

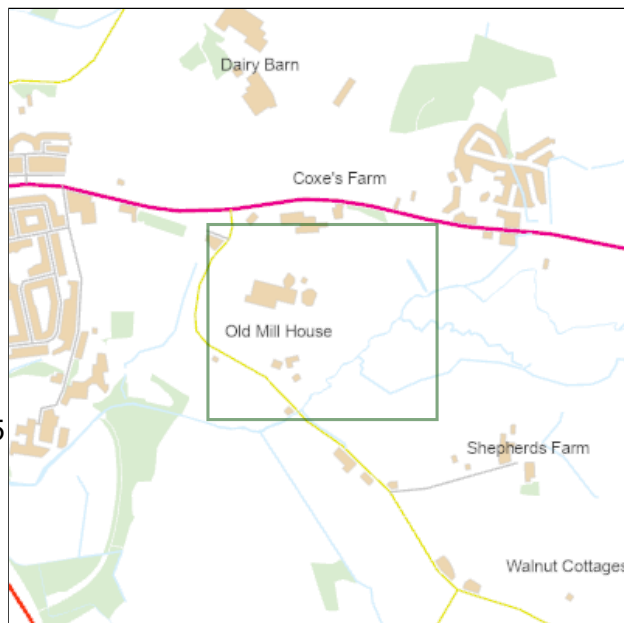
Ward Clyst Valley

Reference 22/1104/VAR

Applicant Mr David Manley (Gorst Energy)

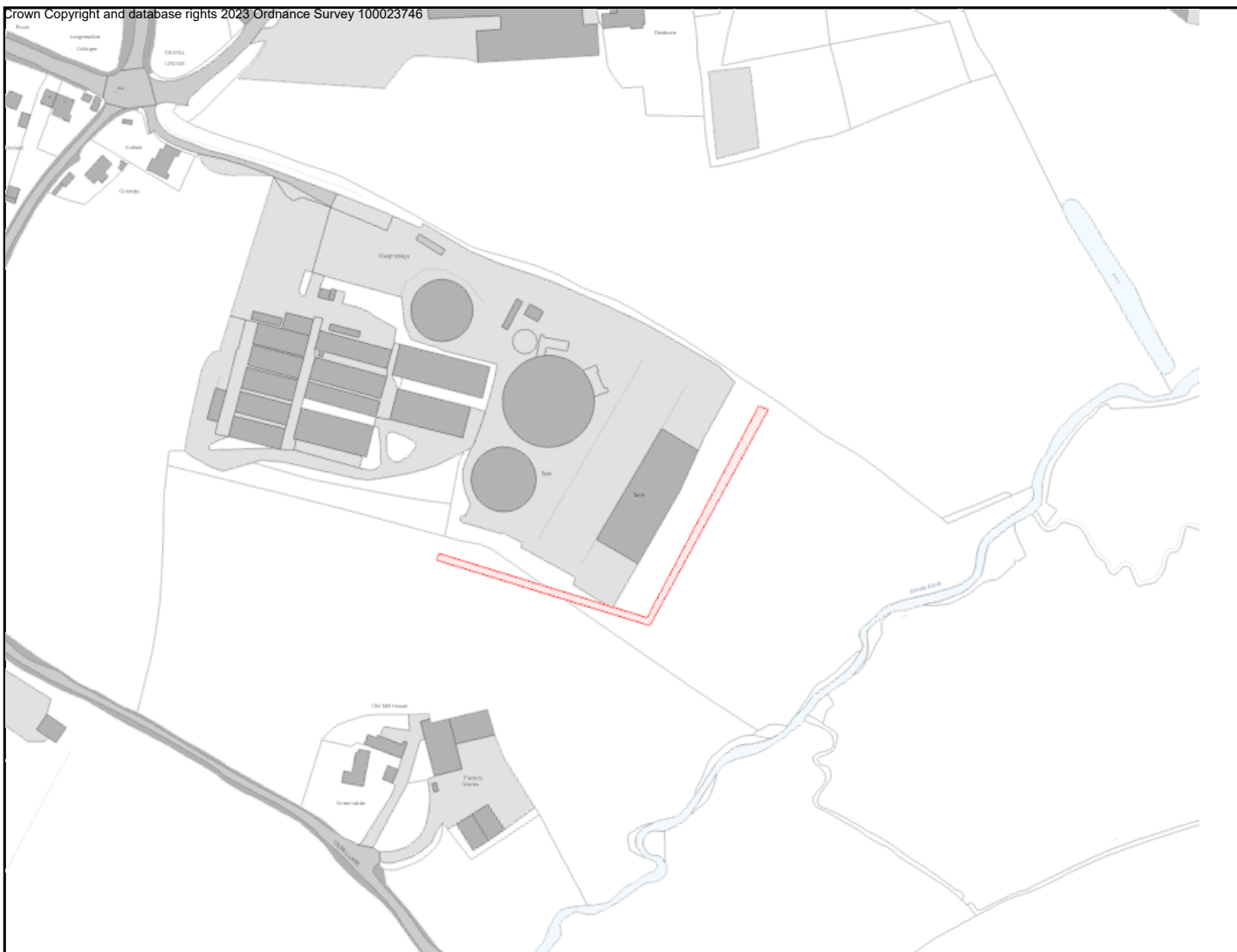
Location Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5 1AF

Proposal 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)



RECOMMENDATION: Approve subject to a legal agreement and conditions

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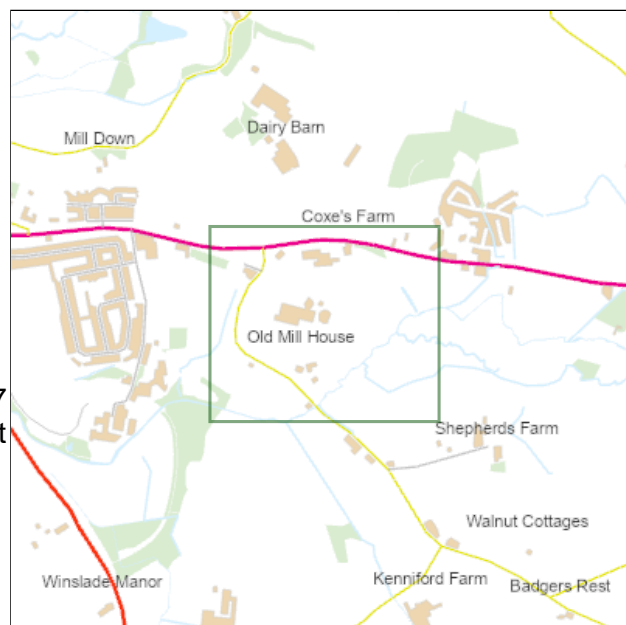
Ward Clyst Valley

Reference 22/1106/VAR

Applicant Mr David Manley (Gorst Energy)

