

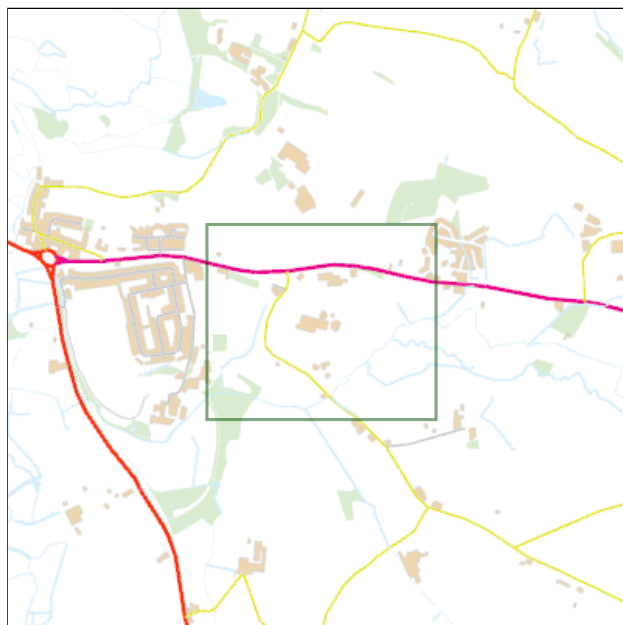
Ward Clyst Valley

Reference 23/0867/FUL

Applicant David Manley

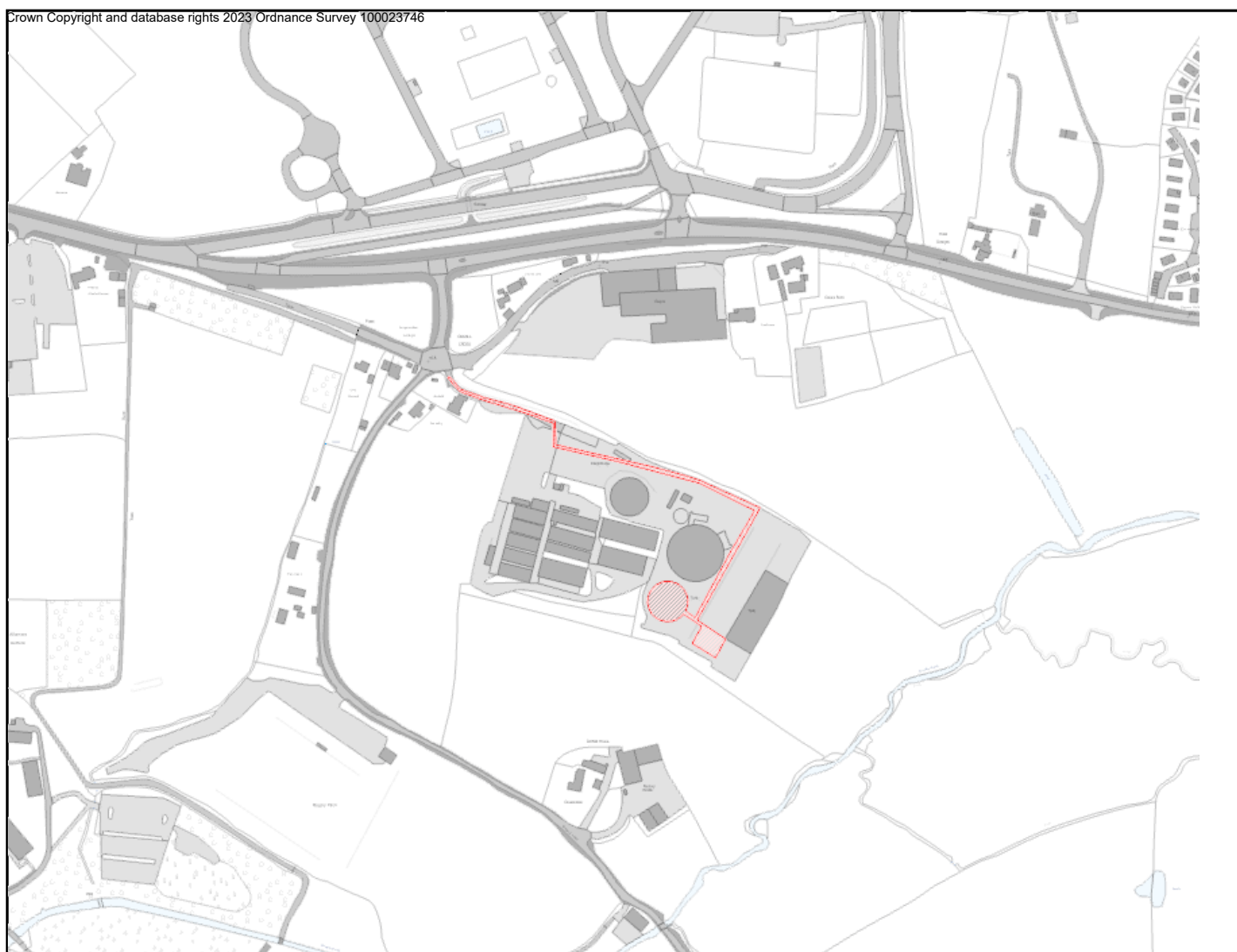
Location Enfield Oil Mill Lane Clyst St Mary Devon EX5 1AF

