

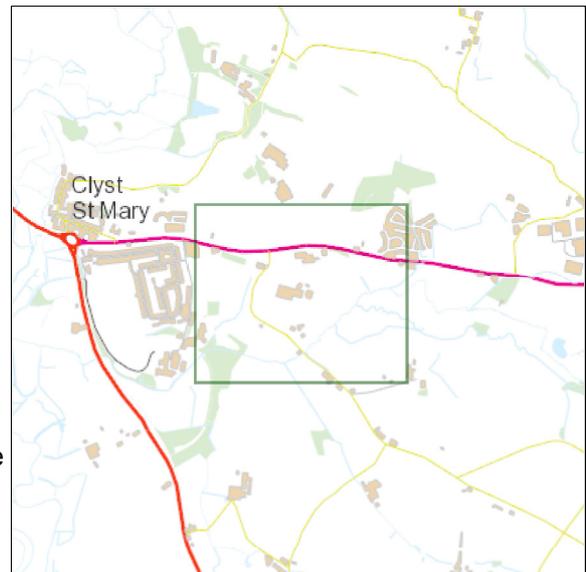
**Ward** Clyst Valley

**Reference** 18/2437/MFUL

**Applicant** Mr David Manley (Ixora Energy Limited)

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

**Proposal** 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



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 18<sup>th</sup> June 2019</b>
<b>Clyst Valley (CLYST ST MARY)</b>	<b>18/2437/MFUL</b>	<b>Target Date: 30.01.2019</b>
<b>Applicant:</b>	<b>Mr David Manley (Ixora Energy Limited)</b>	
<b>Location:</b>	<b>Enfield Farm Biodigester Oil Mill Lane</b>	
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**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation is contrary to the view of the Ward Member.**

**The application site lies in the open countryside approximately 500 metres to the east of the village of Clyst St Mary, it occupies an elevated position on land to the south of the A3052 and to the east of Oil Mill Lane. It currently comprises a dedicated bio digester 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 site is access via Oil Mill Lane close to its junction with the A3052.**

**The application proposes to erect a dome over the final digestate tank, to provide a roof over part of the existing silage clamp and to provide a digester processing unit.**

**The site is already operating as an anaerobic digester creating energy to enter the national gas grid, therefore the addition of additional facilities to provide a more efficient way of producing gas 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.**

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

Environmental Health Officer and Officers from the Environment Agency have responded to these complaints and sought to address the issues by working with the applicant. There are a number of different component parts to the site which provide different smells at different times and can be experienced by third parties depending upon the direction of the wind.

In an attempt to reduce the odour emittance from the site, it is proposed to install a dome over the circular tank which stores the final digestate before being removed from the site to be spread on the fields. It has been identified that this could be a source of odour especially when the crust on top of the liquid is broken when tankers are filled with the digestate on collection. The dome would prevent the odour emittance but also contain any residual gas that is still contained within the liquid.

It is also proposed to provide a digester processing unit which would remove contaminants in site surface water thereby reducing the volume of this water which currently needs to be recirculated via the digester before being released into the lagoon. This would not remove any further odour from the digestate.

Finally, the application proposes a roof and roller shutter door to the existing storage clamp.

The Council's Environmental Health Officer raises no objections to the proposed development.

Impacts upon the character and appearance of the area, highway safety and surface water drainage have been found to be acceptable and on the basis that the works will allow a more efficient way of working, and more importantly for local residents, decrease the possibility for odour, the proposal is considered to be acceptable.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

Comments:

The view of the Bishop Clyst Parish Council has not Changed due to this latest application.

We do not support this application on the following points

- o This will No longer a working farm but an industrial process plant which contravenes the original application.
- o With another Bio digester plant (crealy) within a 10 miles of this plant local agriculture farms are limited to supplies of digestant feed.
- o Distance travelled by agricultural vehicles (Tractor and trailers) to and from the plant with stock not just from the local east Devon area but from areas around the furthest side of Exeter, with an increase in size the 10-mile radius would have to be

increased. The Removal of the waste material to surrounding areas including Exmouth again in tractor and trailers for storage until suitable disposal is possible. These are activities that already take place and can only increase with the proposed increase variation. The use of these vehicles and amount of fuel used to do this must outweigh the renewable advantages of the project.

- o increased congestion on sandy gate roundabout as well as to the A3052 at clyst st mary will cause an effect on traffic movement at peak times of the day as well the movements to Exmouth via the A395 and the woodbury common road network. The damage to the highway caused by this type of vehicle will only increase and does not conform to the original application of less movements made by larger lorries with larger loads per delivery.

- o The number of recorded complaints from local residence to the Environmental department regarding the smell from the plant alone is reason not to more than double the size of the plant this has also been highlighted in the response from the environmental agency.

- o The Environmental impact on local farming as it is now more profitable for farmers to grow crops to feed the digester rather than crops for human consumption or feed stock for farm animals.

- o We believe that this type of operation contravenes our neighborhood plan for Clyst st mary

- o We also believe with the comments above that this application also contravenes east devons local plan part EN14-control of pollution including Noise, smells and transport pollution to residential areas.

Decision : Not supported

#### Ward Member – Cllr Howe

Further Comments having now listened to the applicant there are parts of this application that I will support, that being the installation of the roof and roller shutter to the storage clamp and the dome, as both will help reduce the impact this site is having on local residents by containing some of the points of odour. But I cannot at this time support the installation of digestate processor unit as that will increase the ability to process more.

We need to have a improvement in the smells noise and light pollution from this site before any further expansion is considered.

#### **Technical Consultations**

##### EDDC Landscape Architect - Chris Hariades

No comments on submitted details.

##### DCC Flood Risk SuDS Consultation

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to

demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Although it does not appear that the addition of a digestate processing unit, enclosed clamp building and a dome over an existing digester will effect the existing surface water management system, the applicant should submit details of the existing surface water management system to confirm that this is the case.

### County Highway Authority

This application relates to a site located just of 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 is a significant 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.

Additionally, the visibility upon the access meets contemporary national guidance for a 60mph road, even though vehicles are likely to be proportionately slower than 60mph due to the proximity of the junction of the A3052. Collision data from 2013 to 2017 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

### Environment Agency

Thank you for your consultation of 11 February 2019 in respect of the above proposal.

Environment Agency position

We have no 'in principle' objections to this proposal. However, the larger anaerobic digestion plant will need its existing environmental permit to be varied. The applicant will not be able to operate the larger plant until a varied environmental permit has been granted.

Further information is set out in our letter of 11 December 2018 in response to the consultation on application 18/2173/VAR.