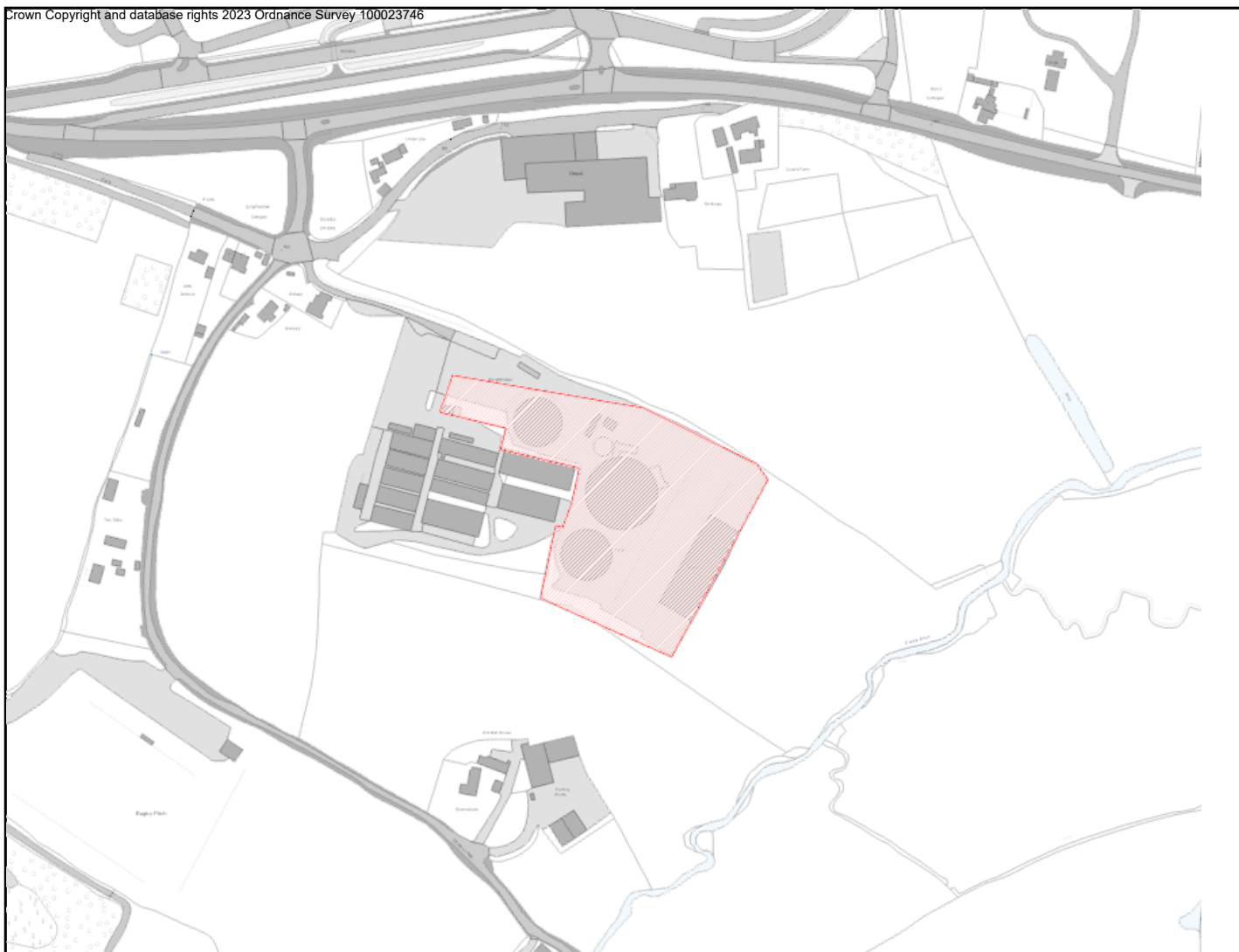
Location Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5 1AF

Proposal 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)



RECOMMENDATION: Approval with conditions

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		Committee Date: 26.09.2023
Clyst Valley (Bishop Clyst Clyst St Mary)	22/1104/VAR	Target Date: 10.08.2022
Applicant:	Mr David Manley (Gorst Energy)	
Location:	Enfield Farm Biodigester Oil Mill Lane	
Proposal:	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)	

RECOMMENDATION: Approve subject to a legal agreement and conditions

		Committee Date: 26 April 2023
Clyst Valley (Bishop Clyst Clyst St Mary)	22/1106/VAR	Target Date: 10.08.2022
Applicant:	Mr David Manley (Gorst Energy)	
Location:	Enfield Farm Biodigester Oil Mill Lane	
Proposal:	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)	

RECOMMENDATION: Approve subject to a legal agreement and conditions

EXECUTIVE SUMMARY

These applications are being brought to DM Committee because the Officer recommendation is contrary to that of the Ward Member

These applications relate to the operation of an anaerobic digester (AD) at Enfield Farm, Clyst St Mary. The site lies in the open countryside approximately 500m to the east of the village of Clyst St Mary.

Permission is sought to alter conditions relating to the volumes of feedstock and digestate; odour management, and noise at the plant. Two applications have been submitted in order that the whole of the operations on the site can be consolidated and united by a consistent approach, with conditions which are consistent and provide certainty as to the use and operation of the plant.

The site is already operating as an anaerobic digester creating energy to enter the national gas grid with the proposal intended to increase efficiency at the site and create more low carbon energy by allowing an increase in annual tonnage of crop input from 26,537 to 66,000 tonnes and increase the annual tonnage of digestate exported from the site from 21,354 to 56,000 tonnes.

Strategy 39 supports the principle of renewable and low carbon energy projects subject to any adverse impacts on features of environmental and heritage sensitivity being satisfactorily addressed and take appropriate steps for firstly avoiding harm, or reducing and mitigating any unavoidable harm to ensure an acceptable balance between harm and benefit.

The application site and the adjacent farm have been the source of a number of noise and odour complaints which the installation of the approved dome and cover of the storage tanks seek to address. Whilst these have not yet been installed, they are considered to be essential to facilitate any increase in the capacity and throughput of the AD.

The increase in volumes of feedstock being brought onto the site and digestate being removed will result in additional traffic using the site and on the wider highway network. This increase has been considered by the County Highway Authority and National Highways who raise no objections to the proposal.

An application submitted in 2018 previously considered the same increase in throughput of the AD. This was refused planning permission and dismissed on appeal, partly on procedural grounds, but also on the basis of the impact of additional noise leading to a loss of residential amenity for the occupiers of the bungalow situated adjacent to the entrance of the site. This dwelling is now within the control of the applicant and it is proposed to use the property as a staff welfare facility. As it lies outside of the application site, a legal agreement would be required to ensure that whilst the AD is in operation, the bungalow is not occupied as a residential dwelling.

The Inspector also found, in considering other impacts of the increase in feedstock that which it would result in a significant increase in the scale of the permitted operation, he was satisfied that the planning and pollution control regimes would be capable of imposing and enforcing conditions on the AD plant to limit odour and noise emissions from the site to acceptable levels.

Overall it is considered that the current application has overcome the previous reasons for refusal and will have an acceptable impact on residential and other amenity such that the proposal will have an acceptable balance between harm and benefit, with the increase in scale generating more renewable energy. As such the proposal is considered to comply with the provisions of Strategy 7

(Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and is recommended for approval.

CONSULTATIONS

Local Consultations

Clyst Valley - Cllr Mike Howe

Simply put this site has had a refusal that was upheld at appeal, and still to this day causes undue issues to local residents, I can see no way the Appeal inspectors concerns have been over come let alone the other issues of noise and smell that blight the area from this and the adjoining Farm.

Disclaimer Clause: In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Parish/Town Council

OBJECTION to applications 22/1104/VAR and 22/1106/VAR Enfield Farm Biodigester.

Bishops Clyst Parish Council strongly opposes these applications on the grounds that they are a virtual mirror image of applications 21/2374/VAR and 21/2275/VAR which were withdrawn, and 18/2173/VAR which was refused. A subsequent appeal was dismissed by the Planning Inspectorate on 26 Nov 2020 for the same huge increase in feedstock entering the site and similar large increase in digestate leaving the site. It appears that the only difference is the production of a further noise report which suggests that additional HGV movements would have a minimal noise impact on neighbouring properties. Expert evidence commissioned by the Parish Council found numerous inconsistencies in the noise report submitted in support of applications 21/2374/VAR and 21/2375/VAR. The Parish Council still has concerns about the conclusions of the revised noise report submitted in support of these applications and has commissioned an independent expert view which will be submitted as an addendum to this objection. It should also be pointed out that the offending noise is not just related to traffic movements and deliveries but constant noise throughout the day and night-time.

The applicants state the impact on the road networks would be minimal as all the feedstock and digestate would already be on the road being transported. However, this does not account for all the additional journeys by HGV's and Tractor/trailers being concentrated on the already overburdened A3052, the Clyst St Mary Roundabout and junction 30 of the M5 at Sandygate.

The harm that the Enfield Farm Biodigester is already inflicting on our community is substantial and unacceptable and the Parish Council is not prepared to accept any increase in throughput.

Despite tabletop analysis and algorithms that predict such things as noise levels, impact on the road network and unacceptable odour levels, the truth is quite simple. For years residents of the village have had to put up with excess noise and unacceptable smells, and any increase in material arriving on the site or digestate leaving the site WILL have a massive adverse impact on neighbouring properties and the community as a whole.

The applications are considered contrary to Policy BiC13 of the Bishops Clyst Neighbourhood Plan 2014-2031.

The Enfield Farm Biodigester is an unwelcome part of our community creating huge problems of periodic spells of awful smells that affect the whole village, unwelcome noise for neighbours and generating considerable additional HGV and large tractor traffic on an already overburdened road system which is struggling to cope. It is about time that the Local Planning Authority made it clear to Gorst Energy Ltd. that it is not prepared to countenance any further increase in capacity or further buildings.

Please note that the Parish Council is very concerned that such an application can be accepted following previous refusals by the Planning Committee and Planning Inspectorate for virtually the same proposals, causing considerable distress to the community and expense to the Parish Council.

The Parish Council has carefully considered the objections to these applications made by Mrs Linda Trim, Mr Gaeron Kayley and the Devon CPRE and fully support and agree with their comments.

Adjoining Parish

14/03/23 - OBJECTIONS BY FARRINGDON PARISH COUNCIL

Objection dated 14TH March 2023 to Planning Applications 22/1104/VAR & 22/1106/VAR submitted to East Devon District Council by Gorst Energy Ltd relating to the Anaerobic Digester operations at Enfield Farm (Enfield/Gorst AD), Clyst St Mary, Exeter.

Farringdon Parish Council strongly objects to permission being granted regarding Planning Applications 22/1104/VAR and 22/1106/VAR which relate to the proposed increase in permitted throughput of Feedstocks and resulting increase in production of Digestate, mainly liquid. We are concerned that the Anaerobic Digester is having an immediate impact in the Farringdon Parish.

We and others have asked EDDC to refuse the above Applications. The further updated information from EDDC and Gorst Energy Ltd, add to our concerns for the parish and the call for this to be refused.

We are concerned that Gorst Energy Ltd has been developing use of the Denbow Lagoon to receive most of the Digestate produced by then being some 20,000 Tonnes of the total of 29,766 Tonnes in the year to 31 December 2022, prior to distribution throughout East Devon. Previously it was understood that had mainly been delivered directly from the Gorst Site to destinations.

Similarly we understand that Gorst Energy Ltd has been using the neighbouring Wood Farm as a hub to receive and store Feedstocks from suppliers to be held until delivered to Gorst Energy Ltd.

Stuart & Partner Ltd's Planning Permission obtained at Appeal only permits unloading of Digestate from the Denbow lagoon by umbilical pipe to nearby land but we believe from reports by parishioners that this has been ignored this last year which has meant to extensive use of highways and transfer of many times more Tonnes of digestate to the lagoon than was indicated in the Application.

We are concerned that vehicles of both tractor and trailer but also articulated lorries have been using Parsonage and Spain Lane to carry in digestate which are not suitable for such use. Spain Lane was only repaired last September and already it is deteriorating making it dangerous for all village road users, This can only arise from the use of heavy vehicles.

The significant increase in the movement of digestate has been noticed in the last 4-5 months. The odour is horrendous and has been reported by a number of parishioners. In using Denbow Farm vehicles would have to cross and travel on the busy A3052 twice for each delivery of Digestate to the lagoon, and return empty, and then twice more for removal of much of the Digestate from the lagoon for spreading.

The use of Denbow Farm Lagoon and Wood Farm as distribution hubs is therefore creating significant problems for those who live in the parish and is evidently contrary to the permission granted.

Gorst Energy Ltd's records disclose that the use of intermediate storage facilities has been developed contrary to the assurances given since the current Permission was granted, the most significant change being that some 68% of its digestate has been taken to Denbow Farm, Farringdon prior to distribution. In the absence of disclosure of any records in the year to 31 December 2022 to establish the movements of Feedstocks taken into the several off-site stores, or the Digestate removed from the storage lagoons that were used in the year, the way that Gorst's business has been conducted throughout East Devon and beyond cannot be assessed.

Farringdon Parish Council object that Gorst Energy Ltd has significantly changed its operations since it was granted its extant Planning Permission and has done so without applying for any change in its permission and has not disclosed details of the changes, including the vehicle movements and carbon "costs" resulting, in its current Planning Applications.

Farringdon Parish Council object that the Section 6.4 of the Transport Statement (Digestate Storage) does not properly explain Gorst Energy Ltd's intentions with regard to the extent of use of Off-site storage of Digestate facilities. The proposals include an increase of 34,646 Tonnes of Digestate per annum being produced; the only indications about how this will be managed is that it will store approx. 5,000 Tonnes per annum destined for "Exmouth". In correspondence Gorst Energy Ltd describes the Exmouth site as being small and used by others. The third alternative mentioned, Upton Pyne, has permission to hold 7,000 Tonnes but construction has not yet started. The way in which Gorst Energy Ltd intends to manage the additional

Tonnes of Digestate that it intends to produce is not explained, which we anticipate indicates increased use of Denbow Farm as a distribution hub for refilling at intervals prior to distribution elsewhere.

Farringdon Parish Council understands that the owner of Denbow Farm lagoon obtained Planning Permission at Appeal for its construction and use, conditioned to unloading the Digestate brought to it only by pipe to nearby land. The permission has a condition setting out the highway route between the lagoon and Enfield Farm and the lagoon for Digestate to be brought to the lagoon but no permission was given for use of highways to unload the lagoon.

Farringdon Parish Council object that Gorst Energy Ltd has been using, and proposes to continue to use, the Denbow lagoon contrary to the Planning Permission granted to the owner as decided at Appeal, with consequent damage by use of Highways and otherwise.

Other Parish Council

Clerk To Brampford Speke Parish Council

01.08.22 The attention of the Brampford Speke Parish Council (BSPC) has been drawn to the above planning applications.

Having reviewed and considered the proposals, the Council wishes to express some concerns. These are specifically around:

- The increased scale of the activities proposed.
- The subsequent impacts that the proposed operations will bring in terms of increased road traffic and safety around the local lanes and roads.
- The consequences for villagers living not just in Brampford Speke, but other local neighbouring villages, notably Upton Pyne, Langford and Thorverton.

BSPC requests that in considering the applications, EDDC Planning undertake further rigorous assessment and local consultations regarding the traffic and safety issues which have been highlighted, and which are seen as significant potential impacts on the way of life for many villagers in and around the area.

Can you please confirm that you have received this mail and BSPC's concerns have been noted.

This matter has also been raised with Jamie Kemp.

Technical Consultations

National Highways (22/1104/VAR)

Referring to the outline application dated 8 September 2021 regarding the variations of conditions 2 (odour management) and 5 (feedstock and digestate) of application 15/1512/FUL, Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5 1AF, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

Highways Act Section 175B is not relevant to this application.¹

(1) Where relevant, further information will be provided within Annex A.

Annex A Highways England recommended No Objection

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to Application Ref - 21/2375/VAR and has been prepared by the Planning Manager for Devon. We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policy of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF). Statement of Reasons This planning application is seeking consent for the variations of conditions 2 (odour management) and 5 (feedstock and digestate) of application 15/1512/FUL at Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5 1AF.

We are satisfied that the issues in relation to the potential traffic impact of the development on the SRN, in this instance Junction 30 of the M5, were addressed at the outline stage and that this variation of condition application for which consent is now being sought will not impact on that prior assessment.