Proposal Installation of a roof and roller-door to a section of the existing storage clamp to provide improved environmental control and installation of a dome to collect residual gas from the digestate storage tank.



RECOMMENDATION: Approval with conditions

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		Committee Date: 26.09.2023
Clyst Valley (Bishop Clyst Clyst St Mary)	23/0867/FUL	Target Date: 28.06.2023
Applicant:	David Manley	
Location:	Enfield Oil Mill Lane	
Proposal:	Installation of a roof and roller-door to a section of the existing storage clamp to provide improved environmental control and installation of a dome to collect residual gas from the digestate storage tank.	

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EXECUTIVE SUMMARY

This application is before the Development Management Committee as the Officer recommendation is contrary to the views of the Ward Member.

Planning permission is sought for the installation of a roof and roller-door to a section of the existing feedstock storage clamp and a dome over the digestate storage tank. This application is essentially the same proposal, but on a smaller site and not including a further digester processing unit, as that previously approved, but time expired, under reference 18/2437/MFUL.

The dome is designed to prevent the odour emittance from the tank which stores the final digestate which has been identified as a source of odour, and would but also contain any residual gas that is still contained within the liquid. The proposed roof and roller shutter door to the feeding storage clamp is also designed to improve environmental (odour) management.

Given the environmental improvements offered by the proposed development and in the absence of any unacceptable impact on the character and appearance of the area, residential amenity, highway safety and surface water drainage the proposal is considered to be acceptable.

CONSULTATIONS

Local Consultations

Clyst Valley - Cllr Mike Howe

Object to the application - I find myself between a rock and a hard place with this application, as if this is granted and the development done then there should be an improvement for the living conditions for local residents. But the applicant has tried to link this application with 22/1104/VAR and 22/1106/VAR and I don't support that link, as such this development that has been granted before and not developed even though it would have improved the situation gives little faith to the local community that this will happen. As such if this application is approved it has to be a standalone application and with a very small time frame for the development to be completed, a 3 months to start and no decision on the other applications until this development is completed and proven to improve the current smells and noise coming from this site, So I need reassurance that this will actually happen.

In the event my recommendation and that of the Planning Officer differs, I wish the application to be referred to Development Control Committee.