### Environmental Health

## Planning Applications 18/2173/VAR and 18/2437/MFUL - Enfield AD Plant, Clyst St Mary

### 1. Introduction to PEHO comments.

The above applications, received in October 2018, both represent a very substantial increase in throughput and activity proposed at this AD plant which has been operational for almost 3 years now. The PEHO has serious concerns about the ability of this plant in this location to accommodate such an increase in throughput, together with a change in animal waste and by-products inputs, without impacting upon the amenities of residents living within 1km of the site, and also residents living further away who are affected whenever the final digestate products are spread on land. In order to comprehensively and wholistically set out our concerns we feel it is necessary to summarise in our response the background to concerns about odour and noise from the plant and its associated activities.

### 2. EHO consultee responsibilities.

In addition to the two current applications, four other applications have been submitted and considered since 2014 in relation to the Anaerobic Digestion plant. The responsibility of the EHO as a consultee to planning is to consider potential environmental concerns which may impact on the amenity of local residents, to articulate them, to liaise with the applicant and planning officers if necessary, and where possible to agree changes and improvements in the proposal to design out potential impacts. Where this is not possible the EHO will recommend conditions which specify mitigation and control measures which will reduce the likely impact on residents, and where this is also not possible the EHO would indicate that they are not able to support the application.

The EHO will consider the reports submitted, and will sometimes request additional information, justifying any request. In the comments submitted any data and evidence will have been obtained from the applicant's own reports or from officer investigations and observations. During the application process the EHO comments may be updated following receipt of new information or to address concerns raised by residents or other consultees. The comments of the EHO are fair and balanced and intended to assist the planning process and hence the applicant, particularly in attaining a proposal that, once constructed, is likely to operate without causing an unacceptable impact on local residents, if that is possible.

### 3. Relevant EDDC strategy and policy.

Considerations are made in line with planning guidance and local plan strategies. In the current East Devon local plan the specific strategy and policy is included below (specifically paragraph 21.36):

#### Environmental Pollution

21.35 Pollution in the environment has significant implications for people's health and quality of life. The possible pollution effects from proposed development can be a

material consideration in determining planning applications insofar as they affect development and the use of land. Where the Council considers a proposal may raise such issues the relevant statutory pollution control authorities will be consulted at an early stage. Within the powers available to it, the Council will control and reduce pollution in the environment. Where external lighting is required, as part of a development proposal, full details of the proposed lighting scheme will be required to demonstrate that this is the minimum needed for security and working purposes and minimises light pollution from glare and spillage (particularly in areas of open countryside and areas of nature conservation value) and that it will not detract from residential amenity or highway safety.

21.36 Applications involving the production or management of animal waste should demonstrate how waste and other nuisance, such as smell and flies, will be controlled.

21.37 Radon is a naturally occurring radioactive gas present in variable amounts in rocks and soils. The likelihood of amounts in East Devon exceeding the draft UK acceptable standard is thought to be remote. There is a possible risk of raised radon levels in older properties, though with modern building techniques protection and mitigation measures can address potential problems. Appropriate account should be taken of potential radon emission problems/issues in any development proposal.

#### EN15 - Control of Pollution

Permission will not be granted for development which would result in unacceptable levels of:

1. Pollution of the atmosphere by gas or particulates, including smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
  - i) Rivers, other watercourses, water bodies and wetlands.
  - ii) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas.
  - iii) Harbours, estuaries or the sea.
3. Noise and/or vibration.
4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value.
5. Fly nuisance.

#### 4. PEHO comments on previous applications.

The PEHO has commented on each application and those comments that are relevant to consideration of these applications are copied below. Over the last few years these comments represent a comprehensive picture of how the plant has developed and the impact of the plant on the local community in terms of odour and noise in particular.

#### 4.1 First application 14/0858/MFUL - Construction of AD plant (Approved with conditions)

This was the original application for an on-farm plant serving just the adjacent pig farm. The proposal was to take pig slurry, and a small amount of cattle manure, from the farm, mix it with crops grown on the farm in a digester, extract methane produced from

the process to feed into the national grid, and then to spread on the land the final solid and liquid digestates. The submitted odour plan stated "the solid and liquid digestates will be virtually odourless". It was on this basis that our original comments were made:

Initial comments 31/05/2014 I have considered the application and comprehensive supporting documents which address all the concerns we might usually have in relation to environmental health and community impacts. I have concerns about the importation of poultry manure in quantity because broiler manure will be mixed with wood chip which the system may not be designed to deal with. Manure from free range egg units may be infested with flies or larvae which might introduce a nuisance into this area that does not currently exist (this does not tend to be a problem with pig or cattle slurry). I would recommend that the applicant reconsider their suggestion to import poultry manure into the plant.

I therefore recommend that the following conditions are included in any approval:

1. Odour Management - The monitoring and control measures outlined in the Odour Report dated April 2014 and prepared by E4Environmental shall be implemented in full throughout the life of the installation. Reason: to ensure there is no unacceptable impact from excessive odour on the local community.
2. 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.

The application was approved incorporating these conditions.

4.2 Variation Application 15/1473/VAR - altering infrastructure and layout - Ammended application approved.

This application referred to a number of minor variations that were required to regularise changes made during the build of the plant. However initially it also included proposals to substantially increase throughput - to more than double that originally applied for. Inevitably the inputs would therefore need to come from a number of different suppliers, therefore moving substantially away from the "on-farm" description under which the plant was originally approved.

21/07/2015 Initial comments:

I have looked at this variation application and it actually indicates a very substantial change to the application already approved. These are not just minor matters it will be a substantially different plant with almost double the feedstock capacity, and consequently significantly higher impact on the local community. This plant is largely built already and the proposals for feedstock alone are substantial - the applicant wishes to use almost ten times the volume of FYM for example. Do the officers feel the same about this and is it the case that such major changes can just be dealt with as a variation? Surely such big changes might need a whole new application with a new Environmental Impact Assessment?

At this stage I have not been provided with the detailed information we would require in order to make an informed opinion on whether these new proposals would impact on the local community.

10/08/2015 Updated comments:

I have now discussed the proposal with the applicants and attended site to see what has been done already and what will change with this new application. The construction of the main elements is largely complete and the increase in volumes of feedstock are required in order that the plant can operate in an efficient way. The figures originally submitted with this variation application have been adjusted and it is clear that much of the feedstock will be piped to the site from the adjacent pig farm. There is a large clamp for crop material and this will be brought in by road. The other changes listed in the application are more minor and unlikely to have any off-site environmental impact. The site is already operating at a low capacity and there was only a minor odour noticeable on some parts of the site but no odour off-site at all. The odour differs from a normal pig slurry odour so could be distinguished from it. Recent odour reports locally have been associated with the adjacent pig farm which has recently changed the scale of its operations and some of its ventilation arrangements. The applicant has agreed to submit some information relating to noise from a dryer unit.

19/02/2016 Further updated comments:

I have considered in detail the updated Section 73 Application Planning Support Statement dated January 2016 submitted by E4 Environment. Since my original comments made in August 2015 there have been considerable odour problems associated with this plant and its associated infrastructure. It has sometimes been difficult to distinguish these from the adjacent pig farm which has been independently odourous at times, but nevertheless the occurrence of odour clearly relating to this site has been significantly more than was experienced in a similar site nearby. Each odour issue has been investigated and a source identified and remediated as far as possible, but the occurrence of odours at this level at all raises concerns about the ability of this process to operate without causing odour impacts in the locality, particularly if it were to double in throughput. An odour report was prepared in December 2015 by Entran which provides some helpful descriptions of the plant, but these are at odds with the descriptions contained in the new planning support statement. Specifically:

Para. 4.3 - "crop feedstock is delivered by tractor and trailer during harvest" - this is also my observation over last year, but the PPS suggests that crop feedstock will be delivered by a large truck/trailer daily throughout the year. This needs to be clarified - is this suggested duoliner trailer and truck to be permanently located at this site if the application is approved?

Para 4.9 - "digestate is separated by a screw press separator...the liquid fraction piped to a storage tank with a membrane gas dome" - it is my understanding that there is no separation occurring at present, although it might be introduced in future, and the digestate is stored in the domed tank.

Para 4.10 - "the digestate has a lower odour potential". My personal observations are that this is highly odourous, similar to raw pig slurry but different in nature. The current proposal is that 12,000 cubic metres/tonnes of digestate would be produced each year and need to be transported off-site. This is double the volume of raw pig slurry needing to be stored and transported off-site before the AD plant was proposed, and double the quantity approved in the 2014 application.

Para 4.12 - "the digester is a ring in ring with weir design, with a retention time of 50-60 days." - this is not the same description as the current domed digestate storage

tank which is proposed to be used as a second digester. There is no explanation of how this second, and different, design will achieve the same end result.

Para 4.16 - "the use of the flare will be rare and there will be no odour" - the flare has already been used, recently quite significantly as the gas could not meet quality standards, and residents report that there was an odour associated with that incident.

Para 6.4 - the report writer summarises the control measures that have been implemented within the last few months, namely providing a cover to the mixing tank, a pipe connection to the farm and a bio-filter to the pre-tank. These measures have largely addressed each separate odour issue as they have arisen. Other incidents have occurred since.

Para 8.2 - The writer concludes that there have been odours during commissioning (which has currently taken many months) and that measures have been taken which will mitigate them. This is correct but odours are still occurring at times and I cannot be satisfied that they will not occur in the future if the plant is to double its capacity, throughput and output.

The 2014 approved application clearly described this plant as an on-farm plant primarily intended to utilise methane produced during the breakdown of pig slurry taken from the adjacent farm. A significant quantity of crop feedstock was also to be required in order to provide the optimum conditions for producing methane which was to be fed into the national grid. Significantly the final liquid and solid products (liquid and solid digestate) were to be separated, dried and stored on-site pending spreading at suitable times back onto nearby fields. During the last 6 months it has become clear that the intention of the current amendment application is to effectively double the throughput and output of this site by sacrificing the on-site digestate storage facility in favour of a second digester tank. This would apparently result in a need for off-site storage of double the amount of crop feedstock and all the liquid digestate end product. These off-site facilities were not mentioned in the original Section 73 application on which my comments of August 2015 were based. There are now also two other related planning applications for this off-site storage on farms in the vicinity. To my mind this is a significantly different operation which is likely to have a noticeable impact on the very close by residents in this locality.

I have looked carefully at Section 5 of the PSS which refers to feedstock and transport. Some of the additional feedstock sources are within 1.5 and 3 miles - within the same radius as the original consent. It is suggested that crop feedstock would be brought onto site throughout the year in a large duoliner trailer pulled by a truck which could also take away liquid digestate. This process would involve significant double handling of both commodities and I doubt if the use of this vehicle is sustainable over such short distances. It is more likely that a silage trailer and tanker would be used. If this is the case then the number of additional HGV vehicle movements proposed would in fact be nearer to 14 a day, causing greater impact on the residents living close to the site entrance.

In conclusion, the experiences over the last 6 months do not at this stage give me confidence that a plant of double the capacity (in terms of throughput and output) of that already built would be able to operate in this location without impacting on local

residents who live close to the site entrance. The original approval was acceptable to us on the grounds that the digestate would be stored on site until being spread directly on surrounding land. Without this on-site storage capacity, and considering that the loss of on-site storage will necessarily lead to a requirement for a doubling of transport movements, I am of the opinion that this new proposal will unreasonably impact on the amenities of local residents, in contravention of policy EN15 of the New East Devon Local Plan.

17/06/2016 - Further updated comments:

I have reviewed the 2014 approval, specifically Condition 5 which refers specifically to the Odour Management Plan dated May 2014, and also my comments made in February 2016. I note the changes to this variation application; that is the removal of variations to Condition 7, and the addition of a need to consider rainwater collecting in the silage clamp. I would like to enquire why this run-off water which becomes silage effluent cannot be piped directly into the final liquid digestate storage tank, as I see no reason why this cannot happen; silage effluent is often contained and then spread directly back onto land. In this way the additional water would not need to be taken account of in the process, which I understand is quite sensitive to the optimum proportions of water and solid feedstocks. The silage is covered during storage to reduce the volume of water entering the clamp and there may be potential to provide an alternative cover that enables rainwater to be collected and then directed in to the surface water storage lagoon. As it stands it would seem like a sensible solution for this effluent to go directly into the adjacent liquid digestate storage tank and we accept that this will lead to a few more vehicle movements each week, depending of course on rainfall.

A noise report was submitted by Atkins dated September 2015. The report refers to mitigation provided by building screening, a 2.5m bund and 3m acoustic fence around generators and the drier. The writer concludes that noise is likely to be noticeable but not intrusive (reference PPG 30 Noise). However he has not taken into account low frequency noise, or provided an assessment of new noise sources proposed in this application, notably the new pumping station, CHP unit, digestate drier or any other equipment which may cause noise audible beyond the boundary. I note that close by residents are already reporting a new noise from the plant occurring at night. It is for the applicant to be carrying out off-site assessments already to ensure compliance with the current approval but we could not conclude that we are satisfied that noise will not impact on local residents without a full evaluation of all noise sources. In the absence of an updated noise report I recommend that the same noise condition as recommended in my comments on 15/15/12 are included on any approval for this application.

In conclusion, the experiences over the last 3 months have suggested noticeable improvements in odour incidents when compared to the previous 6 months, and this is encouraging. I would like to receive a response to the few outstanding queries which are: 1) Whether the silage clamp effluent can be piped directly into the liquid digestate storage tank pending tankering off site; 2) Confirmation that it is liquid digestate that will be taken to the Denbow lagoon and not the partially treated odourous digestate currently being taken off site; 3) Confirmation of a commitment to installing and operating the separator and drier within 6 months of approval of this application; 4)

Confirmation of exactly which type of digestate the 3000m<sup>3</sup> refers to as the statements on this are contradictory.

28/06/2016 Final comments following response from the applicant

The applicant has now very helpfully addressed my comments of 17/06/16 and answered my outstanding queries as follows:

1. We are currently transferring the clamp effluent into the digester
2. Only liquid digestate will be taken to Denbow lagoon
3. Happy with this as a condition
4. The revised application refers to 5000m<sup>3</sup> digestate exported from the site to Denbow (this is only liquid).

I am sure that these answers will give confidence to the local community who still had concerns. I therefore have no further outstanding concerns in relation to the variation application and recommend that the noise condition as previously suggested, together with a condition in relation to separating the slurry into solid and liquid fractions within 6 months of the approval date (as suggested by the applicant in their response) are included in any approval.

Once planning approval has been granted, any ongoing issues relating to odour and noise will be addressed using the Environmental Permit controls, regulated by the Environment Agency. At planning stage we work with the EA to ensure that our requirements relating to designing out and mitigating adverse impact on residential amenity mirror the EA requirements in the permit they issue. If the plant is built and operated in line with the planning approval(s) and various conditions then compliance with the corresponding permit conditions is likely to be achieved.

4.3 15/1512/FUL - Extension to plant with lagoon etc. - Refused then allowed on Appeal

10/08/2015 Initial Comments

I have been to this site during construction and considered the additional elements applied for. I do not anticipate that the additional elements referred to in this application will have a material increase in environmental health impact. There have been some odour issues during commissioning of the plant which are possibly not resolved, but the regulator in respect of issues occurring during operations is the Environment Agency.

19/02/2016 Updated Comments

I have provided detailed comments in relation to the related S73 variation application which is being considered alongside this application. The noise aspects of those comments will be relevant to this application too and should be taken into consideration when assessing this application.

It is my view that this noise update should be provided before the application is determined because the plant is already operational and noise impacts are being reported. In the absence of this and in the event that this application is approved, I recommend that the following condition is applied to any approval:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so 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. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

17/06/2016 - Final comments:

I have not received an updated noise report that addresses my concerns. If this application is recommended for approval I would require the noise condition below to be included, although we would have preferred this to be dealt with prior to determination so that it is clear to all parties how the noise requirements will be met.

In the event, this application was allowed on appeal with the noise condition as worded included. This was not challenged by the applicant at the time.

#### 4.4 17/0650/VAR - Variation of Condition 7 (Feedstock sources and destinations)

– Approved

05/06/2017 - Comments

I have considered the application and would make the following observations which are relevant to the potential impact of this proposal on the amenity of the residents of East Devon district likely to be affected by it. These include residents in the proximity of the new farms proposed to be producing crop feedstock and receiving digestate, as well as residents who live close to the Enfield AD plant who are already affected by activities associated with it.

The AD plant was in a construction phase for more than 18 months, operating in an uncompleted state for around 12 months. During that time feedstock was imported and digestate exported. At times this impacted on the amenity of local residents, particularly during the harvest period (September to October) and at times when digestate was being tankered away for spreading or off-site storage. These impacts were mainly associated with large vehicles using narrow lanes, often at speed, causing noise and odour impacts on local residents along the routes used and arousing fears for safety. Residents of rural East Devon are familiar with the normal farming routines throughout the year but the concentration of activity to and from one site at certain times of the year resulted in unprecedented levels of heavy vehicle activity near homes.

The 2014 application for the AD plant stated that the site at Enfield Farm was "selected owing to its close proximity to the area where the pig slurry is produced and its closeness to land onto which the digestate would be spread" (para 12, Design and Access Volume 1 10th June 2014). Paragraph 16 stated that this was an "On-farm anaerobic digestion plant" to service the needs of the adjacent pig farm. The same owner would grow the feedstock crops required to mix with the slurry to maximise gas output. It was on this basis that the acceptability of this development in this location was considered. During the planning of this plant the need for the farm to rotate crops and be able to receive the liquid and solid digestates would have been calculated and considered sustainable. No changes in throughput of feedstock or output of digestate are proposed and therefore I see no reason that the original vision of the plant as described in 2014 should be changed.

No sustainability appraisal has been submitted with this application and I am concerned that residents living near to the additional farms to be used for the production of crop feedstock and the receipt of liquid digestate by tanker will be

impacted upon by increased large vehicle movements in the lanes serving these farms.

#### 5. Request for Screening Opinion May 2018

The applicant submitted a request for a screening opinion with a view to submitting an application to substantially increase throughput to the plant and to accept agricultural wastes and by-products from unspecified sources. At this time complaints about the occurrence of odour and noise from the plant itself had declined although at times smell from the pig farm was noted. Critically it has been determined that these smells coincide with occasions when the AD plant refuses to take the slurry because it does not have capacity to do so. Often this is at times of heavy rainfall when surface water from the site is fed into the plant (providing the required liquids). During investigations into the reasons for this the plant manager advised that the plant runs more efficiently without pig slurry or animal wastes; they actually inhibit production. This was quite a concern to the PEHO because the farm does not currently have a back-up slurry storage facility. At times both odour and fly nuisance has occurred as a result of this situation. The PEHO is therefore extremely concerned about the request to more than double throughput and change inputs without constructing additional infrastructure because it appears that it cannot always accommodate what it is currently permitted to handle.

The PEHO comments on the screening opinion were as follows:

- a) I think we are all of the opinion that this scale of increase, both in quantity and type of inputs (as both would change significantly) must surely require a full Environmental Impact Assessment as there will be potential to impact negatively on the local environment and community.
- b) We are concerned that no further structures or storage seem to be suggested so we would require more details of raw materials management, as this was a critical part of the existing scale of operation, which appears to have reached capacity on this site with the current permitted throughput.
- c) We also have concerns about sustainability on a wider scale and would like to see a full Sustainability Appraisal because we think that the local and wider community particularly needs to be informed about how the subsidies payable, and suggested need for energy produced from waste and crops grown specifically as feedstock, are traded off against impacts on the local environment, loss of agricultural production land, transport of raw materials and impact on the communities affected by the production of crops for this process and the operation at Clyst St Mary.
- d) The existing plant does not seem to have current issues relating to unacceptable odour now that it is complete. The odour potential would change though as the inputs differ in some way from the present simple mix; dairy industry waste products for example are highly odorous and negatively affect communities wherever they are disposed of. Similarly some "agricultural industry by-products" are also highly odorous and cause local odour problems. This term is too wide to enable proper consideration of likely unacceptable impacts. Therefore a comprehensive odour report will need to form part of the EIA, with each input separately considered.
- e) The existing plant has been responsible for a number of noise issues over the past 2 years, some of which have still not been completely addressed (audible reversing alarms for example are still a regular cause of concern). A plant with more activity and increased traffic movements both around the site and in the locality is

inevitably going to impact more on local residents. A comprehensive noise report would therefore be required, with achievable and deliverable mitigation proposed.

f) We were advised by the current operator in 2017 that at times pig slurry could not be taken as the plant operates more efficiently without animal wastes, so we are surprised that the proposal would be to take more animal waste and the unspecified agricultural and dairy industry by-products which might well inhibit the digestion of crop feedstock. In view of the problems experienced in 2016 and 2017 I would therefore wish to see a scientific appraisal of how the energy production efficiency is affected by the ratio of animal wastes, industry by-products and wastes, and crop feedstocks thereby justifying why it might be necessary to introduce these potentially odorous wastes into the facility.

g) We are of the view that the increase in traffic movements is likely to have a significant impact on residents living close by, particularly in terms of noise. The Highways team do not consider impacts on residents, their remit involves the capacity of the highway and safety. Notwithstanding a suggestion that the transport movements tend to be spread evenly throughout the year, the experience of local residents to date is that traffic movements are often concentrated into periods of intensive activity, particularly during harvest time, so details of any arrangements to better manage this should be an essential element of future reports.

The planning decision was that the proposal did not meet the criteria for a full Environmental Impact Assessment to be required. However the EHO would expect that a detailed Environmental Statement would be submitted to address all of the above points in detail in order that the applicant could demonstrate how the proposal met the requirements of the local plan policies.

#### 6. Current Application, Initial Comments.

The details submitted with the application are extremely limited. We would have expected that the applicant consider the comments of the PEHO on the screening opinion and ensure that they were comprehensively addressed during any application process because they are clearly questions that need answering. During the last two years officers have received an increasing number of complaints about an extremely foul odour released when liquid digestate is spread on land, often a considerable distance from the plant. This is in addition to previously referred to complaints about on-site pig odour when the plant is unable to take slurry. We are aware that there have been a large number of noise complaints which are followed up by the Environment Agency. The following elements, at least, are missing from the application which would enable us to make a proper assessment against the council's environmental policy:

a) No full updated odour assessment taking into account the new odorous inputs proposed (odour is mentioned only in general terms in paragraph 5.3.1 of the planning support statement).

b) Insufficient details of how these new materials (particularly the substantially increased liquid input as the supplying farm does not have on-farm storage) will be stored on site, or where they will be stored off-site and therefore how supply will be managed.

c) No comprehensive sustainability appraisal balancing the financial and subsidy benefits, and the desired needs of an increased throughput and output against the negative environmental and community impacts caused by sacrificial crop production

and digestate spreading. Sustainability is mentioned only in general terms in paragraph 5.4 of the PSS.

d) No recent noise survey (the submitted noise report refers to a survey dated September 2017 and is therefore out of date). Furthermore the report refers to 3 of 4 monitoring locations which are considerably further away than the closest residences. In fact the 4 closest residences are only 74, 108, 112 and 129 metres away, one property being immediately adjacent to the entrance lane.

e) No evaluation of current noise sources, or confirmation that the mitigation previously required has been provided. For example a fence has been put up on two sides near the CHP plant but it is only a standard wooden fence, not an acoustic fence, and therefore has limited effect and is not compliant. The boundary noise control has never been delivered, reversing alarms are still routinely heard. There is no evidence of any achievements that mitigation included to date has made.

f) No commitment to comply with the Environment Agency guidance on noise which states that specific noise must not exceed the background noise at the time (a requirement that we will also insist upon). At present there are frequent off-site noises audible, particularly at night, and the noise report acknowledges this, indicating a noticeable exceedance.

g) No evaluation of transport noise which must be included if the applicant wishes to use the BS4142 standard as a basis for an altered condition.

h) No consideration of the impact of dust on the resident of Enfield Bungalow as a result of increased HGV use of the unmade road adjacent to it.

i) No details of how surface water drainage and silage clamp run-off (from the new roof) is to be managed. The lagoon appears to be often at capacity and water is required to recirculate through the plant (instead of pig slurry) in order to provide additional holding capacity until it is of a suitable quality for release into the nearby stream.

I would be able to comment further once this information has been provided but in the absence of answers to these queries I do not consider that either of these related applications could be delivered without unacceptably impacting upon the amenities of local residents.

EHO Further response to rebuttal comments provided by Gorst Energy, dated 8th February 2019:

1. Paragraph 1 - the writer clarifies that the existing operational development has established material handling systems and procedures for "the management of feedstocks including animal wastes". It is the case that the existing systems are only known to be appropriate for the existing feedstocks (crop residue, pig slurry and cattle fym) and not the wider range of feedstocks which are proposed in the variation application.

2. Paragraph 2 - There have been complaints regarding digestate spreading at various locations across East Devon - complainants identified the Red Rock red tankers which were taking it to the fields during 2018, although other contractors are also used I understand. They advise that the smell is strong and extremely unpleasant but officers are usually unable to take follow up action because these effects are short lived. The experience is probably similar to the spreading of pig slurry, albeit that the smell itself is different.

3. Paragraph 2 - The writer suggests that the odour abatement notice which was served on Greener for Life in 2017 referred to slurry not digestate. This is not the case - tankers were followed from the plant to the fields in Clyst St George where the spreading caused severe odour issues. Only digestate comes out of the plant, slurry comes direct from farms, and in any case Greener for Life accepted the notice and the landowning farmer confirmed that he had a written agreement to accept digestate from the plant, not slurry.

4. Paragraph 3 - The plant director himself advised in 2017 that pig slurry has been refused at times when there is too much surface water to recirculate (and hence no capacity to take the slurry). This situation has occurred again on several occasions since then, including early in 2019. The suggestion that anti-biotic residues in the slurry killed "good bacteria" in the plant was discounted in 2017 because it is used only in minor quantities for the youngest pigs, they metabolise the anti-biotics so that any residue is at extremely low levels and further diluted in the majority of slurry and wash down water which comes from older pigs and the farm premises. It is again further diluted with the surface water and crop feedstocks in the digestors such that it is negligible and certainly not able to destroy bacteria in the plant. Eventually we were told by way of explanation that the plant were advised by experts in Germany that the problem they had at that time was caused by running the digestors at too high a temperature, nothing to do with the slurry quality.

5. Paragraph 3 - The adjacent pig farm is not a permitted facility (it is not large enough to require it) and currently does not have permanent contingency planning for occasions when the plant refuses to take the slurry. This is because the plant was located originally specifically to take the slurry from the farm, and therefore the farm would not be expected to require other arrangements. Should the plant receive feedstock from off-site sources this would make the farm even more vulnerable to on-site slurry management problems which may impact on pig health and residential amenity. Odours from the farm arising at times when the plant refuses the slurry can therefore be directly attributable to the management of the plant.

6. Paragraph 3 - We are not satisfied that the existing infrastructure at the plant is sufficient to accommodate twice the volume of pig slurry as well as the other suggested inputs because as mentioned above pig slurry is already refused if the plant does not have capacity (usually because of excess surface water taking up some of the volume). This is not a result of the current limit on slurry intake (6,000 tonnes per annum) because in January 2019 slurry was refused when clearly the plant had taken nowhere near 6,000 tonnes this year.

7. Paragraph 4 - A request to vary a planning condition relating to noise control forms part of this application and therefore noise is a consideration. Clearly an increased throughput on the scale proposed will increase the potential for noise problems, particularly as there are noise issues which are already apparent and the required mitigation has not been completed. The noise sources must include vehicles used in delivery and transport because the access road passes within 4m of the nearest residential dwelling, and it is clear that the number of transport movements must increase.

8. Paragraph 4 - There is significant potential for new odour sources to be introduced as some of the proposed new feedstock can be odorous as previously described (dairy waste, animal by-products and poultry manure depending on condition). Therefore an evaluation of these sources and effective mitigation is needed by the planning authority which has a duty to assess the potential for affecting the amenity of local residents. This is not something that can be left to the EA permit as the EA are unlikely to refuse to list potentially odorous inputs because all wastes of this kind will smell, especially if planning approval has been given to take this material. NB. This plant does not have planning approval as a waste site in any case.

9. Rebuttal of comments relating to EHO Section 6 a) to i):

a) There was only a scant amount of information on odour in the planning statement and this is insufficient. The writer does acknowledge existing environmental impacts by stating that installation of a 2nd dome should improve them. The updated odour report and management plan needs to form part of the planning application and it is not the case that the EA have not objected to this application; they are relying on the planning authority to predict impact on residential amenity. At present the liquid digestate storage tank which contains odorous liquid still producing gas is uncovered; it could be argued that it should have had a cover from the outset and until it does will always be a potential source of off-site odour.

b) Storage of new materials - there is not always sufficient capacity for the pig slurry to be piped directly into the plant storage at the moment, so it is unlikely to be able to accommodate more than twice the permitted volume if the current hydraulic retention times are maintained.

c) Sustainability appraisal - documents have now been submitted but they still fail to take into account negative environmental impacts (from the plant, transport and spreading) on the local and wider community, or how land made over to sacrificial crops impacts on the local agricultural economy, and to balance these against wider economic benefits to the operators.

d) Noise - The writer states that there are no additional noise related elements. This is not the case because the noise of vehicles delivering feedstocks and removing digestates will undoubtedly increase and must be taken into account if the applicant wishes to change the noise condition. Noise is a critical factor in planning as the anticipated impact on residents needs to be identified and mitigated or designed out during the planning process. The EA permit becomes effective only after the planning process.

Background noise - This is an existing plant and therefore attended noise monitoring needs to be carried out at the closest residences in order that the noise influences can be correctly identified. If the consultant is not on site they cannot identify any specific noise source correctly. This area often has higher background noise levels because of the nearby motorway, but specific noises can still dominate and cause problems, and whenever the wind is from the south the motorway will not influence. So noise monitoring must consider the worst case scenario, and not just assume that the motorway noise will mask everything else. Complaints received by the EA over the last 3 years show this.

e) Noise mitigation - the fact that the existing requirements for noise control and mitigation have not been fully met is relevant, because any additional noisy activities will just make the current situation worse (particularly reversing alarm issues and heavy vehicle noise). The current situation with noise shows that there are problems

with the existing throughput levels which will only get worse if there is a significant increase in throughput. Reversing alarm complaints have been traced directly to the plant - the coach depot has short periods of reversing but at the plant the noise can go on continuously for hours at a time.

f) Specific noise - the changes in the noise condition proposed by the applicant require all specific noises to be identified, including transport noise and this has not been done. Therefore it is not the case that these planning applications have no effect on noise as the writer suggests. For clarification the term "off-site" noise means noise audible off site but generated by an on-site source. The standard EA permit condition on noise is non-specific and therefore not sufficient for planning purposes. It is not the case that there have not been permit breaches in relation to noise, many complaints have been made and as recently as Christmas 2018 a problem was identified with noise from the flare. Previously the flare was required to be moved and replaced partly because it was causing a noise problem. The required acoustic fence has not been erected around the CHP plant, and boundary noise mitigation has not been provided. The EA have confirmed that there are unresolved noise issues.

g) Transport noise - the writer requires clarification. Of course transport noise on the public highway cannot be taken into account and controlled by the operator - the transport noise referred to is that which uses the private access lane immediately adjacent to Enfield bungalow. This is the only access onto the site. It would also include any vehicle noise on the site, such as the buck rake used on the silage store and loader used throughout the site. The writer confirms that there will no additional storage on site and therefore inevitably the frequency and number of vehicle movements will increase. We do not accept that more than doubling the amount of material being brought onto (and off) site will not increase the onsite movement of vehicles. Clearly if the inputs double, the movements of vehicles on site will at least double.

h) Dust - We are pleased to see that for the first time the applicant has committed to hard surfacing the access lane to the plant past Enfield bungalow. The resident has endured 5 years of excessive dust affecting their property during dry periods.

i) Surface water management - We were advised by the plant director that surface water is recirculated into the plant and at times therefore there is insufficient capacity to take all the pig slurry. The director also advised in 2017 that in fact pig slurry inhibits the production of gas and the gas production increases without it. This is not about calorific value but efficient metabolism of the crop feedstock by the bacteria in the process - the bacterial process effectively acts in a similar way to the stomach of an animal in converting plant material to energy. Pig and cattle faeces have already been through that process and therefore do not alone have much to contribute. We are advised that some AD plants have stopped taking pig slurry altogether for this reason, and we are concerned that in time this might happen at this site.

10. Comments on submitted Odour Management Plan dated 8th February 2019.

(i) Section 3.1 - Feedstocks - only maize silage, grass silage, fym and slurry are mentioned; there is no mention of the new types of feedstock listed in the application under consideration (such as dairy wastes, poultry manure, unspecified animal by-products).

(ii) Section 3.3 - Liquid digestate - the writer suggests that liquid digestate has a lower odour potential than raw slurry. This has not been found to be the case in practice as the smell during spreading and whenever there is an odour release at the plant can be extremely strong and unpleasant, albeit different in nature to raw pig

slurry. On site odour abatement systems are in place in order to manage this within the plant, but there is no equivalent during spreading. The only low odour final product has been found to be fully dried solid digestate. The writer states that the final liquid digestate is "low odour due to the long hydraulic retention time" and that "there is very little undigested material in the final digestate". If the throughput were to be more than doubled with no related increase in processing capacity then it is clear that the retention time will be reduced. If that is the case then the final liquid digestate will not achieve its stated "low odour" potential and will need to be removed from the site to off-site storage more frequently. This could actually cause odour problems at the off-site storage too. The statements around the subject of throughput, on-site storage capacity, traffic movements, retention time and final digestate quality are therefore contradictory.

(iii) Section 4 - Poultry litter is listed as an odour source. There will be no abatement provided for this. Poultry litter can be notoriously highly odourous when wet and the source would need careful management; for example only broiler sources (not egg layers) are likely to be suitable and this cannot be controlled through the planning process. Wet litter is highly susceptible to fly infestations. The buffer tank, separator, drier and tanker filling points are listed as potential odour sources. If odour abatement fails then the release of strong odours into the local community is inevitable, as has occurred on many reported occasions in the last few years. Unfortunately the plant has not always been able to identify the source and this is a concern because it is therefore possible that uncontrolled releases of odour will continue to occur until the operators find some way of being able to identify the cause on every occasion. The occurrences of odour has diminished since all the controls have been operational (about 18 months after first operation), and it is likely that on some occasions odour has originated from the associated pig farm.

(iv) Section 7 - Risk assessment. The writer acknowledges that poultry litter has an unpleasant odour. The writer suggests that the probability of exposure to odour on residents is low for all potential sources because of the distance to residents. It is unfortunate that his attention was not drawn to the many complaints made by residents to the EA and the Council because at times odour from the plant has been unpleasant at residences up to 1km from the plant, more frequently at those which are closer, the nearest of which is about 80m. The risk assessment is written as if there are no residents within 1km of the plant, and in fact there are many. The writer does suggest that biogas is highly odourous, but assumes it is rarely released when in fact many residents have reported gas smells at times. However he is wrong to suggest that the digestate has low odour because this has been the cause of most odour complaints that have been able to be linked to the plant.

In conclusion there are still inaccuracies in the further information provided by the applicant in relation to the potential for unacceptable odour and noise impacts. In the absence of evidence to address all of these outstanding concerns I am still unable to support the variation application 18/2173/VAR in its entirety, although I would support the requested variation in the noise condition if the outstanding queries regarding transport noise are addressed.

However, the applicant has made clear in the planning support information that application 18/2437/MFUL which includes the installation of a domed roof on the liquid

digestate storage tank, and the construction of a "digestate processor unit" is intended to "improve the quality of digestate..and to improve environmental control". Although no specific details of the processor unit are included, there would be a positive benefit if the liquid digestate were to be put through a final screening process as at present there is still a noticeable fraction of solid residue which potentially contributes to the odour. In my view this digestate still cannot be described as "low or no odour" as described in the initial applications for this site. The applicant also confirms that the dome will maximise gas collection and minimise risk of odour - thereby acknowledging that at present there is potential for both gas and odour to be released to atmosphere from the open tank. I consider that this particular application would therefore represent a positive benefit to the local community as it goes some way to improve the current situation and therefore I would have no objection to it once details of the proposed digestate processor unit have been provided.

### Other Representations

18 representations have been received as a result of this application raising the following concerns:

- Growth in infrastructure facilitates increased throughput;
- Impact of 12 metre high dome on surroundings;
- The whole process contributes towards increased soil erosion;
- Increased traffic congestion on the A3052 and Oil Mill Lane;
- Noise during the night;
- Pedestrian safety compromised on Oil Mill Lane, especially when school children are present at the nearby bus stop;
- The flare on site should only be used on rare occasions, it is used frequently;
- Increased flies in the area;
- Won't solve the constant odour issues that are reported but not resolved;
- Out of scale with the village;
- Not a sustainable solution;
- Right turns at the end of Oil Mill Lane are impossible for any vehicles;
- Benefits of the dome have not been fully justified; and
- The site has grown to an unsustainable level already.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/0858/MFUL	Construction of agricultural anaerobic digester plant for production of renewable energy	Approval with conditions	24.07.2014
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

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	05.08.2016
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
17/2889/MFUL	Works to ground levels and provision of landscaped area	Withdrawn	01.08.2018

## **POLICIES**

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

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D7 (Agricultural Buildings and Development)

Strategy 39 (Renewable and Low Carbon Energy Projects)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Bishops Clyst Neighbourhood Plan

No relevant policies.

**Site Location and Description**

The application site lies in the open countryside approximately 500 metres to the east of the village of Clyst St Mary, it occupies an elevated position on land to the south of the A3052 and to the east of Oil Mill Lane. It currently comprises a dedicated bio digester 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 passes next to Enfield, a bungalow property sited adjacent to Grovely; a further residential dwelling. The area is fairly busy with traffic movements owing to the proximity with the A3052 and the coach park located between the application site and the A3052.

**Proposed Development**

This application seeks full planning permission for:

- the installation of a roof over and roller shutter door to part of existing silage clamp with internal partitioning to create dry storage for various imported goods;
- the installation of a dome over the circular tank containing the resultant digestate after being processed to collect any residual gas;
- the installation of an additional digestate processor unit.

**ANALYSIS**

The main considerations in the determination of this application are:

- the principle of the proposed development;
- the impact of the proposal on its surroundings;
- the impact on residential amenity;
- the impact on highway safety; and
- other considerations;

**Background**

It should be noted that this application has been submitted at the same time as application 18/2173/VAR which seeks to vary a number of conditions attached to application 17/0650/VAR, chiefly to vary condition 7 to increase the throughput of the

digester and add poultry waste into the anaerobic digestion process. This application has been refused under Delegated Powers for the following reason:

'Insufficient information has been submitted to demonstrate that the increase in throughput of the digester and scale of operations, without any increased infrastructure to process the increased inputs, would not have a detrimental impact upon its surroundings through noise and smell disturbance together with the impact of increased traffic movements on nearby residents. Accordingly the proposed development is considered to be contrary to Strategy 7 (Development in the Countryside) and Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.'

Changes to the throughput of the site and use of poultry waste do not form part of the current application for consideration although the roof over part of the silage clamp would facilitate the storage of the poultry waste which should be stored under cover if consented. However, approval of this current application would permit the construction of the roof over the silage clamp but no change to the waste that could be stored within the created building.

### Principle

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.