Summary

As such, we have no objection to the application.

National Highways (22/1106/VAR)

21/06/22 -

We understand that the application is a resubmission of previous application 21/2374/VAR which was withdrawn in November 2021 to enable matters relating to noise to be addressed.

National Highways offered no objections to application 21/2374/VAR as set out in our attached response dated 16 September 2021. On the basis that all other aspects of application 22/1106/VAR are in general accordance with those previously assessed by us under withdrawn application 21/2374/VAR, we continue to offer no objections to resubmission application 22/1106/VAR.

Environment Agency

Environment Agency position

We have no objections to the variations, providing that the proposal is in accordance with the environmental permit which was approved in October 2020.

Advice - Environmental Permit requirements

Paragraph 188 of the National Planning Policy framework states that "the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities".

With this in mind please note that the environmental permit includes conditions requiring the operator to implement improvements to prevent and or minimise noise particularly at night. Improvements have been made and the results of a recent Noise Monitoring Exercise (Report Ref R10047E) have been provided to the Environment Agency. The noise assessment report is still under review.

As identified in the Planning Application Statement Section 6.1 we agree the appropriate guidance to apply to is in British Standard (BS) 4142:2014 A1:2019 Methods for rating industrial and commercial sound.

Environmental Health (further comments) 09.11.22

Thanks for your email. Sorry for the delay in getting back to you but I've been playing catch up since taking some time off at the end of October. I do understand the sensitive nature of these two applications together with the large number of objections which the applications have drawn in.

The comments and recommendations made by EH back in July are still very valid even after reviewing the information which you sent through. The applications are acceptable from an environmental health perspective, subject to the conditions that have already been recommended. I have highlighted the specific wording for the conditions below.

Environmental Health share some of the concerns raised by local residents by the continued expansion of the Enfield AD site particularly regarding the acoustic design and noise mitigation for the development. Environmental Health aims to reassure, through the conditioning of the site, the avoidance of any significant adverse impacts and the reduction of any adverse impacts on the health and quality of life of local residents. This will be achieved by ensuring that the required noise mitigation measures are in place (and verified) prior to any increase of feedstock throughput. Conditions will recommend that any works required for the reduction of odour emissions from the site will be completed (and verified) prior to any increase in feedstock throughput and increase in digestate production (this will include the covering of the open digestate tank).

The wording of the conditions will be aligned in accordance the Environmental Permit which controls emissions from the site. This will provide a more coherent, proportionate and enforceable approach that will fully consider the protection of local residents and the wider community.

Taking these points into consideration I recommend approval with the following conditions:

- The development hereby permitted shall be carried out in full accordance with the sites operational Odour Management Plan (OMP). The OMP should be periodically updated in order to maintain consistency with the sites Environmental Permit.
- The sites OMP should be fully reviewed within three months of the chicken litter storage building being brought into use.
- Prior to any increase in feedstock throughput and digestate, the covering of the open digestate tank should be completed. Written confirmation of the installation of the cover should be submitted to and approved in writing by the local planning authority.
- A noise mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

Location	Day-time (07:00 until 23:00)	Night-time (23:00 until 07:00)
A (Denbowe)	48 dB (LA_{eq} 1hr)	37 dB (LA_{eq} 15min)
B	47 dB (LA_{eq} 1hr)	36 dB (LA_{eq} 15min)
(Longmeadow Cott & Grovely)		
C (Two Oaks)	42 dB (LA_{eq} 1hr)	34 dB (LA_{eq} 15min)
D (1 Poplars Walk)	48 dB (LA_{eq} 1hr)	37 dB (LA_{eq} 15min)

when measured or determined at the at the boundary of the identified noise sensitive properties (other than the property known as 'The Bungalow' on the site access road which shall not exceed 10dB(A) above the pre-existing night-time and daytime background noise levels for as long as it is in use by staff working at the AD site). Should the AD site relinquish their connection with 'The bungalow' the noise levels stipulated at location B will apply.

Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

- Prior to any increase in feedstock, a validating Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The validation assessment is required to confirm that the applicants' noise control measures are indeed suitable acoustic measures designed and installed to meet with the rating levels detailed within the applicants' noise mitigation scheme.

The applicants' noise assessment did not cover the impact from the movements of vehicles on public roads. The A3052 is a heavily-trafficked highway with substantial

heavy goods vehicles (HGV) movements. Many of the HGV's on this road travel to a number of closely situated business parks, industrial sites and other locations within East Devon. In terms of HGV's going directly to the AD plant they were not deemed to be prominent in the context of the surrounding acoustic environment. The main impact of vehicle noise was on the approach road feeding the site and the main affected residential premises was 'The Bungalow'. Taking this point into consideration it was considered that a BS4142 assessment would be the appropriate standard to use. British Standard BS4142 describes the methods for rating and assessing sound of an industrial and/or commercial nature, that includes sound from vehicles (within the sites boundary) therefore, this was considered to be appropriate for the Enfield AD site. It has since become apparent that Enfield AD site is now connected to the use of the Bungalow and therefore, the Bungalow no longer considered to be a sensitive residential property.

The other residential properties in the area of Oil Mill Cross are at an increased distance from the HGV movements and their amenity areas are orientated behind buildings which will provide a degree of acoustic protection. Therefore, it's not felt that the additional HGV movements would result in an adverse impact. However, if it's considered that further information is required a noise assessment could be requested from the applicant using the 'Calculation of Road Traffic Noise'. This could be used on the section of road leading from the junction of the A3052 to the sites entrance off of Oil Mill Cross.

Environmental Health 11.07.22

Environmental Health share some of the concerns raised by local residents by the continued expansion of the Enfield AD site particularly regarding the acoustic design and noise mitigation for the development. Environmental Health aims to reassure, through the conditioning of the site, the avoidance of any significant adverse impacts and the reduction of any adverse impacts on the health and quality of life of local residents. This will be achieved by ensuring that the required noise mitigation measures are in place (and verified) prior to any increase of feedstock throughput. Conditions will recommend that any works required for the reduction of odour emissions from the site will be completed (and verified) prior to any increase in feedstock throughput and increase in digestate production (this will include the covering of the open digestate tank).

The wording of the conditions will be aligned in accordance the Environmental Permit which controls emissions from the site. This will provide a more coherent, proportionate and enforceable approach that will fully consider the protection of local residents and the wider community.

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o The sites OMP should be fully reviewed within three months of the chicken litter storage building being brought into use.

o Prior to any increase in feedstock throughput and digestate, the covering of the open digestate tank should be completed. Written confirmation of the installation of the cover should be submitted to and approved in writing by the local planning authority.

o A noise mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

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when measured or determined at the at the boundary of the identified noise sensitive properties (other than the property known as 'The Bungalow' on the site access road which shall not exceed 10dB(A) above the pre-existing night-time and daytime background noise levels for as long as it is in use by staff working at the AD site). Should the AD site relinquish their connection with 'The bungalow' the noise levels stipulated at location B will apply.

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buildings which will provide a degree of acoustic protection. Therefore, it's not felt that the additional HGV movements would result in an adverse impact. However, if it's considered that further information is required a noise assessment could be requested from the applicant using the Calculation of Road Traffic Noise'. This could be used on the section of road leading from the junction of the A3052 to the sites entrance off of Oil Mill Cross.

Devon County Highway Authority

LOCATION: Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5 1AF

Observations:

This application relates to a site located just off the C57, Oil Mill Lane, with a designated speed limit of 60mph.

The site has been used for anaerobic energy production since 2014. However this application seeks to carry out the works to facilitate the increase in material imported from 26,537 tonne to 66,000 tonne and material exported from 21,534 to 56,000 tonne. Although this does represent an increase in transport movements, the County Primary Route of the A3052 is only 50m away from this site, providing the suitable mechanism for the material to be dispersed to its ongoing destination and vice versa.

The trip generation harvesting peaks will be less substantial, however this is compromised by greater movements throughout the entirety of the year. The mode of transport making up the trip generation should predominantly remain as tractor and trailers, due to planning conditions from the feeder farms. Additionally, the visibility upon the access meets our current best practice national guidance for a 60mph road, (Manual for Streets 1 and 2), though vehicle speeds are likely to have an 85th percentile speed proportionately slower than 60mph due to the proximity of the junction of the A3052.

The County Highway Authoritys (CHA) rolling recorded collision data (currently 2017 to 2021) also shows no recorded collisions upon this junction or in direct relation to the digester site.

Therefore the County Highway Authority have no objections to raise as part of this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Other Representations

Thirty one representations have been received in respect of these applications, all raising objections. These are summarised below:

- Significant noise nuisance from plant

- Residual noise levels unacceptable
- Not operating in accordance with noise management plan
- Odour nuisance increasing
- No cover has been installed to open digester
- Greenhouse gas emissions from storage and spreading of digestate are significant
- Increase in traffic
- Increased traffic noise
- No commitment to limit where all feedstock will be sourced and digestate will be spread, with transport routes and tonnages.

PLANNING HISTORY

Reference	Description	Decision	Date
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
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	Dismissed on Appeal 26.10.2020

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	Approved	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	Refused	Allowed on appeal 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	Approved	23.08.2016
14/0858/MFUL	Construction of agricultural anaerobic digester plant for production of renewable energy	Approved	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)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

Bishops Clyst Neighbourhood Plan (Made)

BiC12 Farm Diversification

Government Planning Documents
NPPF (National Planning Policy Framework 2021)
National Planning Practice Guidance

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

These applications seek to create a consistency in terms of conditions relating to the overall operation of Enfield Farm AD site. The need for two applications is because of inconsistencies in the application site boundaries between the original permissions.

The site boundary edged red for 14/0858/MFUL applies to permissions 15/1473/VAR and 17/0650/VAR, and the site dismissed on appeal under reference 18/2173/VAR.

The site boundary edged red under application 15/1512/FUL includes other land that did not form part of that approved (as varied) under 14/0858/MFUL.

Application 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)

The conditions pertaining to 15/1512/FUL state:

Condition 3

The development hereby permitted shall be carried out in full accordance with the Odour Management Plan (Version 3) dated October 2015 and shall be complied with in perpetuity

Condition 5

“The feedstock and feedstock delivery for the anaerobic digester shall be as set out in the supporting information submitted with the application and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions listed within Volume 1 of the report prepared by E4environment dated 10th June 2014 approved under 14/0858/MFUL.

For the avoidance of doubt the proportions per annum are:

- (i) Pig slurry- 6000 tonnes*
- (ii) Farmyard manure- 1000 tonnes*
- (iii) Maize silage – 16,537 tonnes*
- (iv) Wheat- 3000 tonnes*

The principal uses of the site shall thereafter be restricted to:

- a) The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;*
- b) Generation of electricity and heat and other ancillary operations associated with the above activities.”*

Condition 8

“Notwithstanding the submitted details, any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed, retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide when considered in combination with other equipment on the site. Details of a mitigation scheme shall be submitted to and approved by the local planning authority within 2 months of the installation of any such plant and the development shall thereafter be carried out in accordance with the mitigation measures which shall be maintained thereafter.”

Application 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)

The conditions pertaining to 17/0650/VAR are worded as follows

Condition 5

“The development hereby permitted shall be carried out in full accordance with the Odour Management Plan (Version 3) dated October 2015 and shall be complied with in perpetuity.

(Reason - To comply with the requirements of Policy EN14 (Control of Pollution) to protect the amenity of local residents in terms of the control and management of odour, noise, traffic management and construction management and Policy D1 (Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)”

Condition 7

“i) The feedstock and feedstock delivery for the anaerobic digester shall be as set out in the supporting information submitted with the application and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions listed within Volume 1 of the report prepared by E4environment dated 10th June 2014 approved under 14/0858/MFUL. For the avoidance of doubt the proportions per annum are:

- o Pig slurry - minimum of 6000 tonnes (or all of their slurry if less than 6000 tonnes) per year produced on Enfield Farm*
- o Farmyard manure- 1000 tonnes*
- o Maize silage- 16,537 tonnes*
- o Wheat- 3000 tonnes*

The principal uses of the site shall thereafter be restricted to:

- o The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;*
- o Generation of electricity and heat and other ancillary operations associated with the above activities.*

ii) The feedstock for the anaerobic digester shall sourced from the sites named in Table 5.2 of the Transport Statement prepared by Hydrock dated May 2014 named as: Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha, Hayes 82.43 ha, Collyhead 63.82 ha and as shown on the plan/aerial photos drawing no's 13546/T03A, 13546/T04B, 13546/T05A, 13546/T06A, 13546/T07A and 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

iii) The ultimate destination for the digestate from the anaerobic digester shall be to the sites named in Table 5.3 of the Transport Statement prepared by Hydrock dated May 2014 named as Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha and as shown on the plan/ aerial photos drawing no's 13546/T04B, 13546/T05A, 13546/T07A, 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

iv) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record the name of the farm, plot, supplier, number and gross and net weight of vehicles along with the date and time of feedstock delivery/ digestate distribution.

v) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.

vi) *Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.*

(Reason - To define the type, sources and delivery of materials permitted to be managed and handled at the site; to ensure that storage of feedstocks for the anaerobic digester are controlled and can be adequately accommodated within the overall site layout; and as the application is only considered to be acceptable and sustainable in this location on the basis that the destination for digestate being processed is sourced locally, in the interests of general and visual amenity in accordance with Policies EN14 (Control of Pollution), TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)"

Condition 10

"Notwithstanding the submitted details, any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed, retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide when considered in combination with other equipment on the site. Details of any mitigation scheme shall be submitted to and approved by the Local Planning Authority within 2 months of the installation of any such plant and the development shall thereafter be carried out in accordance with the mitigation measures which shall be retained in perpetuity.

(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)."

Proposed Variation

The same amended wording is suggested for both applications:

For Odour Management conditions 3 and 5

"The development hereby permitted shall be carried out in full accordance with the current Odour Management Plan approved by the Environment Agency from time to time"

The Feedstock and Digestate conditions 5 and 7

"The feedstock and feedstock delivery for the anaerobic digester shall be set out in the supporting information submitted with application number XXXX and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions below. For the avoidance of doubt the proportions per calendar year are:

- *Pig slurry – 12,000 tonnes (provided by the adjacent pig farm).*

- Farm manure – 18,822 tonnes
- Crops – 32,064 tonnes, and
- Various agricultural and dairy industry by-products (e.g. lactose, whey) 3,285 tonnes:

The principal use of the site shall thereafter be restricted to:

- a) The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;*
- b) Generation of electricity and heat and other ancillary operations associated with the above activities”*

Noise conditions 8 and 10

“A noise mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

<i>Location</i>	<i>Day-time (07:00 until 23:00)</i>	<i>Night-time (23:00 until 07:00)</i>
<i>A</i>	<i>48</i>	<i>37</i>
<i>B</i>	<i>47</i>	<i>36</i>
<i>C</i>	<i>42</i>	<i>34</i>
<i>D</i>	<i>48</i>	<i>37</i>

When measured or determined at the boundary of any noise sensitive property (other than the Bungalow on the site access road which shall not exceed 10dB(A) above the pre-existing night-time and day-time background noise levels for as long as it is in use by staff working at the AD site). Any measurements and calculations shall be carried out in accordance with ‘BS4142=2014 Methods for Rating and Assessing Industrial and Commercial Sound”

Background

A similar proposal was considered by an application submitted under reference 18/2173/VAR which sought to increase the throughput of the digester, increasing the annual tonnage of crop input from 26,537 to 66,000 tonnes, and increase the annual tonnage of digestate exported from the site from 21,354 to 56,000 tonnes.

This application was refused and dismissed on appeal (2018 Appeal) with the Inspector considering that there were two main issues to be considered, with the second issue relating to procedural difficulties with the proposal resulting in different permissions subject to different conditions for overlapping sites. In this respect the Inspector concluded that granting a permission as submitted could create procedural difficulties, uncertainty, and that the enforcement of planning conditions would be problematic. This issue weighed heavily against granting planning permission.

However, the Inspector then considered the impact of the likely effects of the AD plant without compliance with conditions 5, 7 and 10 of 17/0650/VAR as the first main issue. These conditions (as applied to be varied under the current application 22/1106/VAR) related to feedstock and digestate, odour management and noise, as do conditions 3, 5 and 8 of 22/1104/VAR.

In this respect the Inspector found that whilst an increase in feedstock to approximately 66,000 tonnes per annum would represent a significant increase in the scale of permitted operation, he nevertheless concluded, (paragraph 23) that “I am satisfied that the planning and pollution control regimes would be capable of imposing and enforcing conditions on the AD plant to limit odour and noise emissions from the Appeal Site to acceptable levels.”

However, in considering the access road to the site, the Inspector found that the additional traffic using the access would have the potential to impact adversely upon the living conditions of the residents of Enfield Bungalow. Whilst the proposal would result in a slight reduction in the noise levels at Enfield Bungalow during the 30 day harvest period, extending the harm throughout most of the rest of the year would have an enduring and adverse effect on the residential amenity of the occupiers of Enfield bungalow and that the net effect over the year would be significant and harmful. This harm was considered to outweigh any benefits arising from the development.

In considering the removal of the condition relating to impact on odour emissions, the Inspector found that, notwithstanding the provisions of the Environmental Permit, development may have effects which are not severe enough to amount to pollution, but which are nevertheless material in planning terms. The Inspector found it necessary for the planning regime to retain control over odour emissions to safeguard the well-being and living conditions of nearby residents.

The Inspector also considered it necessary, notwithstanding the provisions of the Environmental Permit, in the interests of the use and development of land, for the planning regime to retain control over noise emissions, and that conditions are necessary to protect the well-being and living conditions of the occupiers of nearby residential properties from unacceptable noise levels.

Consideration and Assessment

The main considerations in the determination of this application therefore relate not to the general principle of the development, given that there is an approved AD plant and associated development on the site, but whether the variation of the condition to increase the feedstock and digestate is acceptable subject to amended conditions relating to odour management and plant noise.

Principle of the Development

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 of the Area

The site lies in open countryside in planning terms although there is neighbouring development, including a number of residential properties which have the potential to be impacted by further development of the site.

This application does not include any further physical development of the site, and there will therefore be no change in the character of the area or any visible impact on the surroundings of the site.

Residential Amenity

There are a number of residential properties within reasonably close proximity of the site, which could be impacted by the additional throughput of feedstock to approximately 66,000 tonnes.

Planning permission granted under reference 18/2437/MFUL approved the installation of various measures to reduce odour emissions from the site, with a view to improving the existing situation and being able to accommodate the additional throughput proposed in application 18/2173/VAR. The works included the installation of a dome over the final digestate tank; to provide a roof over part of the existing silage clamp; and the installation of digestate processor unit. Whilst not all of the development approved has been implemented to date, these measures are considered to be fundamental to the acceptability of the proposed increase in throughput. Without these additional odour management measures being put into place it is not considered that the additional throughput can be accommodated without having an unacceptable impact on the amenities of local residents.

ANALYSIS

The current variation applications seek the same quantum of throughput as that considered in the 2018 appeal which the Inspector found to be capable of being accommodated in principle, subject to appropriate conditions, despite having concerns regarding the amenity of the occupiers of The Bungalow.

Odour Management

The control of odour on the site has been an ongoing issue, which the approval of application under 18/2437/MFUL sought to address, with the installation of the dome and covering of the tank which stores the final digestate. To date these works have not been undertaken, but are considered to be essential to facilitate the additional throughput proposed. It is considered that this issue can be controlled by a suitably worded condition requiring the works to be undertaken prior to any increase in throughput.

The former conditions relating to odour management required the AD to be operated in accordance with the Odour Management Plan (OMP) dated 2015. The restrictive nature of the wording of this condition does not allow the Plan to be updated or revised to reflect current legislation or amendments to the Environmental Permit (EP). The potential consequence of not allowing the updating of the OMP in accordance with

changes to the Permit, is that legislation changes controlling emissions will not be reflected in the Plan, potentially resulting in the increased nuisance to nearby residents which cannot be enforced against due to the outdated OMP.

The proposal to vary the condition to allow the OMP to be revised to reflect the requirements of the EP is therefore considered to be reasonable to ensure that the condition is enforceable and effective. This has been considered by the Councils Environmental Health Officer who suggests a slightly different wording to that suggested by applicant, but which is considered to be more robust in terms of being able to be enforced.

It is considered that subject to appropriately worded conditions to ensure that an OMP, in accordance with the requirements of the EP is approved and the AD operated in accordance with the approved plan, there will be no material loss of residential amenity in terms of odour nuisance for the occupiers of nearby properties.

Feedstock and Digestate

The increase in throughput relating to this application is the same as that considered in the previous appeal, where the Inspector found that subject to appropriate conditions the additional feedstock import and digestate output proposed could be accommodated without causing nuisance or detriment to highway safety, or to the residential amenity, with the exception of Enfield Bungalow, of the occupiers of nearby dwellings.

It is, however, important to note that the acceptability of the increase in throughput is dependent on the completion of the works that were originally approved under the planning permission granted under reference 18/2437/MFUL. This planning permission has now lapsed, and the proposed installation of a dome over the final digestate tank, and roof and roller-door to the existing storage clamp has been resubmitted under reference 23/0867/FUL. This application is due to be considered by the Development Management Committee at the same meeting as the two S73 applications.

The proposed development would improve environmental (odour) management through the provision of a roof and roller door to the existing feedstock storage clamp and a residual gas collection dome to enclose the final digestate storage tank which would maximise gas collection and minimise the risk of odour.

The installation of the dome and cover of the existing storage tank, are considered to be essential, not only to improve the current situation and on-going environmental concerns, but also if the additional throughput is to be accommodated.

It is further considered that in permitting the additional throughput, both the sources of the feedstock and the destination of the digestate need to be identified to ensure that the site continues to be a sustainable development. In assessing the increased number of source locations as part of the consent granted under 17/0650/VAR it was found that the majority of the additional locations were farms within the same ownership of those previously consented, and that in reality many of the journeys were already being made, albeit not dropping off at the AD plant.

The additional movements associated with the increase in throughput were further considered as part of the refused application under 18/2317/VAR where the Highway Authority found that the nature of the traffic, generally tractors and trailers and/or trailer tankers, with some HGV's would not essentially change. Whilst there would be an increase in movements, this would be averaged over the whole year rather than concentrated during the harvesting, and the consequent impact on the wider highway network found to be acceptable. This view has again been confirmed by the Highway Authority consultation response to the current application.

Whilst the Inspector in the 2018 appeal found that the noise arising from the increased vehicle movements on the site road was unacceptable in terms of residential amenity for the occupiers of Enfield Bungalow, no concerns were sustained in terms of the volumes of traffic on the wider highway network or on highway safety.

Overall the increase in source feedstock and digestate output proposed is considered to be acceptable, however it is also considered to be appropriate to continue to specify source and destination locations in order to be able to provide certainty and to ensure that the AD plant maintains its sustainability credentials.

Noise

It is acknowledged that the proposed increase in throughput will result in additional noise, and it is therefore proposed to introduce suitable mitigation measures to achieve the new noise levels, i.e. no increase above baseline for all nearby properties, other than Enfield Bungalow on the access road. The baseline figure was identified following a background noise survey undertaken in December 2021 at a time when operations at the AD plant were shut down. This has updated the previous background records which were undertaken in 2015.

The Councils Environmental Health Officer is recommending the submission and implementation of a noise mitigation scheme requiring that any noise generated by the site should not exceed the pre-existing background noise levels, identified as 38dB(A) at night time, and 42dB(A) during the day when measured or determinate at the boundary or any sensitive property, with the exception of Enfield Bungalow on the sited access road, where the noise levels should not exceed 10dB(A) above the pre-existing background noise levels. The higher levels which are considered to be acceptable are dependent on Enfield Bungalow being occupied by staff working on the AD site.

The bungalow is currently occupied as a welfare facility for staff employed on the AD site, with the occupation of the building subject to a long term lease between the applicant and owner, which is considered to be acceptable in terms of noise impact. However it is also considered to be important that this arrangement remains in place and that the property is not occupied independently from the AD due to the high levels of noise experienced on the site, which would otherwise fail to provide a reasonable standard of amenity.

As Enfield Bungalow lies outside of the application sites, it will be necessary to secure a legal agreement tying its occupation to the operation of the AD site.

It is also recommended that prior to any increase in feedstock, a validating Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The validation assessment is required to confirm that the applicants' noise control measures are indeed suitable acoustic measures designed and installed to meet with the rating levels detailed within the applicants' noise mitigation scheme. The submission of the impact assessment will need to be conditioned.

CONCLUSION

The increase in the scale of the operation of the AD, and the consequent generation of renewable energy is considered to have support under Strategy 39 of the Local Plan and the provisions of the National Planning Policy Framework, provided that these are not outweighed by any detrimental impact on amenity. No objections are raised in terms of visual amenity or highway safety, and the unacceptable impact on residential amenity for occupiers of Enfield Bungalow have been addressed.

The specific conditions suggested by Environmental Health and the compliance with an up to date Odour Management Plan, together with the completion of the mitigation works approved under application reference 23/0867/FUL, and the completion of a legal agreement tying the occupation of Enfield Bungalow to the operation of the AD plant, are considered to be essential to the recommendation to approve these applications.

RECOMMENDATION

22/1104/VAR

APPROVE Subject to a legal agreement to restrict the occupation of Enfield Bungalow to a non-residential use for the duration of the operation and use of the Anaerobic Digester plant

And the following conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 1. WIN01_EN2_SL NEW_005 dated 25.05.16
 2. WIN01_EN2_SP ALL_007 dated 25.05.16
 3. WIN01_EN2_SP NEW_007 dated 25.05.16
 4. WIN01_EN2_ELNEW_W_00 5 dated 17.5.16
 5. WIN01_EN2_EL NEW_E_00 4 dated 17.5.16
 6. WIN01_EN2_EL NEW_S_00 4 dated 17.5.16
 7. WIN01_EN2_EL NEW_N_00 4 dated 17.5.16
 8. WIN01_EN2_CS_004 dated 25.6.15
 9. WIN01_EN2_PS NEW_015 dated 06.07.16

10. WIN01_EN2_PSnew_05 dated 25.6.16

2. Prior to the increase in the importation of any increase in feedstock onto the site, the works approved under planning permission granted under reference 23/0867/FUL, namely "*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*" shall have been completed in accordance with the approved details. The works shall thereafter be retained and maintained for the lifetime of the development.
(Reason – A pre-commencement condition is necessary to avoid pollution of the environment and to protect adjoining occupiers from noise, disturbance and odour, in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.
3. A noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any increase in feedstock being undertaken. The noise mitigation scheme should be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

Location	Day-time (07:00 until 23:00)	Night-time (23:00 until 07:00)
A (Denbowe)	48 dB (LAeq 1hr)	37 dB (LAeq 15min)
B (Longmeadow Cott & Grovely)	47 dB (LAeq 1hr)	36 dB (LAeq 15min)
C (Two Oaks)	42 dB (LAeq 1hr)	34 dB (LAeq 15min)
D (1 Poplars Walk)	48 dB (LAeq 1hr)	37 dB (LAeq 15min)

when measured or determined at the at the boundary of the identified noise sensitive properties (other than the property known as 'The Bungalow' on the site access road which shall not exceed 10dB(A) above the pre-existing night-time and daytime background noise levels for as long as it is in use by staff working at the AD site). Should the AD site relinquish their connection with 'The bungalow' the noise levels stipulated at location B will apply. The scheme shall be implemented in full throughout the operational lifetime of the site.

Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

The approved noise mitigations measures shall be put in place prior to the increase in feedstock being undertaken and shall be retained and maintained for the lifetime of the development.

(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

4. Prior to any increase in feedstock, a validating Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The validation assessment is required to confirm that the applicants' noise control

measures are indeed suitable acoustic measures designed and installed to meet with the rating levels detailed within the approved noise mitigation scheme.

(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

5. The development hereby permitted shall be carried out in full accordance with the sites operational Odour Management Plan (OMP). The OMP should be periodically updated in order to maintain consistency with the sites Environmental Permit. In any event the OMP should be fully reviewed within three months of the chicken litter storage building being brought into first use and submitted to and approved in writing by the Local Planning Authority.

(Reason - To comply with the requirements of Policy EN14 (Control of Pollution) to protect the amenity of local residents in terms of the control and management of odour, noise, traffic management and construction management and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

6. The storage of feedstock materials at the site in connection with the anaerobic digestion process hereby approved shall not take place other than in the silage clamp which is shown on the approved plans.

(Reason - To ensure that storage of feedstocks for the anaerobic digester can be adequately accommodated within the overall site layout and in the interests of general and visual amenity in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

7. i) The feedstock and feedstock delivery for the anaerobic digester shall be as set out in the supporting information submitted with the application submitted under reference 22/1104/VAR and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions listed below. For the avoidance of doubt the proportions per annum are:

- o Pig slurry – 12,000 tonnes (or all of their slurry if less than 12,000 tonnes) per year produced on Enfield Farm
- o Farmyard manure- 18,822 tonnes
- o Maize silage and wheat- 32,064 tonnes
- o Agricultural and dairy industry by products – 3,285

The principal uses of the site shall thereafter be restricted to:

- o The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;
- o Generation of electricity and heat and other ancillary operations associated with the above activities.

ii) The feedstock for the anaerobic digester shall be sourced from the sites named in Table 5.2 of the Transport Statement prepared by Hydrock dated May 2014 named as: Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha, Hayes 82.43 ha, Collyhead 63.82 ha and as shown on the plan/aerial photos drawing no's 13546/T03A, 13546/T04B, 13546/T05A, 13546/T06A, 13546/T07A and 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

iii) The ultimate destination for the digestate from the anaerobic digester shall be to the sites named in Table 5.3 of the Transport Statement prepared by Hydrock dated May 2014 named as Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha and as shown on the plan/ aerial photos drawing no's 13546/T04B, 13546/T05A, 13546/T07A, 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

iv) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record the name of the farm, plot, supplier, number and gross and net weight of vehicles along with the date and time of feedstock delivery/ digestate distribution.

v) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.

vi) Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

(Reason - To define the type, sources and delivery of materials permitted to be managed and handled at the site; to ensure that storage of feedstocks for the anaerobic digester are controlled and can be adequately accommodated within the overall site layout; and as the application is only considered to be acceptable and sustainable in this location on the basis that the destination for digestate being processed is sourced locally, in the interests of general and visual amenity in accordance with Policies EN14 (Control of Pollution), TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

8. Prior to any increase in feedstock, noise attenuation measures detailed in the report prepared by Industrial Noise and Vibration Centre Limited, Report No. 10047C-1, dated 22 November 2021 shall be completed and maintained throughout the operation of the plant.

(Reason - To minimise the possibility of adverse noise impact from site operations at the closest receptor locations in accordance with Policies D1 (Design and Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

9. Deliveries to and from the site shall only take place within the hours of 8am - 6pm on Mondays to Saturdays.

(Reason - To ensure there is no unacceptable impact from traffic noise on the local community outside of standard working hours, in accordance with Policies D1 (Design and Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

10. Surface water drainage shall be undertaken in accordance with the Conditions Discharge Notice (Reference Number 15/1512/FUL) dated 11 January 2019, as detailed on drawing number 151109/100 Rev P1 received on 7 December 2018 and the Drainage Maintenance Schedule for Enfield V1 received on 5 December 2018.

(Reason - To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Policies D1 (Design and Distinctiveness), EN14 (Control of Pollution) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031)

11. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings and any wastes within a period of six months from the date of cessation. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production.

(Reason - To ensure the achievement of satisfactory site restoration in the interests of the landscape character of the area in accordance with Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

22/1106/VAR

APPROVE subject to a legal agreement to restrict the occupation of Enfield Bungalow to a non-residential use for the duration of the operation and use of the Anaerobic Digester plant

And the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

002	Other Plans	11.04.17
003	Other Plans	11.04.17
004	Other Plans	11.04.17
005	Other Plans	11.04.17

SLR	Transport Statement	16.03.17
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WIN01_EN2_SLS73_001	Location Plan	23.05.16
WIN01_EN2_SPS73_006	Proposed Site Plan	23.05.16
WIN01_EN2_ELS73_W_005	Proposed Elevation	23.05.16
WIN01_EN2_ELS73_N_005	Proposed Elevation	23.05.16
WIN01_EN2_ELS73_E_005	Proposed Elevation	23.05.16
WIN01_EN2_ELS73_S_005	Proposed Elevation	23.05.16
WIN01_EN2_SPA_001	Other Plans	15.09.15
WIN01_EN2_PSNEW_015	Landscaping	06.07.16
FIGURE 5		
WIN01_EN2_PSNEW_015	Landscaping	06.07.16
FIGURE 5B		
MANAGEMENT PLAN	Landscaping	06.07.16
VERSION 6		

2. Prior to the increase in the importation of any increase in feedstock onto the site, the works approved under planning permission granted under reference 23/0867/FUL, namely "*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*" shall have been completed in accordance with the approved details. The works shall thereafter be retained and maintained for the lifetime of the development.

(Reason – A pre-commencement condition is necessary to avoid pollution of the environment and to protect adjoining occupiers from noise, disturbance and odour, in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.

3. A noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any increase in feedstock being undertaken. The noise mitigation scheme should be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

Location	Day-time (07:00 until 23:00)	Night-time (23:00 until 07:00)
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A (Denbowe)	48 dB (LAeq 1hr)	37 dB (LAeq 15min)
B (Longmeadow Cott & Grovely)	47 dB (LAeq 1hr)	36 dB (LAeq 15min)
C (Two Oaks)	42 dB (LAeq 1hr)	34 dB (LAeq 15min)
D (1 Poplars Walk)	48 dB (LAeq 1hr)	37 dB (LAeq 15min)

when measured or determined at the at the boundary of the identified noise sensitive properties (other than the property known as 'The Bungalow' on the site access road which shall not exceed 10dB(A) above the pre-existing night-time and daytime background noise levels for as long as it is in use by staff working at the AD site). Should the AD site relinquish their connection with 'The bungalow' the noise levels stipulated at location B will apply. The scheme shall be implemented in full throughout the operational lifetime of the site.

Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

The approved noise mitigations measures shall be put in place prior to the increase in feedstock being undertaken and shall be retained and maintained for the lifetime of the development.

(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

4. Prior to any increase in feedstock, a validating Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The validation assessment is required to confirm that the applicants' noise control measures are indeed suitable acoustic measures designed and installed to meet with the rating levels detailed within the applicants' noise mitigation scheme.

(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

5. The development hereby permitted shall be carried out in full accordance with the sites operational Odour Management Plan (OMP). The OMP should be periodically updated in order to maintain consistency with the sites Environmental Permit. In any event the OMP should be fully reviewed within three months of the chicken litter storage building being brought into first use and submitted to and approved in writing by the Local Planning Authority.

(Reason - To comply with the requirements of Policy EN14 (Control of Pollution) to protect the amenity of local residents in terms of the control and management of odour, noise, traffic management and construction management and Policy D1 (Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

6. The storage of feedstock materials at the site in connection with the anaerobic digestion process hereby approved shall not take place other than in the silage clamp which is shown on the approved plans.

(Reason - To ensure that storage of feedstocks for the anaerobic digester can be adequately accommodated within the overall site layout and in the interests of general and visual amenity in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

7. i) The feedstock and feedstock delivery for the anaerobic digester shall be as set out in the supporting information submitted with the application submitted under reference 22/1106/VAR and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions listed below. For the avoidance of doubt the proportions per annum are:
- o Pig slurry – 12,000 tonnes (or all of their slurry if less than 12,000 tonnes) per year produced on Enfield Farm
 - o Farmyard manure- 18,822 tonnes
 - o Maize silage and wheat- 32,064 tonnes
 - o Agricultural and dairy industry by products – 3,285

The principal uses of the site shall thereafter be restricted to:

- o The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;
- o Generation of electricity and heat and other ancillary operations associated with the above activities.

ii) The feedstock for the anaerobic digester shall be sourced from the sites named in Table 5.2 of the Transport Statement prepared by Hydrock dated May 2014 named as: Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha, Hayes 82.43 ha, Collyhead 63.82 ha and as shown on the plan/aerial photos drawing no's 13546/T03A, 13546/T04B, 13546/T05A, 13546/T06A, 13546/T07A and 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

iii) The ultimate destination for the digestate from the anaerobic digester shall be to the sites named in Table 5.3 of the Transport Statement prepared by Hydrock dated May 2014 named as Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha and as shown on the plan/ aerial photos drawing no's 13546/T04B, 13546/T05A, 13546/T07A, 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm,

Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

iv) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record the name of the farm, plot, supplier, number and gross and net weight of vehicles along with the date and time of feedstock delivery/ digestate distribution.

v) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.

vi) Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

(Reason - To define the type, sources and delivery of materials permitted to be managed and handled at the site; to ensure that storage of feedstocks for the anaerobic digester are controlled and can be adequately accommodated within the overall site layout; and as the application is only considered to be acceptable and sustainable in this location on the basis that the destination for digestate being processed is sourced locally, in the interests of general and visual amenity in accordance with Policies EN14 (Control of Pollution), TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

8. Prior to any increase in feedstock noise attenuation measures detailed in the report prepared by Industrial Noise and Vibration Centre Limited, Report No. 10047C-1, dated 22 November 2021 shall be completed and maintained throughout the operation of the plant.

(Reason - To minimise the possibility of adverse noise impact from site operations at the closest receptor locations in accordance with Policies D1 (Design and Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

9. Deliveries to and from the site shall only take place within the hours of 8am - 6pm on Mondays to Saturdays.

(Reason - To ensure there is no unacceptable impact from traffic noise on the local community outside of standard working hours, in accordance with Policies D1 (Design and Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

10. There shall be no external lighting associated with the development hereby permitted unless in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

(Reason - To safeguard the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, demountable structures, fixed plant, or structures of the nature of buildings or fixed plant, and no fence or soil mound, in addition to those shown on the approved plans, shall be erected at the site unless approval in writing for their details and specification has first been obtained from the Local Planning Authority.

(Reason - To maintain control over the appearance of the site and ensure that the development is in accordance with the permitted details in accordance with Policy D1 (Design and local Distinctiveness) of the East Devon local Plan 2013-2031)

13. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings and any wastes within a period of six months from the date of cessation. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production.

(Reason - To ensure the achievement of satisfactory site restoration in the interests of the landscape character of the area in accordance with Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

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

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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.

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