Clerk To Bishops Clyst/Sowton (Clyst St Mary) Parish Council

Bishops Clyst Parish Council would comment on Planning Application 23/0867/FUL Enfield AD Plant, as follows:

For many years the residents of Clyst St. Mary have had to endure putrid odours, excessive noise and a huge increase in tractor and trailer traffic associated with this site. There have been numerous complaints made to the Environment Agency, EDDC and the Parish Council.

There was a sense of relief from the village community when planning application 18/2437/ FUL was approved for the installation of a roof and roller shutter doors to the existing storage clamp and the installation of a dome to collect gas as well as the installation of a digestate processor unit. This planning approval was not implemented and has now expired. This has resulted in residents continuing to complain bitterly about noise and putrid aromas. The current application seeks to resurrect the 2018 permission and in view of the potential for the reduction of noise and odour from the site that the implementation of the current proposals would have, it is difficult for the Parish Council to object. However, during the period since 2018 concerns have been expressed by residents of the risks of a serious explosion on the site and we need to be satisfied that a Health and Safety assessment has taken place and the site is safe.

Furthermore, we are concerned that if permission were granted it would have an effect on outstanding applications 22/1104 and 1106/VAR to which we remain strongly opposed.

The Parish Council would support this application if we were assured of the Health and Safety issues; if it is conditioned to commence within a short timescale; and provided applications 22/1104 and 1106/VAR are not determined until the development is completed.

The proposals within this application are required now to contain the present situation, not what may happen in the future or be linked in any way with 22/1104 and 1106/VAR.

Technical Consultations

Environment Agency

Environment Agency position

We have no objection to this proposal. However, the applicant will need to ensure that any existing environmental permits are varied where necessary.

Reason - We note that this application is very similar to that approved under ref.: 18/2437/MFUL. However, this application does not include the siting of a small scale digestate processor unit and the site area is reduced. As such, our position is unchanged from the previous application and we have no objection to the installation of a roof and roller-door and dome at the site.

Advice - You will be aware that we have a separate environmental permitting remit which relates to the operation of the site. As with any development at a permitted site, should the applicant, at any time, be seeking to exceed the conditions of the existing permit, e.g. input/output volumes or monitoring, they will need to first apply to vary the environmental permit.

Please contact us again if you require any further advice.

Harriet Fuller
Planning Advisor

Environmental Health

Environmental Health fully supports the introduction of the roller door and tank cover. The introduction of these items do not raise any environmental health concerns

Other Representations

Two representations have been received neither objecting to nor supporting the application, but raising the following issues (summarised)

- The open tank smells
- Support is given to any measures that stop the odour
- The lid should have been installed before under the previous consent
- Assurance is required that the proposed measures to alleviate odours will be implemented immediately
- Site gives rise to noise and disturbance
- Another gas storage will produce more noise and more burning of gas from the flare
- Problems of the site in terms of nuisance are on-going
- Approval of this application should not permit the additional throughput proposed by other applications

PLANNING HISTORY

Reference	Description	Decision	Date
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22/1106/VAR	Variation of conditions 5 (odour management), 7 (feedstock and feedstock delivery) and 10 (plant noise) of planning permission 17/0650/VAR (relating to the construction of an anaerobic digester)	Pending consideration	
22/1104/VAR	Variation of conditions 3 (odour management), 5 (feedstock and digestate) and 8 (plant noise) of planning permission 15/1512/FUL (relating to the extension of an anaerobic digester)	Pending consideration	
21/2375/VAR	Variations of conditions 2 (odour management) and 5 (feedstock and digestate) of application 15/1512/FUL	Withdrawn	10.11.2021
21/2374/VAR	Variation of conditions number 5 (odour management plan) and 7 (anaerobic digester specifications) of application 17/0650/VAR	Withdrawn	10.11.2021
20/2911/FUL	Erection of agricultural feed store and plant room.	Approved	25.03.2023
18/2437/MFUL	Installation of a roof and roller shutter door to existing storage clamp; installation of dome to collect residual gas and installation of digestate processor unit	Approved	19.06.2019
18/2173/VAR	Variation of conditions 2,5,7 and 10 of planning permission 17/0650/VAR to allow increase annual tonnage of crop input from 26,537 to 66,000 tonnes and increase annual tonnage of digestate exported from the site from 21,354 to 56,000 tonnes and vary wording of Odour Management Plan	Refused Appeal dismissed	26.11.2020
17/2889/MFUL	Works to ground levels and provision of landscaped area	Withdrawn	01.08.2018