In this instance the site is already operating as a bio digester creating energy to enter the national gas grid, therefore the addition of additional facilities to provide a more efficient way of producing gas 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. Anaerobic digestion makes use of organic matter which for the most part is created on farms in the countryside. It is therefore accepted that such plants should be stationed close to the places where the material is sourced to avoid unnecessary vehicle movements into more densely populated areas. Given the support for anaerobic digestion from Central Government and the benefits which have been widely recognised, the principle of the development should be viewed favourably. However, this still however requires an assessment of the specific impacts of the proposed development and any material considerations to determine whether the proposal is acceptable in detail.

### Impact on surroundings

The foremost 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. It is however considered reasonable and necessary to condition that the colour of the dome be agreed to ensure an acceptable visual impact.

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.

The digestate processing unit (5.5 metres high) would be a lower level structure in the context of other infrastructure on site and would be sited in the middle of the site minimising its wider visual impact.

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 given the Council's Landscape Architect does not wish to comment on the application, it is considered that the proposal would be acceptable visually in accordance with Strategy 46 and Policy D1 of the EDDC Local Plan.

#### Impact on 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 odour complaints from members of the public, odour being of particular concern to local residents. Both the Council's Environmental Health Officer and Officers from the Environment Agency have tirelessly responded to these complaints and sought to address the issues by working with the applicant. There are a number of different component parts to the site which provide different smells at different times and can only be experienced by third parties depending upon the direction of the wind.

In an attempt to reduce the odour emittance from the site, the proposal is to install a dome over the circular tank which stores the final digestate before being removed from the site to be spread on the fields. It has been identified that this is a source of odour especially when the crust on top of the liquid is broken when tankers are filled with the digestate for removal from the site.

The proposed dome would prevent the odour emittance but also contain any residual gas that is still contained within the liquid.

It is also proposed to provide a digester processing unit which would remove further excess water from the digestate to provide an enhanced final product that would enrich the soil on the fields it is spread upon, it would not remove any further odour from the digestate.

With regard to the covering of part of the silage clamp, this will provide some protection from odour should the other current application at the site grant consent for the storage of poultry waste. If that application is refused, the covering of part of the clamp will have no real benefit, or dis-benefit, to odour or noise emitted from the site.

The Council's Environmental Health Officer has been consulted on the proposal and has the following comments to make:

*'.....the applicant has made clear in the planning support information that application 18/2437/MFUL which includes the installation of a domed roof on the liquid digestate storage tank, and the construction of a "digestate processor unit" is intended to "improve the quality of digestate..and to improve environmental control". Although no specific details of the processor unit are included, there would be a positive benefit if the liquid digestate were to be put through a final screening process as at present there is still a noticeable fraction of solid residue which potentially contributes to the odour. In my view this digestate still cannot be described as "low or no odour" as described in the initial applications for this site. The applicant also confirms that the dome will maximise gas collection and minimise risk of odour - thereby acknowledging that at present there is potential for both gas and odour to be released to atmosphere from the open tank. I consider that this particular application would therefore represent a positive benefit to the local community as it goes some way to improve the current situation and therefore I would have no objection to it once details of the proposed digestate processor unit have been provided'.*

Accordingly, the proposed addition of a roof and digester processing unit are considered acceptable and would improve the odour emittance from the site without impacting unreasonably on residential amenity in terms of the visual 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.

#### Impact on highway safety

The proposed development would not increase traffic movements (or amount of waste processed at 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.

#### Other matters

Devon County Flood Risk Team have raised a concern regarding how surface water on site would be dealt with, whilst they consider 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 they require further details of the existing system. The application form states that it would drain to a soakaway. It is considered that the surface water drainage details could reasonably be secured through a suitably worded planning condition.

Concern has been raised regarding permitting the roof over part of the silage clamp in advance of determination of application 18/2173/VAR in that it could increase pressure to grant the tandem application. However, this application must be treated on its own merits, whether or not a further planning permission for use of poultry products in the anaerobic digestion process is permitted or not would either be a factor in installing

the roof over the clamp or an alternative product could be stored within the covered clamp, on its own merits the cover would have no detrimental impact on the surroundings or residential amenity and is therefore considered acceptable. There are no reasonable planning grounds to refuse planning permission in this instance.

## **CONCLUSION**

The application proposes to erect a dome over the final digestate tank, to provide a roof over part of the existing silage clamp and to provide a digester processing unit.

As the site is already in use as an anaerobic digester, the principle of further development on the site is acceptable in principle. Whether the proposal is acceptable as a whole is down to the acceptability of the specific details and impact from the proposal.

There has been a history of noise and odour complains at the site and in an attempt to reduce the odour emittance from the site, it is proposed to install a dome over the circular tank which stores the final digestate before being removed from the site to be spread on the fields. It has been identified that this is a source of odour especially when the crust on top of the liquid is broken when tankers are filled with the digestate on collection. The dome would prevent the odour emittance but also contain any residual gas that is still contained within the liquid.

It is also proposed to provide a digester processing unit which would remove further excess water from the digestate to provide an enhanced final product that would enrich the soil on the fields it is spread upon, it would not remove any further odour from the digestate.

Finally, the application proposes a roof and roller shutter door to the existing storage clamp which is considered acceptable. Whilst this element may only be needed if another current application at the site permits the use of poultry waste, the works in themselves are acceptable and approval of the door and roof would not mean that the other proposal at the site needs to be supported. The roof and door needing to be assessed on their own merit.

The Council's Environmental Health Officer raises no objections to this proposed development, recognising that there will be benefits locally as the proposals have the potential to address odour from the site from spreading to the surrounding area.

Impacts upon the character and appearance of the area, highway safety and surface water drainage have found to be acceptable and on the basis that the works will allow a more efficient way of working, and more importantly for local residents, decrease the possibility for odour, the proposal is 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.  
(Reason – To ensure that the surface water from the dome and roof are deal with in an appropriate manner to prevent run off onto third party land I accordance with Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan.
4. Prior to the installation of the dome over the final digestate tank, details of the colour of the dome shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dome shall be construction and retained in accordance with the approved details.  
(Reason: In the interests of the visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

DWG 001	Location Plan	23.10.18
1687_P032 REV A : PLANNING APPLICATION BOUNDARY	Other Plans	23.10.18
IX001_EN2_EL_ E_E004 : ELEVATIONS + SECTIONS	Combined Plans	23.10.18
IX001_EN2_EL_ E_E005 :	Combined Plans	23.10.18

ELEVATIONS +  
SECTIONS

IX001_EN2_SP_002	Proposed Site Plan	23.10.18
IX001_EN2_EL_S_004 : SOUTH	Proposed Elevation	23.10.18
IX001_EN2_EL_S_005 : SOUTH	Proposed Elevation	23.10.18
IX001_EN2_SP_003	Proposed Site Plan	23.10.18
3000 REV P01 : SHEET 1 OF 2	Proposed Elevation	31.10.18
3001 REV P01 : SHEET 2 OF 2	Proposed Elevation	31.10.18

List of Background Papers

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