, including woodland and copses in development proposals, to increase screening and ecological links

The surrounding landscape is generally of good quality albeit lacking trees, but with few modern detractors and is generally representative of its LCT description. The site itself contributes positively to this character.

2.4 Landscape, Conservation and planning designations

Jackmoor County Wildlife Site noted for wet rush pasture lies 700m to the south. There are no other landscape, conservation or planning designations within or in the vicinity of the site.

3.0 RELEVANT NATIONAL, REGIONAL AND LOCAL LANDSCAPE RELATED POLICY

The following landscape policies and guidelines are considered relevant to the application:

East Devon Local Plan 2013-2031

Strategy 7 - Development in the Countryside

Development in the countryside will only be permitted where it is in accordance with

a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

D1 Design and Local Distinctiveness Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
 - Important landscape characteristics, prominent topographical features and important ecological features.
 - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
 - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

Landscaping

- 21.4 Natural and artificial landscaping can enhance the setting of new buildings and enable them to be assimilated into surroundings. Landscaping can also assist in nature conservation and habitat creation particularly in urban areas.
- 21.5 Tree planting and retention should form an integral part of a landscaping scheme submitted with a development proposal either initially or at a detailed planning stage. Such a scheme may include ground and shrub cover together with hard surfaces and paving materials, adequate lighting and grass verges. Continuity of fencing, walling or hedging with existing boundary treatments, which contributes to the street scene, will be sought where appropriate. Schemes will need to include integration of areas of nature conservation value and provision of new areas into proposals.

D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

D3 - Trees and Development Sites

Permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

No building, hard surfacing drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

The Council will as a condition of any planning permission granted, require details as to how trees, hedges and hedge banks will be protected prior to and during and after construction. The Council will protect existing trees and trees planted in accordance with approved landscaping schemes through the making of Tree Preservation Orders where appropriate or necessary.

Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4 REVIEW OF SUBMITTED INFORMATION

4.1 Reports & Surveys

4.1.1 Ecological Survey – The Preliminary Ecological Survey (PEA) submitted with the proposals does not accurately record the mature trees (one ash and one oak) growing in the hedgebank to the north of the application site. On the accompanying habitat map the existing ash tree is incorrectly labelled as oak and the existing oak is unlabelled. The text also wrongly states the tree species in various places which should be corrected.

The PEA makes recommendations for new hedgerow creation to the south and east side of the application site and for management of surrounding hedgerow at 3-4m in height. However this does not reflect local landscape character and should the application be approved more appropriate plantings should be provided as indicated in Appendix A below.

4.1.2 Topographic survey – There is no topographic survey submitted with the application. A detailed survey will be required to accurately show existing site levels and hedgerow and trees in the vicinity.

4.2 Design

4.2.1 Site plan - The locations of nearby hedgerow and trees are not included on the submitted site plan. The plan should be amended to show accurately the existing hedgebank and ditch to the northern boundary and including the location and canopy extent of mature trees. If necessary the location of the pit should be adjusted to ensure the proposals and the necessary construction access will not encroach on tree and hedgerow root protection areas. The site plan should also show how vehicles will enter, turn and exit the site.

5 LANDSCAPE AND VISUAL EFFECTS OF PROPOSED DEVELOPMENT

5.1 Landscape effects

The principal landscape effects of the proposed development will be the loss of a small area of arable land and the introduction of new infrastructure into an open agricultural landscape with few modern detractors evident. It is also likely that there will be an increase in traffic required to service the site resulting in some loss of tranquillity and resulting damage to the verges and surface of Rixenford Lane which is generally narrow.

5.2 Landscape value and sensitivity to change

The site is considered to be of moderate landscape value, comprising elements typical of the wider landscape with few detractors but being outside of any area of special designation/ conservation interest and having limited recreation value or any cultural associations. This together with the scale of the proposals and the retention of prominent site features confers a low to moderate sensitivity to change of the type proposed.

5.3 Visual effects

Visual effects of the proposal are likely to be limited to the length of the site adjacent to Rixenford Lane and a short distance on the road approaches to either side.

The principal visual effects will be the construction of the perimeter bund and fence which will stand 3.4m above existing ground level and the construction of a wide concrete access track.

The digestate storage bag itself could be visible from Rixenford Lane especially when filled and during the winter when trees and hedgerow are not in leaf.

5.4 Potential mitigation

Mitigation measures that should be considered to reduce the landscape and visual impacts identified include:

- a) Additional tree and hedgerow planting – Refer Appendix A
- b) Reducing the height of the security fence to 2m and placing it off the perimeter bund.
- c) The colour of the digestate storage bag should be dark to blend better with surrounding landscape. Details of proposed colour should be confirmed.
- e) Constructing the access track in grass-crete (concrete cellular blocks) to reduce visual impact and increase permeability.

The principal receptors (people visually effected by the proposal) are likely to be pedestrians, runners and cyclists, using Rixenford Lane for recreational purposes and who are likely to have a moderate to high sensitivity to change. As the site itself is visible for only a very short length of Rixenford Lane the principal visual effect is likely to be changes arising from increased use by large vehicles and any associated damage to the road and verges.

6 CONCLUSION & RECOMMENDATIONS

6.1 Acceptability of Proposals

The site is situated within open countryside and is therefore subject to Local Plan Strategy 7 which only permits development where it is in accordance with a specific Local Plan or Neighbourhood Plan policy and the LPA should satisfy itself that the application is in accordance with a specific local plan policy which permits it.

A further requirement of Strategy 7 is that development should not harm the distinctive landscape, amenity and environmental qualities within which it is located. In relation to landscape and visual impact the greatest concern is the loss of tranquillity and amenity and damage to the road and adjacent verges which may arise along Rixenford Lane due to an increase in large vehicles accessing the site. From a green infrastructure perspective such increase in traffic could be a deterrent

to present recreational usage of Rixenford Lane.

It is likely that other landscape and visual effects could be adequately mitigated as noted at section

5.4 above and subject to the LPA satisfying itself that the proposal meets relevant policy and vehicular movements can be adequately controlled/ restricted the proposal could be considered acceptable in terms of landscape and visual impact subject to amendments as noted at section 4 and 5 above.

6.2 Landscape conditions

Should satisfactory additional information be received as noted above and the application is approved the following landscape conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) A detailed site plan and sections based on accurate topographic survey showing proposed and existing ground levels and nearby trees and hedgerow and means of proposed drainage.

b) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

c) A soil resources plan which should include:

- *a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.*
- *methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
- *location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).*
- *schedules of volumes for each material.*
- *expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
- *identification of person responsible for supervising soil management.*

d) Construction details for proposed site access and entrance gates.

e) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, hedge shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, o/a numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation, planting and grass sowing, mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

2 The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the facility with the exception of planting which shall be completed no later than the first planting season following first use.

3 No development shall take place until a 25 year landscape management plan has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- *Extent, ownership and responsibilities for management and maintenance.*
- *Inspection and management arrangements for existing and proposed trees and hedgerows.*
- *Management and maintenance of trees, hedgerows and grass areas for landscape and biodiversity benefit.*

Maintenance shall be carried out in accordance with the approved plan.

4 Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

5 Should the site cease to be used for the approved operations, within 6 months of its last use the infrastructure shall be removed from site and the ground restored to its original state prior to development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

Further comments:

Having reviewed recent additional information submitted by the applicant I note that an updated site plan has not been provided to include the accurate plotting of the existing roadside hedge, trees and ditch and the proposed entrance showing vehicle sweep paths for the proposed articulated lorries delivering digestate to site and other mitigation measures as noted in my landscape response.

This should be provided prior to determination of the application.

Mid Devon District Council

Thank you for your consultation request which was received on the 5th November 2020. It would appear that this consultation in part has arisen further to changes made to this application in response of the objection received from the Local Highway

Authority. As a result, there has been a change in the type of transport movements to the site from HGVs to agricultural vehicles.

Mid Devon Council does not have any specific comments to make on this development other than to note that it is considered that this change could result in an increase in movements to the site given the size and type of vehicle that would now be delivering to the site. In addition to this, traffic movements from the site of the digestrate storage lagoon which could involve further traffic movements west into the district of Mid Devon along country roads (which has resulted in concerns being received from residents within the district of Mid Devon) should be taken into account and not only just those traffic movements involved in making deliveries to the site. Therefore the acceptability or otherwise of these associated movements should be discussed in further detail with the Local Highway Authority prior to determining the planning application.

Other Representations

At the time of writing the report, forty-six letters of objection have been received (including multiple letters from the same property). The concerns raised in these can be summarised as follows:

- Impact of the proposal on hedges.
- The application requires an EIA.
- The proposal is not justified.
- The site would be connected to Enfield Farm.
- Impact of the proposal on highway safety.
- Flooding.
- Pollution.
- The number of vehicle movements, and the type of vehicles used.
- Impact on the countryside and biodiversity.
- The proposal is not sustainable.

PLANNING HISTORY

None.

Adopted East Devon Local Plan 2013-2031 Policies Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D7 (Agricultural Buildings and Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN18 (Maintenance of Water Quality and Quantity)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Devon Waste Plan

W1: Presumption in Favour of Sustainable Development

W2: Sustainable Waste Management

W3: Energy Recovery

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This application relates to part of an agricultural field situated approximately 2.5km (measured in a straight line) north of Upton Pyne, and a similar distance (also measured in a straight line) north-west of Brampford Speke. The site is outside a built-up area, and is rural in nature. There is a single track public highway running along the northern edge of the site, which is known as Rixenford Lane. The boundary between the road and the site consists of a mature hedge, which includes some trees, but also a gateway into the site. The aforementioned highway also forms the boundary between East Devon District Council and Mid Devon District Council. The safety zone around a high pressure gas pipe line is located close to the site. The area around the application site is also known for archaeology. The site is not located within any flood zone. There are no residential properties located immediately adjacent to the site; however, there are a small number within approximately 1km of the site.

Proposed development.

Planning permission is sought for the construction of a digestate storage lagoon (approximately 85m by 40m), with associated hardstanding and 2.0 metre high security fencing (amended from 2.4m high as originally proposed). The supporting statement says that the proposed facility would be used to store materials from Enfield Farm AD unit for spreading on the applicant's farm. In particular it will allow for storage of digestate during the closed spreading period from the 31st September to the 1st March (there can be no spreading of nitrate between October to February in Nitrate Vulnerable Zones such as this).

The application was originally submitted on the basis of HGV's transporting the digestate to the site (thereby minimising/reducing vehicle movements), but has been subsequently amended to tractor and trailer movements in light of concerns raised by the Highway Authority, local residents and officers.

ANALYSIS

The main issues for consideration are the principle of development, highway impacts, impact upon residential amenity and visual impact.

Principle

A key part of the justification of the proposal is that by storing material on site for later use on the farm (as opposed to collecting from the AD Plant as and when needed), it makes for a more efficient operation of the farm. Rather than reacting to weather or other circumstances and having to make numerous journeys to the AD Plant to collect digestate, the storage facility will mean that the digestate is on hand as and when needed. This should enable a more even distribution of vehicles travelling to and from the AD Plant. Storage in the lagoon on site will also reduce the risk of run-off and pollution.

The farm on which the site is located is one which is able to receive, and spread, material from Enfield Farm AD Plant so, on the face of it, this justification would seem reasonable. The agents acting on behalf of the applicants have confirmed that the material would be used on the host farm, but were unable to confirm the times and locations for this, on the basis that it varies depending upon the use of a particular field and any one time.

Policy D7 of the Local Plan supports new agricultural buildings and activities where there is a genuine agricultural need and as the facility will provide support for the farm, it is acceptable in principle under Policy D7 subject to meeting the criteria to the policy in relation to its visual impact, impact upon amenity and highway safety.

Highway impacts

The impact of the proposal on highways, especially through the perceived increase in vehicle movements and the types of vehicles it is proposed to use, has been a significant source of significant concern for residents local to the site, who have raised a number of highway related objections. Indeed, when assessing the application as originally submitted, the County Highway Authority (CHA) also objected to the proposal on the basis that of the impact that larger HGV vehicles would have on the minor highways, and the difficulties larger vehicles would cause for other road users.

In response to these concerns, the applicants commissioned a 'Transport Technical Note' to support their application, and also consulted the CHA regarding their concerns. Consequently, the aforementioned technical note acknowledges the concerns relating to the application, and confirms that the applicant is able to change the proposal from using HGV's to transport material to using a tractor and trailer; the method which is currently approved. This would reduce the size of the vehicles used - reducing the impact on the highway and the impact on other road users - but would

result in an increase in the number of two-way movements required from 500 annual return trips if using HGV's to 875 with a tractor and trailer (and compared to approximately 762 consented as part of the AD Plant). This is because a tractor and trailer has a lower capacity than an HGV. In effect therefore, the application is reverting back to the use of tractors and trailers as granted as part of the AD Plant consent and it can be argued that there will be no significant increase in vehicle movements (an additional 113 two-way movements equalling less than 1 per day) – although given the ability to store digestate on site, the frequency and times of these movements may change with the ability through storage on site to be able to spread such movements out.

Upon receipt of this information, the CHA provided updated comments, following their assessment of the new information, in addition to consulting Highway Officers responsible for the Mid Devon and Exeter City area. The updated comments from the CHA confirmed that the revisions to the scheme in highway terms were sufficient for their objection to be removed, subject to a condition to agree the route which would be used by vehicles accessing the site, and also a condition to ensure that only tractors and trailers are used to transport material to the site.

It is noteworthy that, at no stage, has the CHA objected to the proposed entrance to the site, which would utilise an existing entrance onto Rixenford Lane.

With such conditions in place, and given that the CHA no longer objects to the proposal, it is considered that the proposal is acceptable with regard to the impact on the highway and the safety of other road users, in accordance with the relevant local plan policies.

Impact on residential amenity

There are no residential properties located immediately adjacent to the site. Therefore, the development of the site itself would not have an impact on the amenity of the occupiers of any other properties, in terms of its visual appearance. However, other factors could have an impact. Most notably, is the impact the proposal would have on traffic levels on the surrounding highways, which are narrow and pass close to houses.

Clearly, some vehicle movements connected to the transportation of material from the Enfield to the host farm are already permitted and the amount of digestate travelling to the farm will not change as a result of this application.

The development would alter the timing of the vehicle movements as they will now be able to store digestate on site for quicker dispersal at appropriate times, but, given that HGV's are no longer proposed to be used, and given that no more digestate will be received and the Highway Authority do not consider the movements to be detrimental, a refusal of planning permission would be hard to substantiate. Given these factors and, as stated above, the impact on highway safety is considered acceptable, it is considered that the vehicle movements associated with the development would not be detrimental to the occupiers of properties in the area. If approved, it would be considered reasonable to agree a route which is most suitable in terms of highway safety and also resident's amenity.

The Council's Environmental Health Department has considered the application has not raised any objections. Therefore, it is considered that the proposal would not have any detrimental noise or odour impacts on the occupiers of properties in the area, in accordance with the relevant local plan policies.

Impact on the countryside and biodiversity.

The proposed development would be modest in size. However, it would be located in an area of relatively flat land, with the only existing screening immediately adjacent to the site being the hedge to the north. Further from the site, there are other landscape features which would provide some screening; such as the rising land to the north, and areas of woodland or hedges to the south east and west. Despite that, the proposal would alter the landform, through the introduction of a bund, fencing and hardstanding. Therefore, it is considered reasonable to impose a condition to ensure that suitable landscaping is installed in order to reduce the visual impact of the development on the countryside. It was also considered reasonable to request that the height of the fencing proposed (coloured green) be reduced to 2m in height in accordance with the comments from the Landscape Architect.

Furthermore, in order to protect the tree and hedge to the north of the site, which provide some screening and contribute to the rural character of the area, it is considered reasonable to impose a condition to ensure that suitable protections are put into place whilst the development is under construction.

Some concerns have been raised that there may be damage to, or removal of, parts of the hedge close to the existing entrance, either during development, or in order to create sufficient visibility. It is considered that any loss of this nature can be mitigated against through the above-mentioned landscaping scheme, as this would provide for additional planting and the agreed details can ensure that suitable native planting is agreed.

Whilst the proposal will result in the loss of a small section of hedgerow, accesses into existing farm field are not unusual and would not harm the wider area to a degree that could justify refusal of planning permission.

The Ecology Report submitted with the application concludes that the site is considered to be of "low ecological value", and details various mitigation measures which could be undertaken to ensure that any biodiversity present is not harmed. Consequently, subject to a condition to ensure that the works are carried out in accordance with the conclusions and recommendations of the Ecology Report, it is considered that the development could take place without causing undue harm to biodiversity.

Given the above, it is considered that the proposed development could be undertaken without causing visual harm to the countryside, or harming biodiversity, in accordance with the relevant local plan policies.

Habitats Regulations.

A Habitats Regulations Assessment (HRA) is required to be undertaken where a proposal is likely to have a significant effect on a European Protected site's conservation objectives.

It has been suggested that the proposed storage facility has the potential to impact upon the Exe Estuary SPA through run off from the site and adjacent fields, where the digestate would be spread by an umbilical spreader, into an adjacent stream which connects into the Exe Estuary SPA basin further downstream.

To determine the likely impacts that the proposed development (the storage facility) would have on the protected area it must be borne in mind that the farm where the storage facility would be located is an approved farm where digestate from the Enfield Farm bio-digester can be transported to and spread, the spreading is managed and approved under license from the Environment Agency.

Without any increase in the tonnage of digestate that can be transported to the site and spread, the approval of the storage facility will not increase the run off of digestate from the land and into the adjacent watercourse. It is of course necessary to consider whether there would be any in combination effects with other development approved in the area. Having consulted with Mid Devon District Council and the Environment Agency on this proposal and neither raising any concerns or other developments that may in combination increase the risk to the SPA, it is concluded that the screening stage of the HRA has been passed and found to not have a likely significant impact and therefore there is no need to undertake an appropriate assessment for the storage facility.

High pressure gas pipeline.

The application site is located close to a high pressure gas pipeline. The Health and Safety Executive has not objected to the proposal, but has indicated that officers should consult its methodology for assessing applications, to determine whether the proposed development is safe with regard to its impact on the pipeline. That document divides developments into four categories depending upon their sensitivity. In this case, the development would fall into category 1, as the development site would not be accessed by the public and would only be used for people at work. With that in mind, the document states that whether the development would be taking place in the inner, middle or outer zone of the safety area around the pipeline, the HSE would not advise against development. Consequently, the development is considered to be acceptable in this regard.

Archaeology

The County Archaeologist has assessed the application, due to the known archaeological potential with regard to prehistoric or Romano-British activity in the surrounding landscape.

Initially the County Archaeologist objected to the proposal as it was considered that insufficient information had been supplied relating to archaeology. In response the applicants submitted further information, which was then assessed by the County Archaeologist. The new information was sufficient for the County Archaeologist to

withdraw their objection. However, a condition to secure a Written Scheme of Investigation is recommended by the County Archaeologist. This condition is considered to be acceptable and, therefore, with that condition in place, the proposal would be acceptable in terms of its impact on archaeology.

Flooding and pollution

Concerns have been raised by a number of people commenting on the proposal about the potential for flooding and/or pollution from the proposed development, and these concerns are noted. However, the site is not located in a flood zone. Furthermore, the Environment Agency (EA) has not objected to the proposal, and the site is not within 10 metres of a watercourse or 50 metres of a well, spring or borehole, which are the parameters detailed by the EA in their consultation response. The EA refer to standards that the store must meet, in terms of being impermeable, but this is would be a matter outside of planning control. Instead, if the development did not meet the criteria to which the EA referred, and pollution occurred, this would be a matter which the EA would deal with.

It is also noteworthy that the Council's Environmental Health Department has not raised any concerns regarding the proposal.

Given the above comments, it is considered that the proposal is acceptable with regard to flooding and pollution risks.

Sustainability

Some objectors have questioned the sustainability of the proposal, in terms of transporting material from one site to another, and whether that is sustainable from an environmental or economic perspective. Whilst these comments are understood, it is not for the Local Planning Authority to determine whether a particular farming practice is economical for a farm, and it would be unreasonable to refuse a planning application on the grounds that additional agricultural vehicle movements were created by it when these can already occur. The applicant argues that this is a sustainable form of development with the digestate spread being of a high quality without pollutants and with the production process creating energy. These benefits are argued to off-set any associated vehicle movements.

The proposal represents an agricultural activity in a rural area and, therefore, is considered acceptable in sustainability terms.

CONCLUSION

It is clear that this proposal has generated considerable interest from local residents and other consultees. However, given that there is an agricultural need/benefit from the proposal, given that the visual impact can be made acceptable through planting and conditions, given that HGV movements have been removed from the proposal and there will be no increase in the amount of digestate received by the farm, and therefore no significant increase in vehicle movements to those already consented, the proposal is considered to be acceptable and it is recommended that this application is approved subject to a number of conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Material shall only be moved between Enfield Farm and the site to which this permission relates using tractors and trailers, with a maximum weight of 16 tonnes, and no more than 7000 tonnes shall be transported to the site in any calendar year. Material shall not be transported to, or stored at, the site from any location other than Enfield Farm. A record shall be kept of all vehicle movements and loads relating to the site, which shall be made available to the Local Planning Authority for inspection at any time; this shall include details of the date and time of vehicle movements, the type of vehicles involved, the start and finish locations of the journey, the route taken and the weight of the vehicle and its contents.
(Reason - In the interests of highway safety, and to protect the amenity of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).
4. No development work shall commence on site until the following information has been submitted and approved in writing by the Local Planning Authority:
 - a) A detailed site plan and sections based on accurate topographic survey showing proposed and existing ground levels and nearby trees and hedgerow and means of proposed drainage.
 - b) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
 - c) A soil resources plan which should include:
 - a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
 - methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - schedules of volumes for each material.
 - expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- identification of person responsible for supervising soil management.

d) Construction details for proposed site access and entrance gates.

e) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, hedge shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, o/a numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation, planting and grass sowing, mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the facility with the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

5. No development shall take place until a 25 year landscape management plan has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.

- Inspection and management arrangements for existing and proposed trees and hedgerows.

- Management and maintenance of trees, hedgerows and grass areas for landscape and biodiversity benefit.

Maintenance shall be carried out in accordance with the approved plan.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).

6. Should the site cease to be used for the approved operations, within 6 months of its last use the infrastructure shall be removed from site and the ground restored to its original state prior to development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable

Development), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).

7. Prior to the development hereby approved being brought into use, the route which will be used by vehicles travelling to/from the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed route shall then be used, unless an alternative is agreed in writing with the Local Planning Authority.

(Reason - In the interests of highway safety, and to protect the amenity of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

8. Material stored at the development hereby approved may only be spread on the land which material transported from Enfield Farm, under planning permission 17/0650/VAR, is permitted to be spread.

(Reason - To define the permission, and in the interests of highway safety, and to protect the amenity of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

9. The development hereby approval shall be undertaken in accordance with the findings, conclusions and recommendations contained within the Preliminary Ecological Appraisal, produced by Ecological Surveys Ltd, and dated June 2020 (version 2).

(Reason - To ensure that the development does not result in harm to, or loss of wildlife or habitats, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

archaeological survey	Additional Information	05.11.20
transport technical note	Additional Information	05.11.20
CS 2020 001 B	Sections	20.05.20
SP 2020 001 B	Proposed Site Plan	20.05.20
LP2020_001	Location Plan	17.07.20

	Ecological Assessment	17.07.20
0702 Rev P1: Vehicle Swept Path Tacker and Trailer Unit	Other Plans	07.01.21

List of Background Papers

Application file, consultations and policy documents referred to in the report.