17/0650/VAR	Variation of condition 7 (ii) of planning permission 15/1473/VAR to allow alternative site for feedstock source and variation of condition 7 (iii) to alternative destinations for digestate, and variation of condition 2 (plans condition) to replace approved transport statement	Approval with conditions	01.11.2017
15/1512/FUL	Extension to anaerobic digester plant to provide new site entrance, weighbridge, gas upgrade plant, propane tanks, digestate storage lagoon and underground leachate tank, turning circles, surge wall, drainage channels and chambers with associated landscaping and earth bunds	Refusal Appeal Allowed	19.06.2017
15/1473/VAR	Variation of condition 2 (plans condition) of planning permission 14/0858/MFUL to alter infrastructure and layout of an Anaerobic Digester Plant	Approval with conditions	23.08.2016
14/0858/MFUL	Construction of agricultural anaerobic digester plant for production of renewable energy	Approval with conditions	24.07.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN22 (Surface Run-off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Bishops Clyst Neighbourhood Plan

No relevant policies.

Site Location and Description

The anaerobic digester (AD) is located at Enfield Farm, around 500m to the east of the village of Clyst St Mary. It occupies an elevated position on land to the south of the A3052 Sidmouth Road and to the east of Oil Mill Lane. The site houses a dedicated AD and accompanying infrastructure to create renewable energy (gas) from farm waste, including pig slurry from the adjacent pig farm. The industrial buildings (including dome) and farm buildings are visible from some vantage points, however they are also read in the context of a small number of dwellings and other business operations in the vicinity.

The access into the site is currently a narrow track which joins the main road network close to Oil Mill Cross. The track also serves a property known as Enfield, which is located adjacent to the access. The area is fairly busy with traffic movements owing to the proximity of the A3052 and the Langdons Business and coach park located to the north of the entrance.

Proposed Development

Planning permission is sought for the installation of a roof and roller shutter door to part of the existing storage clamp and the installation of a dome over the circular tank to collect residual gas from the digestate storage tank.

This application is almost identical to a previous approval granted in 2019, but for a reduced site area and not seeking consent for a further digestate processor unit.

CONSIDERATION AND ASSESSMENT

The main issues to be considered in the determination of this application are the policy context and principle of the proposed development and any impact on the character and appearance of the area; on residential amenity; highway safety; or flood risk.

Background

As stated above this application is essentially a re-submission of a previous approval for the installation of a roof and shutter door over part of the existing storage clamp, and dome over the digestate storage tank, granted under reference 18/2437/MFUL. It

differs from that approval by not seeking consent for an additional digester processor unit and consequently is for a smaller site area. The previous permission was not implemented and is now time expired.

It should be noted that there are two further outstanding planning applications relating to this site, reference numbers 22/1104/VAR and 22/1106/VAR which are seeking consent to vary conditions attached to previous permissions to increase the throughput of the site.

Principle of the Development

The site lies in the open countryside where all development should be strictly controlled so that it does not detrimentally impact upon the character and appearance of its surroundings. However, that does not represent a bar on all development, as in compliance with Strategy 7 of the EDDC Local Plan, where developments are in accordance with the aforementioned the proposal would be acceptable in principle providing its impacts do not cause harm to the locality.

The site is already operating as an anaerobic digester creating energy to enter the national gas grid and electricity grid, therefore the addition of additional facilities to provide a more efficient way of producing renewable energy and to seek to limit the impact on the locality is considered to be acceptable in principle in accordance with Strategy 39 of the East Devon Local Plan. Furthermore, the National Planning Policy Framework advises that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources.

In principle, therefore, the proposed development is considered to be acceptable, subject to its impact on surroundings.

Character and Appearance of the Area

The main impact on the surrounding landscape would be the introduction of a second dome on site to cover the final digestate tank before it is exported from the site to be spread on surrounding farm land. The dome (12 metres in height) would be no higher than the existing dome (13.5 metres from ground level) on site and would be viewed in the context of the existing dome together with other infrastructure on site and the adjacent farm buildings.

The roofing over part over the silage clamp in green profile sheeting to a height no higher than the existing clamp is likely to have only a very localised impact due to its lower height relative to other structures on site.

Accordingly, whilst the structures would be visible in the wider landscape they would be read in the context of the existing site and its infrastructure. The landscape is not protected and it is considered that the proposal would be acceptable visually in accordance with Strategy 46 and Policy D1 of the EDDC Local Plan.

Residential Amenity

The application site and the adjacent pig farm to the south of the site have been the source of a number of noise and smell complaints from members of the public, the smell being of particular concern to local residents.

The uncovered circular tank which stores the final digestate before being removed from the site to be spread on the fields, has been identified as a source of odour especially when the crust on top of the liquid is broken when tankers are filled with the digestate. The dome and the roofing over the feedstock storage clamp are designed to improve the current odour problems being experienced and to prevent odour emittance, and also retain any residual gas that is still contained within the liquid.

Whilst there may be some disturbance and an increase in activity during the construction period, when completed it is not anticipated that the physical works proposed by this application will result in loss of amenity for nearby residents.

The Councils Environmental Health Officer has been consulted and supports the introduction of the roller door and tank cover.

Accordingly, the proposed addition of a roof and dome are considered acceptable and would improve the odour emittance from the site without impacting unreasonably on residential amenity in terms of the visual or other impact due to the distance of the proposed structures from the nearest dwellings. The proposal is therefore considered acceptable in relation to Policy D1 of the EDDC Local Plan.

Highway Safety

The proposed development would not increase traffic movements to and from the site, and whilst there are concerns from members of the public regarding the impact that existing traffic movements have on the locality that is not a matter that can be addressed through this application. Accordingly, the proposed development is considered to be acceptable in accordance with Policy TC7 of the EDDC Local Plan.

Flood Risk

The application form states that surface water on site would be dealt with through a sustainable drainage system although no details have been provided. Whilst it is considered that the existing system could potentially accommodate the additional run off from the roof over the silage clamp and the dome over the final digestate tank details of the proposed arrangements. It is considered that the surface water drainage details could reasonably be secured through a suitably worded planning condition.

Other Issues

Concern has been raised that granting permission for this application may have an impact on the determination of applications 22/1104/VAR and 22/1106/VAR in that it could increase pressure to grant the tandem applications. However, this application must be treated on its own merits, and in this respect the proposed dome and roof are not considered to have a detrimental impact on the surroundings or residential amenity and are considered to be acceptable.

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. Prior to installation of the dome over the final digestate tank and the roof over the silage clamp hereby approved details of the surface water drainage to accommodate the flows from these features shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved drainage details which shall have been completed before the development is brought into use.

Reason : To ensure that the surface water from the dome and roof are dealt with in an appropriate manner to prevent run off onto third party land in accordance with Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Plans relating to this application:

18/0019/EIA SCREENING OPINION	Other Plans	20.04.23
17/0650/VAR DECISION NOTICE	Other Plans	20.04.23
IXO01_EN2_SP_ 003A	Proposed Site Plan	20.04.23
IXO01 EN2 SP 003A	Proposed Site Plan	03.05.23

3001 REV P02	Proposed Elevation	03.05.23
3000 REV P03	Proposed Elevation	03.05.23
	Location Plan	03.05.23

List of Background Papers

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

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation