

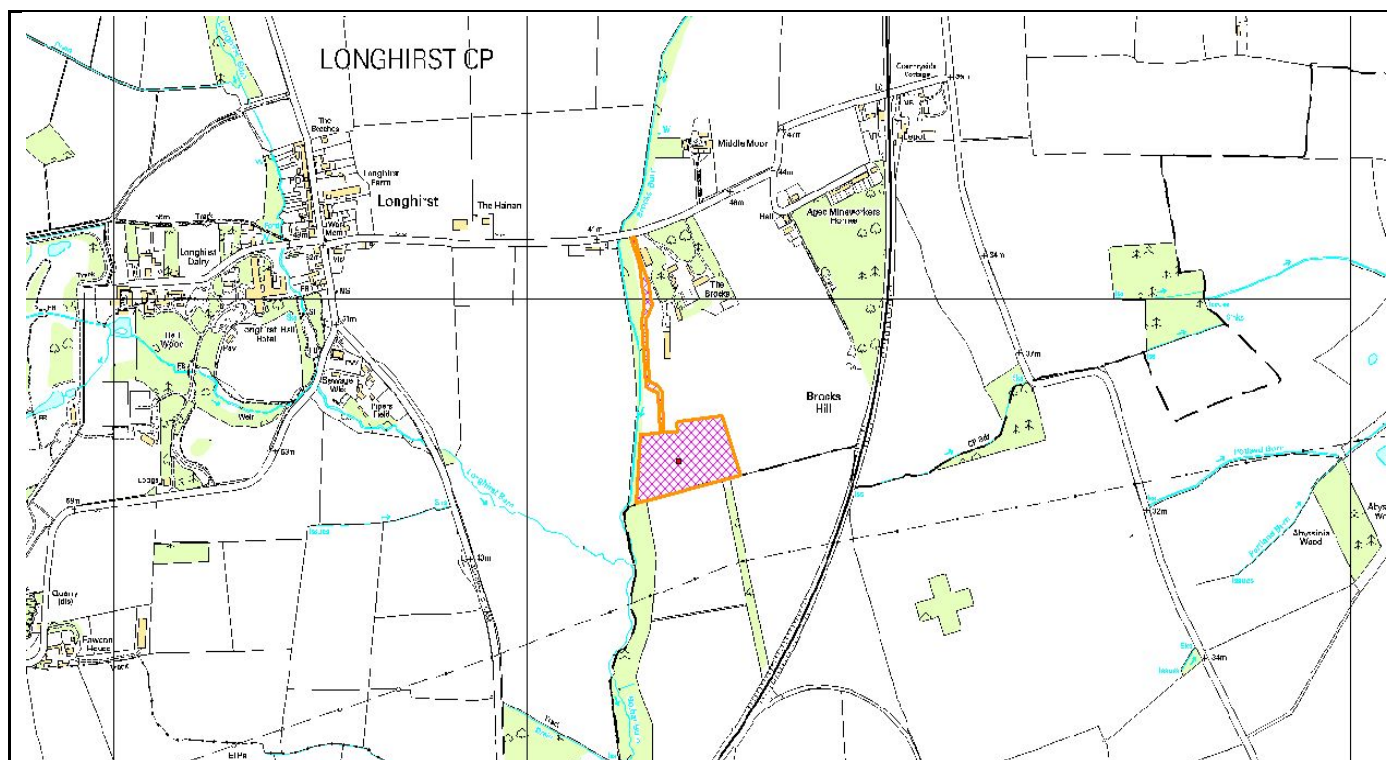


Northumberland County Council

Virtual Strategic Planning Committee 30 June 2020

Application No:	18/04533/FUL		
Proposal:	Proposed anaerobic digestion plant, linked to existing grain storage and processing facility		
Site Address	Land At South Of North East Grains, Longhirst, Northumberland,		
Applicant:	North East Grains Storage Ltd	Agent:	Mr Steve Barker 17 Woodland Road, Darlington, DL3 7BJ
Ward	Pegswood	Parish	Longhirst
Valid Date:	25 February 2019	Expiry Date:	27 May 2019
Case Officer Details:	Name: Mrs Katherine Robbie Job Title: Senior Planning Officer Tel No: 01670 622633 Email: katherine.robby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

- 1.1 This application is the subject of an objection from Longhirst Parish Council. Under the provisions of the Council's current Scheme of Delegation the Director of Planning in conjunction with the Chair and Vice Chair of the Strategic Planning Committee consider that the application is to be considered by the Strategic Planning Committee for the reason that it raises issues of strategic and wider community interest.

2. Description of the Proposal

The Site

- 2.1. The application site is located at North East Grains to the south east of Longhirst and north east of Pegswood. North East Grains is a large co-operative of approximately 80 farming businesses and functions as a central grain storage location. It currently takes in 60,000 tonnes of grain a year to store, dry and process into products such as animal feed.
- 2.2 The site of the proposed anaerobic digestion (AD) plant is located immediately to the south of the existing grain storage and processing facility. The site of the proposal is a greenfield site, currently in agricultural use and is located in the Green Belt as defined under Policy S5 of the Northumberland County and National Park Joint Structure Plan.
- 2.3 The site is bounded to the west by Brocks Burn and to the south by a hedgerow. The western part of the northern boundary is bound by the existing buildings of the existing grain storage and processing facility, while the eastern part of the northern boundary and the eastern boundary of the proposed site are not bound by any existing features within the agricultural enclosure. The site is accessed from the C125 which runs from Longhirst village to Pegswood.

The Proposal

- 2.4 The site is a high energy user in terms of electricity, oil and gas and is seeking to lower its overall energy costs and adopt a greener environmental footprint.
- 2.5 The proposed AD plant with an associated Combined Heat and Power (CHP) plant would have an overall generating capacity of 500KW. Gas would be captured and used on site and any surplus put into the national grid.
- 2.6 The proposal would consist of 3 digester tanks, 2 feeding systems, a straw processing building, a lagoon, clamps for the feedstock and associated plant and machinery which includes a 6 metre flare stack included for safety reasons.
- 2.7 At present, lower quality grain which is unsuitable for use by North East Grains is transported from the site to ethanol production plants in Teesside and Hull. This would form a proportion of the feedstock, the rest

would come from the farms which currently supply the grain facility and would be made up of grass and maize silage, cattle farm yard manure, cereal grains and possibly chicken manure.

- 2.8 The spent feedstock known as digestate would be supplied back to the farms within the co-operative as bio-fertilizer and soil conditioner.

Traffic and Access

- 2.9 It is proposed that access to the proposed AD plant would be from the existing access into the site from the C125. A revised Transport Assessment has been received during the course of the determination of this application which addresses proposed changes to the planned operation of the facility and which reflect the impact of seasonality on the proposed development. It was previously envisaged that that no trips would be generated by the proposal during the eight week harvest season, with the facility being reliant on material produced on site as a result of the grain drying process. However, this has been amended to allow for an element of vehicle movements solely to the AD plant during this period to allow for seasonal variations in the harvest and the quantity of grain being brought to the site which can vary from season to season and is out of the control of the operator.
- 2.10 It is anticipated that a maximum of 40 (20 in and 20 out) two way movements per day would result from the operation of the AD plant which would occur during the months of May, June, July and October. It is envisaged that there would be approximately 7 movements per day in August and September and 12 per day between November and April. It is estimated that 50% of the annual solid digestate would be taken back with farmers on their return journey from delivering feedstock to the AD plant.

Employment

- 2.11 It is proposed that 3 new full time staff members would be employed in association with the proposed development.

3. Planning History

Reference Number: CM/81/D/465

Description: EXTENSION TO OFFICES

Status: Approved

Reference Number: CM/86/D/208

Description: ERECTION OF ADDITIONAL GRAIN STORE AS AMENDED BY DRAWING RECEIVED 19TH JUNE 1986

Status: Approved

Reference Number: CM/95/D/224

Description: ERECTION OF MACHINE STORE

Status: Approved

Reference Number: CM/03/D/071

Description: Replacement of one of the grain drying units with a new unit
Status: Approved

Reference Number: CM/20110065
Description: Installation of 3no signs
Status: Approved

Reference Number: 12/01419/FUL
Description: Relocating an existing workshop structure from a redundant working area on the site to the recently relocated working area of the site.
Status: Approved

Reference Number: 13/00297/DISCON
Description: Discharge of condition 16 relating to planning application CM/03/D/071 - Replacement of one of the grain drying units with a new unit
Status: Approved

Reference Number: 16/00955/FUL
Description: Relocating and increasing the capacity of an existing electrical substation
Status: Approved

Reference Number: 16/04105/FUL
Description: Proposed conversion of existing stable/store to form 1No. residential unit for seasonal farm worker
Status: Approved

Reference Number: 18/02987/CLPROP
Description: Certificate of lawful proposed development to replace one of the grain drying units.
Status: Approved

4. Consultee Responses

Longhirst Parish Council	<p>Object to the application primarily because of the lack of factual information which could or will affect the residents of the parish.</p> <p>Transport. Although many details are supplied re the grain plant which at the height of harvest result in a vehicle (tractor/trailer or HGV) every 3 minutes re the proposed digestion plant a figure of 24 vehicles a day is suggested, but over a twelve hour period (the working day is 8 hours!!). This would mean clashing morning and evening rush hour traffic if 73 members of the cooperative are supplying the plan and receiving fertiliser/slurry in return many of the vehicles will be HGV and as such the overall traffic will be much higher than that indicated.</p>
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	<p>The road infrastructure will struggle to cope. This extra transport will also mean that we will have heavy agricultural vehicles through our village and parish all year round. The C125 and C126 are not suitable for this type of traffic. At present the C125 from Longhirst has footpath kerbstones flat because HGVs have to mount the kerb in order to pass a HGV coming towards them. The footpath from Longhirst to Longhirst Station cannot be used it is too dangerous!!</p> <p>Smell. Several sheds are being constructed to house incoming agricultural waste. How long will it stay in the shed? Will it not allow smell and rodent infestation to develop? The inevitable smell from the digestion plant - how will it be contained or controlled? Nearby residents are concerned (Longhirst Colliery in particular)</p> <p>Noise. During the digestion process Methane will be produced and also generators are being installed to produce electricity...What levels of noise will these generators create, How and where to will the electricity be despatched?</p> <p>Is the process not an indication of an industrial establishment and therefore would an industrial licence be required?</p> <p>We feel that the effects on the local residents and the environment along with the limited transport infrastructure has not been fully appreciated. The transport survey has been done by a private consultant and the County planning and highways department need to look at these proposed vehicle movements and imagine how these large HGV will cope with the 'C' road structure and 90% bends in Longhirst and also where they meet in the east at Ashington/Pegswood Road. These are places where art present grain lorries are already having difficulties.</p> <p>The parish council have consulted local residents with regard to this application and we have decided to object, we would hope that the County Council will look at our concerns and ask to be given answers to these by the applicant.</p>
Building Conservation	<p>Support the application.</p> <p>It is considered that the development proposals preserve the setting and significance of the Grade II</p>

	<p>listed barn and pen walls at Middle Moor Farm, the farmstead character of the farm group; and the setting of the designated heritage asset – Longhirst Conservation Area.</p>
Highways	<p>No objection</p> <p>A revised Transport Statement has been submitted as part of this reconsultation, providing key updates to section 4 of the previously submitted document detailing the proposed development and its impact on the local highway network. It is noted that there are changes to the planned operation of the import and export of materials from the site associated with the development, and the amendments to the TS assess the likely level of transport impacts of the development, and includes details of typical vehicle movements during each seasonal period, trip generation by type, together with the staff levels and details of the one-way system exiting the site.</p> <p>The applicant has also provided details of the vehicle types which will access this site, vehicular trip generation and distribution, and assessed the impacts of these slower moving vehicles on the wider highway network, in particular the junctions between the B1337 to the west and the C126 and rail crossing to the east.</p> <p>The Transport Statement has been reviewed and there are no fundamental concerns with the information that has been submitted. The main impact of the additional traffic flows occurs outside the current seasonal peak period, and whilst there will be additional movements during this time, these are shown to be minimal.</p> <p>Appropriate access to the development site is available via a private internal road within the existing grain storage and processing facility, which leads 650 metres to the north where it connects with the C125, a section of adopted highway with a 60mph speed limit.</p> <p>It is considered that the construction of an anaerobic digestion plant, within the existing grain storage and processing facility, will not have an adverse impact on road safety for the existing highway users.</p> <p>The site will require a small number of car parking spaces to accommodate the parking requirements for staff on site. The submitted plans and</p>

	<p>information as part of this application do not indicate where this will occur, but it is considered that there is sufficient space within the site to accommodate parking. Details of the parking provision for staff and vehicles associated with the development will be secured by condition.</p> <p>There are no necessary highway works to complete as a result of this application. Full details of the access to the adopted highway have been provided as part of this application, including swept paths of the largest vehicles to utilise the site access, and are considered acceptable and appropriate for the current use and the addition of the anaerobic digester.</p> <p>No details of external lighting have been given as part of the application or shown on the submitted plans. Given the distance from the adopted highway, it is considered that the proposed development, together with any standard external lighting, will not have an adverse impact on highway safety at this location.</p>
Lead Local Flood Authority (LLFA)	Previously the LLFA raised an objection to the application on flood risk and drainage grounds. After reviewing additional information which has been submitted with this application the LLFA are now in a position to remove the objection to the development subject to conditions covering surface water disposal and decommissioning being appended to any planning permission granted.
County Archaeologist	No objections to the proposals from an archaeological perspective, providing that the site is the subject of an appropriate programme of archaeological excavation.
County Ecologist	No objection subject to conditions relating to mitigation measures and construction management plan being attached to the permission.
Public Protection	In principle this service is in agreement with the proposal subject to a number of conditions covering noise, commissioning and odour levels and complaints being attached to the permission.
Environment Agency	No objection subject to the following advice being given to the applicant

	<p>During construction care should be taken to ensure that there is no pollution to the watercourse close by. Also, during transfer of the digestate from the digester to the storage area, care should be taken to avoid spillages which could enter the watercourse</p> <p>This proposal will require an environmental permit from the Environment Agency.</p>
Natural England	No comments to make on the application
The Coal Authority	<p>The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.</p> <p>The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.</p> <p>In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.</p> <p>A condition should therefore require prior to the commencement of development:</p> <ul style="list-style-type: none"> * The undertaking of an appropriate scheme of intrusive site investigations (subject to agreement with the Coal Authority's Permitting Team); * The submission of a report of findings arising from the intrusive site investigations; * The submission of a detailed scheme of remedial works for approval; and * Implementation of those remedial works. <p>The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.</p>

Strategic Estates	No response received.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	22
Number of Objections	4
Number of Support	0
Number of General Comments	0

Notices

A site notice was posted on site on 4th March 2019

A press notice was published in Morpeth Herald on 7th March 2019

Summary of Responses:

Four letters of objections have been received as a result of publicity carried out on this application. The objections raise the following issues:

- Speeding vehicles and road safety issues on the C roads around the site
- The traffic issues could be solved by putting in a new road from Butchers Lane
- The traffic to the grain facility has increased in volume from 10 a week to 792 a week since 1981
- Current traffic levels are not acceptable
- Noise and vibration from empty trailers
- Smells from the plant
- Use of animal waste or human waste
- Industrial rather than agricultural use in the Green Belt
- Possible environmental risk from spilt digestate
- Level of profit made by the grain company from the installation
- Visual impact of proposal

The above is a summary of the comments. The full written text is available on our website at

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PKDY9VQSL4500>

6. Planning Policy

6.1 Development Plan Policy

Joint Northumberland County and National Park Structure Plan (2005)

Saved Policy

S5 - Extent of the Green Belt

Castle Morpeth District Local Plan (2003) Saved Policies
RE2 Renewable Energy
C1 Settlement Boundaries
C17 Green Belt

Northumberland Waste Plan (2001) Saved Policies
OW4 Anaerobic Digestion

Emerging Northumberland Local Plan (2019)
STP8 Green Belt
ECN6 General employment land – allocations and safeguarding
ECN7 Key general employment areas for B-Class uses
ECN13 Meeting rural employment needs
TRA2 The effects of development on the transport network
WAS1 Development management criteria for waste re-use, recycling and recovery facilities
WAS2 Waste disposal
REN1 Renewable and low carbon energy and associated energy storage

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)
National Planning Policy Guidance (NPPG) (2019, as updated)
National Planning Policy for Waste (NPPW) (2014)

7. **Appraisal**

- 7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Northumberland Waste Local Plan, Castle Morpeth District Local Plan and the Joint Northumberland County and National Park Structure Plan as identified above.
- 7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Council submitted the Northumberland Local Plan, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019 for examination.
- 7.3 The main issues in the determination of this application are:
- The principle of development
 - Impact on the Green Belt
 - Impact on highway safety
 - Impact on residential amenity
 - Flooding

- Impact on the landscape
- Impact on cultural heritage assets
- Impact on ecology

The Principle of Development

- 7.4 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.5 The adopted development plan in relation to this application is formed by the saved policies of the Castle Morpeth District Local Plan (2003) (CMDLP), the saved policies of the Northumberland Waste Local Plan (2001) (NWLP) and saved Policy S5 of the Joint Northumberland County and National Park Structure Plan (2005) (NSP). The National Planning Policy Framework (2019) (NPPF) and National Planning Policy for Waste (2014) (NPPW) are also material considerations in the determination of planning applications.
- 7.6 The emerging Northumberland Local Plan (NLP), which will eventually supersede the adopted development plan documents listed above is also relevant. However, the plan is currently at the Regulation 19 stage (publication) and therefore cannot be given full or any substantial weight in decision-making.
- 7.7 Saved Policy S5 of the NSP describes the general extent of the Green Belt extension around Morpeth and it is clear that the site of this proposal falls within the extent of the Green Belt. This proposal should, therefore, be considered against Green Belt policy.
- 7.8 Saved Policy RE2 of the CMDLP gives policy support, in principle, to the development and use of power generated by specific renewable energy technologies, including *'energy from crops and forestry'* subject to a number of criteria. The criteria include that *'proposals should be sited in sympathy with local features and respect the grain and form of the land and be located so as to minimise visual intrusion'* and that *'the ability of the local highway network to accommodate traffic flows both during construction and subsequently and the impact of such flows on the physical fabric of the highway network.'* This policy provides support, in principle, to the proposal; however, a judgement on whether it complies with the policy criteria should be made in light of an assessment of the relevant supporting information.
- 7.9 Saved Policy C1 of the CMDLP refers to settlement boundaries; the application site is not within a defined settlement, and is therefore considered to be in the open countryside. Policy C1 states that *'Development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry'*. It is considered that this proposal would be contrary to Policy C1 given its location in the open countryside and, although the proposal would support an agriculture related business, the proposal is not directly related to agriculture and forestry.

7.10 Saved Policy C17 of the CMDLP sets out the approach to development in the Green Belt, and states that *'development involving the construction of new buildings in the Green Belt will not be permitted other than for the following purposes: (a) Agriculture and forestry;'*.... The proposed development is not an agricultural use itself, but does directly support an established agricultural related business. The proposal, therefore, does not comply with Policy C17; however, the case for very special circumstances to justify its location in the Green Belt is discussed below in relation to the NPPF, and is also relevant to the consideration of the proposal in relation to Policy C17.

7.11 Saved Policy OW4 of the NWLP is the policy that is most relevant to the principle of this proposal. The policy states that:

'Proposals for anaerobic digestion plants for farm slurry or sewage sludge will only be permitted where they can be satisfactorily located within or in close proximity to the existing farm complex or waste water treatment works to which they relate. Proposals for anaerobic digestion plants for other waste will only be permitted where they can be satisfactorily located adjacent to an existing landfill site or waste transfer station, or on an industrial site.'

In assessing whether proposals can be satisfactorily accommodated account will be taken of: type and volume of waste; the nature of the surrounding land-uses; the potential for noise, dust and odour, and possible mitigation measures; the potential for visual intrusion, in particular the height of any outdoor storage, and screening measures; and any increase in environmental impacts which would result.'

7.12 The proposal conflicts with this policy as it would be located adjacent to an existing industrial site, which is located directly to the north of the site of the proposal, rather than being on an industrial site as set out in the policy. Notwithstanding this, in determining the application some consideration would need to be given to the age of this policy and the development of AD technology as well as national policy relating to AD since the adoption of the NWLP.

7.13 At the heart of the NPPF is a presumption in favour of sustainable development (para 10). Essentially, this means that applications for developments that are in accordance with an up-to-date development plan should be approved. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless policies within the NPPF indicate that the development should be refused, or if any adverse impacts of the proposal would demonstrably outweigh the benefits.

7.14 The proposed development is considered to meet the objectives of sustainable development set out in paragraph 8 of the NPPF. In terms of economic objectives, it will help support the growth and productivity of the

business and associated farm businesses. In terms of environmental objectives it will represent a prudent use of natural resources, minimisation of waste and adaptation to climate change. The location of the facility will reduce overall long-distance transport of a bulky material and facilitate the use of “return load” transport management. The production and utilisation of the digestate by-product will have environmental benefits in terms of reliance on artificial fertilizers and thus assist with the issue of nitrate loading in soils and water resources.

- 7.15 The key issue however, in terms of the principle of the proposed development, is that the site falls within the Green Belt. Paragraph 133 of the NPPF states that *the Government attaches great importance to Green Belts*, that *the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open*, and that *the essential characteristics of Green Belts are their openness and their permanence*. A waste management use closely linked to an agricultural enterprise is not appropriate development, therefore there is a requirement to identify and evaluation of “harm” of any sort and set this against possible countervailing factors.
- 7.16 Paragraphs 143 to 147 set out the approach to proposals affecting the Green Belt. They state that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*, and, that when considering planning applications, *substantial weight* should be given to any harm to the Green Belt. The NPPF is clear that in order for ‘very special circumstances’ to exist, *the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*.
- 7.17 The NPPF explains that the construction of new buildings should be regarded as inappropriate in the Green Belt, and it lists a number of exceptions to this. To be clear - it is not considered that the proposal meets any of the exceptions, and therefore is considered to be inappropriate development in the Green Belt. Whilst it is recognised that the proposed use will support an agricultural related business, the use in itself is not agricultural so it does not meet the exception listed as point (a) under paragraph 145.
- 7.18 In order to determine the acceptability of the proposal in Green Belt terms, it is therefore necessary to consider whether very special circumstances exist. Paragraph 147 of the NPPF explains that, *when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development*, and that *in such cases developers will need to demonstrate very special circumstances if projects are to proceed*. *Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*.
- 7.19 In the planning statement submitted with the application, the applicant has put forward the case that very special circumstances do exist (paragraphs 4.9-4.18) which include the symbiotic relationship between the existing use of the site and the proposal. The proposed AD would use the waste

products from the grain plant as part of its feedstock, and the waste heat produced by the CHP plant would be used in the grain drying process. This is only possible due to the location of the proposed AD plant adjacent to the existing grain processing and storage facility.

- 7.20 Other elements of the very special circumstances presented by the applicant relate to wider environmental benefits arising from the proposal. The proposal would lead to the production and consumption of energy from renewable sources, and an associated reduction in the consumption of energy from non-renewable sources. The proposal would also lead to a reduction in total HGV miles travelled due to use of waste product from the grain processing and storage facility as feedstock for the AD plant, which is currently transported away from the site for processing. The proposal would also lead to the production of a high quality fertiliser as a natural waste product from the AD process; which would lead to a reduction in the production, use and transportation of artificial fertiliser.
- 7.21 Whilst the site is adjacent to the existing grain processing and storage facility with its associated buildings, the site of the proposal currently does not have any buildings on it and is used for livestock grazing. The proposal therefore has the potential to harm the openness of the Green Belt. The adjacent trees and hedgerows provide a degree of visual screening but the openness is not solely dependent on visual aspects. This is discussed further in the next section of the report.
- 7.22 Other relevant parts of the NPPF largely provide support for the proposed development.
- 7.23 In particular, paragraph 80 of the NPPF is relevant as it states that *planning...decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity.*
- 7.24 Paragraph 83 of the NPPF is relevant and states that *planning...decisions should enable: (a) the sustainable growth and expansion of all types of businesses in rural areas, including through well-designed new buildings; and (b) the development and diversification of agricultural and other land-based rural businesses.*
- 7.25 Paragraph 84 states that *planning...decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances it will be important to ensure that a development is sensitive to its surroundings and does not have an unacceptable impact on local roads.*
- 7.26 With regards to the likely transport impacts of the development paragraphs 108-111 are relevant. Together, these paragraphs require development to take *appropriate opportunities to promote sustainable modes of transport* , provide *safe and suitable access to the site* , and to *enable any significant impacts on the transport network to be mitigated to an acceptable degree* . Planning applications for development should: (c)

create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles...; and (d) allow for the efficient delivery of goods, and access by service and emergency vehicles .

- 7.27 NPPW reflects the Government's ambition for more sustainable and efficient resource use and management through driving waste management up the waste hierarchy.
- 7.28 In identifying suitable sites for waste management, it identifies that a broad range of locations should be considered, including industrial sites, looking for opportunities to co-locate waste management together and with complementary activities. It also states that where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers.
- 7.29 These principles are reflected in waste policies in the emerging NLP and the proposal would be in line with these.
- 7.30 Policy STP8 addresses development in the Green Belt and states that *development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal.* Consideration will therefore need to be given as to whether special circumstances exist in relation to this proposal.
- 7.31 As discussed above, it is considered that a case can be made for very special circumstances around the renewable energy that would be generated and the benefits from the on-site management of waste arising from the grain processing and storage facility.
- 7.32 A small part at the north western end of the application site is covered by the General Employment Land Allocation, and as such Policy ECN 6 and Policy ECN7 are relevant.
- 7.33 Policy ECN6 sets out that within on land allocated as General Employment land non-B-Class uses will only be supported in accordance with Policies ECN7 and ECN8.
- 7.34 Policy ECN7 is relevant to this application, and states that *development of non-B-Class employment generating uses will only be supported if the development: (a) directly supports and is ancillary to the primary functioning of the site as a location for B1, B2 and B8 development; and (b) will not have a detrimental impact on the functioning of existing or future B-Class operators on the site; and (c) ensures that B-Class uses remain the majority activity on site.* Only a small part of the application site falls within the General Employment Land Allocation, and the proposal is considered to be in accordance with the criteria of the policy as set out above.

- 7.35 Policy ECN 13 (Meeting rural employment needs) is also relevant and provides further support for the proposal. The policy recognises the role of rural locations in providing employment opportunities and supports development that will generate employment opportunities in the countryside subject to a number of criteria. These include that *new buildings contribute positively to local landscape character; that the proposal is related as closely as possible to the existing settlement pattern, existing services and accessible places* ; and that *it will not have an adverse impact on the operational aspects of local farming* . Where these criteria are met, particular support is given to *developments on farms which would add value to farm produce on-site and provide other supply chain opportunities in the County therefore reducing the distance products need to travel during the production process* .
- 7.36 With regards to the transport impacts, Policy TRA2 is relevant as it sets out the requirements for developments that have will affect the transport network. The requirements of the policy should be considered against the support information with the application.
- 7.37 The overarching aim of the waste policies in the plan are to promote opportunities that will assist in moving waste management up the waste hierarchy. The proposed development would assist in moving waste management up the waste hierarchy as the feedstock for the AD plant will be made up of different types of waste products from farms in the surrounding area, some of which will move up the hierarchy from disposal or other recovery to re-use.
- 7.38 Policy WAS1 relates to waste management facilities for re-use, recycling and recovery, and offers policy support to the proposed development. Part 1b of the policy supports facilities where they are located outside of a Main Town or Service Centre but would *supplement the provision of an accessible network of local facilities and has sustainable connections to the transport network*. Part 2 states that proposals should have regard to the locational sequential order of preference, and provides a hierarchical list of types of location. The first preference is on-site management of waste where it arises and it is considered that this proposal would provide an opportunity for this to happen rather than the waste being transported off-site for management.
- 7.39 Policy WAS2 provides a list of development management criteria that should be met by proposals for waste re-use, recycling and recovery facilities, which are relevant to this proposal.
- 7.40 Policy REN1 concerns renewable energy developments and is largely supportive of the proposed development. Part 1 of the policy offers support, in principle, to renewable energy development. Part 3 of the policy states that *applications will be supported where it has been demonstrated that the environmental, social and economic effects of the proposal, individually and cumulatively, are acceptable or can be made acceptable*. It also provides a list of criteria that will be given weight in the consideration of applications. Of particular relevance to the proposed

development are: (a) *landscape character and sensitivity and the sensitivity of visual receptors; (e) air, ground and surface water quality; (f) Hydrology, water supply and any associated flood risk; (g) Highways and traffic flow, transport networks, Public Rights of Way and non-motorised users...; (h) Amenity due to noise, odour, dust, vibration or visual impact; (i) The openness of the Green Belt and whether very special circumstances have been demonstrated to justify otherwise inappropriate development .*

- 7.41 The current development plan, national planning policy and the emerging Northumberland Local Plan support the principle of renewable energy development, such as AD, but this proposal has some conflict with Policy C1 and C17 in the Castle Morpeth Local Plan and Policy OW4 in the Northumberland Waste Local Plan as discussed above.
- 7.42 The proposal is also sited in the extent of the Green Belt as defined under Policy S5 of the Northumberland County and National Park Joint Structure Plan and this type of development would constitute inappropriate development in the Green Belt. In relation to Green Belt, it is considered that a case for very special circumstances, in line with Paragraph 147 of the NPPF, can be made in respect to the proposal relating the benefits from the generation of energy from renewable sources and benefits from the co-location of the AD facility alongside the grain processing and storage facility where waste materials will be used as feedstock for the AD facility and where the energy generated can be utilised.
- 7.43 In terms of NWLP Policy OW4 it is recognised that the proposal has some conflict with this but that there have been advances in AD technology since the Waste Local Plan was adopted and changes in policy at a national level. Both NPPW and the waste policies in the emerging NLP provide some support in principle for the proposal.

Impact of the Green Belt

- 7.44 The site is located in an area around Morpeth which is identified as an extension to the Green Belt by Saved Policy S5 of the NSP, and is therefore considered to be located within the Green Belt. The proposals must therefore be assessed against Green Belt Policy and guidance in the NPPF.
- 7.45 The NPPF set out where development in the Green Belt is considered to be acceptable. Paragraph 143 of the NPPF sets out that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF requires Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt, stating that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 146 of the Framework goes on to identify types and locations of development which are considered to be exceptions to inappropriate development in the Green Belt.

- 7.46 Paragraph 147 explains that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits with increased production of energy from renewable sources.
- 7.47 The application proposes a renewable energy facility to support an agriculture-related business. The development would therefore constitute inappropriate development in the Green Belt.
- 7.48 At present the site is essentially an open area of agricultural field, bound on western boundary by mature trees. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which demonstrates that the structures associated with the proposal would be only partially visible from various viewpoints around the area.
- 7.49 In Green Belt terms the concept of openness encompasses both the visual and spatial aspects of development. For land to be 'open' in these terms essentially means that it is free from development. In introducing built development at the application site, the proposal would lead to some permanent erosion of its openness in spatial terms. The limited visibility of the appeal proposal would not therefore overcome any concerns regarding the effect on openness.
- 7.50 The perception of the site would change under the proposal to an extent that openness would be reduced, although not lost entirely. The proposed structures would not dominate the view but they would be greater in terms of visual impact than the existing situation. Although the effect of the proposal on openness would be limited, the proposal would nevertheless constitute inappropriate development, which the NPPF establishes should not be approved except in very special circumstances.

Very Special Circumstances

- 7.51 The applicant states that there is a 'clear symbiotic' relationship between the existing grain drying facility and the proposed AD plant. The waste from both operations would be mutually beneficial to the other operation. The poor quality grain and chaff would become part of the feedstock for the AD plant, in turn; the heat produced by the Combined Heat and Power (CHP) plant would be input into the grain drying process which is only possible if the AD plant is located adjacent to the grain drying facility. The applicant has submitted information which illustrates the grain drying energy consumption which is high in the summer months and lower in the winter months when demand on the national grid is high, giving the opportunity to feed gas into the grid when demand within the general population is at its peak, and its own use peaks when demand elsewhere is low.
- 7.52 At present, some of the waste grain is sent long distances via HGV to ethanol production plants on Teesside and Hull which can result in round trips of up to 320 miles. The proposal would bring these transport

movements to an end and thereby reduce the carbon footprint and traffic movements from the site. This feedstock would supply up to 45% of the feedstock to the plant.

- 7.53 The AD plant would result in the production of digestate, which is the spent product that passes through the plant. Solid digestate can be used as a soil improver and fertiliser whilst the liquid digestate is also a fertiliser which can be used instead of artificial fertilisers in agriculture. Estimates have been provided by the applicant of the tonnage of artificial fertiliser that could be avoided by the use of digestate arising from the proposed plant.
- 7.54 It is considered that the overall balance of the economic, and specifically environmental, factors discussed in this report outweigh the implicit harm of this proposal in terms of inappropriate development and the purposes of the Green Belt.

Conclusion

- 7.55 The proposal would result in inappropriate development in the Green Belt and that it would erode the openness of the appeal site, albeit to a limited degree. The NPPF sets out that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations. This has been adequately demonstrated by the applicant to exist in this instance and this should be given very significant weight in the determination of this application.
- 7.56 The proposal would promote sustainable energy production, reducing the site's reliance on fossil fuels and presenting the opportunity to feed green energy into the national grid. It would provide a more sustainable and low-odour approach to the management of organic farm wastes This is given significant weight in weighting of benefits against harm in the recommended determination of this application.

Impact on Highway Safety

- 7.57 Access to the site would continue to be via the existing site entrance into the North East Grains facility from the C125/6. A transport statement has been carried out and submitted with the application. The assessment sets out the anticipated vehicle movements which would be expected as a result of the proposal.
- 7.58 Paragraph 109 of the NPPF advises that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
- 7.59 The Revised Transport Statement submitted with the application assesses the likely level of transport impacts of the proposed development and includes details of vehicle movements during key periods.

- 7.60 The Highways Authority have assessed the proposal and consider that access to the site is adequate, and the proposal would not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.
- 7.61 The proposal would require a small number of car parking spaces to accommodate staff requirements, and whilst the submitted plans do not indicate where this would occur, there is sufficient space within the site to accommodate the number of staff vehicles associated with the development. Details of car parking layout can therefore be covered by condition should planning permission be granted.
- 7.62 Appropriate access to the development is gained via the private internal road within the existing grain storage facility which leads 650 metres north where it connects with the C125, a section of adopted highway with a 60mph speed limit. The Highways Authority have advised that the proposal would not have an adverse impact on road safety for existing highway users and is suitable for the type of vehicles which would be required to access the site to either deliver feedstock or remove digestate. This would be either HGV or tractor and trailer.
- 7.63 A number of the objections to the application have raised the issue of highway safety which they consider already exists as a result of the grain drying facility. The existing use of the site is an established lawful use and cannot be taken into consideration in the determination of this application.
- 7.64 The proposal currently under consideration proposes to introduce vehicle movements up to a maximum of 40 (20 in and 20 out) two way movements per day during the months of May, June, July and October. It is envisaged that there would be approximately 7 movements per day in August and September and 12 per day between November and April.
- 7.65 The movements proposed would be the maximum number of vehicles required to service the site and allows for fluctuations in the harvest. It is not envisaged that the site would operate at the maximum levels at all times. In order to ensure that the operation is kept below this level a condition capping the number of movements to those which have been assessed through the Transport Statement submitted would be appropriate. The Highways Authority does not consider that the numbers proposed would cause a highway safety issue. It is recognised however, that vehicle movements could cause an amenity issue to nearby residents which would justify the imposition of the condition which if unchecked could escalate to unacceptable levels.
- 7.66 With the conditions imposed on the vehicle movements and hours of operation the proposal would accord with Policy RE2 of the CMDLP, policy TRA2 of the emerging NLP and Part 4 of the NPPF.

Impact on Residential Amenity

- 7.67 AD developments have the potential to cause impacts on residential amenity through operational noise and odour associated with the site.

Policy OW4 of the Northumberland Waste Local Plan relates to anaerobic digestion developments and Policy RE2 of the CMDLP relates to renewable energy development. In terms of residential amenity these policies support the principle of the development subject to safeguarding the amenity and quality of life of local residents.

- 7.68 The application site for the proposed AD plant is located on agricultural land adjacent to an existing grain drying facility. The nearest residential properties not associated with the development proposal include: The Brocks (310m north), East of North East Grains (450m north east), Middle Moor (600m north), School House (430m north west), The Hainan (570m north west) and Butcher's Lane (670m west)
- 7.69 The applicant has provided noise and odour assessments with the application. The noise report submitted demonstrates that the proposal would not generate noise audible at receptors above those which are experienced already as a result of the grain driers and would be well within the acceptable levels set out in the NPPG and BS4142:2014. In order to ensure that the predicted noise levels are not breached Public Protection recommend that a condition setting noise levels for the operations are attached to any planning permission for the proposal.
- 7.70 In terms of odour from the site the applicant submitted an odour assessment and Public Protection is satisfied that the proposed AD scheme would not result in adverse impacts which would be prohibitive to the development of the proposal, with only one residential receptor in the vicinity of the site (The Brocks) likely to experience slight odour impacts and therefore offer no objection subject to an appropriate planning conditions relating to odour levels.
- 7.71 A number of the objections received in connection with the application are concerned with potential odour pollution from the site. An odour assessment submitted with the application demonstrates that odour emissions are not anticipated to occur in excess of levels set out in national guidance due to the design of the system proposed. Food waste is not proposed as a source of feedstock and this can be restricted by condition attached to any planning permission for the proposal.
- 7.72 Public Protection has been consulted on the application and have raised no objection to the proposal. It is therefore considered that subject to the inclusion of planning conditions the proposal would not result in an unacceptable impact on residential amenity. The proposal is therefore in accordance with policies RE2 of the CMDLP, policy OW4 of the NWLP, policy WAS2 and REN1 of the emerging NLP and guidance set out in the NPPG relating to noise and odour.
- 7.73 It should be noted that the site would also be subject to an environmental permit, regulated by the Environment Agency. This permit would control the technical design details of the plant and its day to day operation. The aim of the permit regime is to provide "*...the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the*

release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.” (MHCLG 2015, waste planning guidance).

- 7.74 Chapter 14 of the NPPF is concerned with flood risk. Paragraphs 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Chapter 15 of the NPPF is concerned with conserving and enhancing the natural environment. Paragraph 170 states that when making a decision on a planning application then new and existing development should be prevented from contributing to, being put a risk from, or being adversely affected by unacceptable levels of water pollution.
- 7.75 The site is located in Flood Zone 1 and is classed as major development and therefore requires a flood risk assessment to be carried out. Information provided by the applicant demonstrates that flooding would not be expected to increase elsewhere as a result of the development. The digestate lagoon is proposed to be located adjacent to Brocks Burn but this has been designed to not be affected by flood events and has been designed with a capacity not to overtop. Levels in the lagoon would be carefully monitored and liquid digestate removed on a regular basis to supply to local farms for fertiliser purposes
- 7.76 The flood risk assessment has satisfied the LLFA that the proposal is acceptable in terms of flood risk subject to conditions relating to surface water drainage and decommissioning. The Environment Agency have also been consulted and have no objection to the proposal

Impact on the Landscape

- 7.77 Policy RE2 of the CMDLP requires that renewable energy proposals do not result in unacceptable impacts on landscape and to minimise visual intrusion of proposals.
- 7.78 The emerging NLP provides a broad range of guidance including; Policy ENV3 which require proposals to maintain and where appropriate enhance important elements of the landscape character and afford consideration to the special qualities of protected areas such as AONBs. Policy ENV5 states landscape and other special qualities of the Northumberland Coast Area of Outstanding Natural Beauty shall be conserved and enhanced.
- 7.79 The application site is located in Landscape Character Type 39 Coalfield Farmland and lies within Landscape Character Area 39a Coastal Coalfields. This landscape has been heavily modified by mining and industrial activity. Despite general heavy modification of this landscape, there are pockets of unaltered rural character, including fragments of ancient woodland. The application site is not located within any designated landscape areas

- 7.80 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) and photomontages from key viewpoints. In terms of landscape character North East Grains is an established feature within the landscape. Views into the site are limited due to topography, mature woodland and vegetation.
- 7.81 The proposed AD plant would be visible from a small number of distant view points such as from the north east of the site. However, the character and visual amenity of these views would not be materially affected by the introduction of this proposal. The AD plant would have a slightly more industrial than agricultural appearance, but is considered to be visually appropriate in this location, given the wider context of the site.
- 7.82 It is therefore considered that the proposal would not result in an unacceptable impact on the landscape in accordance with the NPPF, policy RE2 of the CMDLP, and ENV5 of the emerging NLP.

Impact on Cultural Heritage Assets

- 7.83 Section 66 of the Planning (Listed Building and Conservation Areas) Act (1990) (as amended) requires Local Planning Authorities when considering proposals for development which may affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention be paid to the desirability of preserving and enhancing the character or appearance of conservation areas when considering development in a conservation area.
- 7.84 NPPF Section 16 states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Paragraphs 193 -196 set out the degree of 'harm' that may be caused by development that potentially affects the setting and significance of heritage assets.
- 7.85 The application includes existing and proposed layout plans and elevations accompanied by supporting statements and a Landscape Visual Impact Assessment. It is noted that the site is currently bounded to the west by mature trees having hedgerow and established field boundary systems with agricultural land to the south and east and the existing grain plant immediately to the north.
- 7.86 Situated due north of the proposed development site and east of Longhirst Conservation Area is Middle Moor Farm. This farmstead comprises farmhouse with attached byre; and mid-18th century two-storey Grade II listed barn and granary with cartshed and stables having fold yard enclosed by Grade II listed pen walls. The setting of the farmstead is characterised by the surrounding agricultural land in which it sits having its prominent elevations (farmhouse and barn) affording prospects across the rural hinterland to the south. These prospects are interrupted by established trees and mature hedgerows which serve to reinforce the rural and agricultural character of the landscape. However, there are no formal

designed views to the south (towards the development site) neither is there intervisibility with the proposed development site on approach to the listed buildings from the east, west and south. It is therefore considered that the ability to appreciate and understand the setting and significance of the listed barn, pen walls, and the farmstead character of the group is preserved.

- 7.87 The proposed development site is situated to the east of Longhirst Conservation Area. It is acknowledged that the development proposals will result in a change to the built form and arrangement of the site by virtue of the proposed form, scale and design of the anaerobic digestion plant. However, as demonstrated by the LVIA and site evaluation, where glimpse views are encountered the form and design of the proposed would be interpreted as an organic extension to the grain plant appearing redolent of the established industrial/agricultural activities and nature of the site. This is further reinforced by the scheme's proposed mitigation measures which include the retention of the established planting and boundary treatments and the use of an appropriate colour treatment for the proposed new structures.
- 7.88 The proposed development site is located in a wider archaeological landscape containing known sites from the prehistoric period onwards. The nearest known site of potential prehistoric origin is a circular enclosure identified as a cropmark site on Brocks Hill, c.300m east of the proposed development site. The feature has not been subject to archaeological assessment but may represent the site of an enclosed prehistoric settlement.
- 7.89 The site has been the subject of a desk-based assessment which may not have identified any visible cropmarked features in the site but did highlight the potential for prehistoric remains, in particular, being located on this site. The subsequent evaluation revealed evidence of a late prehistoric enclosure in the eastern section of the development area with at least one roundhouse and internal enclosure features including working pits, post-holes and a potential pit alignment. Fragments of lead waste and a potential hammerstone may indicate that there is evidence of industrial activity within the enclosure. There is also evidence of features to the north of the enclosure which could potentially represent a second enclosure. A peat deposit was identified to the south of the enclosure which may contain palaeoenvironmental evidence of land-use and activity.
- 7.90 The archaeological evaluation has identified the remains of a late prehistoric enclosure in the eastern part of the site of probable regional significance. While the site does not necessarily warrant preservation in situ, it does warrant full open area excavation with the potential need for publication based on the results of the excavation.
- 7.91 The Council's Built Conservation Officer and County Archaeologist are satisfied that the proposal would not result in direct harm to any heritage assets or their setting subject to a condition covering archaeological monitoring in line with the advice set in paragraph 199 of the NPPF. It is therefore considered that the proposals do not conflict with the

requirements of the NPPF, policy RE2 of the CMDLP and policy REN1 of the emerging NLP.

Impact on Ecology

- 7.92 Under Section 25(1) of the Wildlife and Countryside Act 1980 local authorities have a duty to take steps as they consider expedient to bring to the attention of the public the provisions of Part I of the Wildlife and Countryside Act, which include measures to conserve protected species. The Natural Environment and Rural Communities Act 2006 places a statutory biodiversity duty on public authorities to take measures as they consider expedient for the purposes of conserving biodiversity, including restoring or enhancing a population or habitat.
- 7.93 Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and makes it clear that aside from purely mitigating against the harm that a development may cause to biodiversity the definition of sustainable development includes biodiversity enhancement.
- 7.94 The applicant has submitted a preliminary ecological appraisal with the application. The County Ecologist has assessed the appraisal and whilst none of the mitigation or avoidance measures are shown on the submitted plans is satisfied that the measures proposed are appropriate and therefore raises no objections subject to conditions covering the submission of details of mitigation measures and a Construction Environmental Management Plan. The proposal is in line with the requirements of part 15 and 17 of the NPPF and policies, policy RE2 of the CMDLP and policy REN1 of the emerging NLP.

Other Matters

Equality Duty

- 7.95 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.96 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.97 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights

and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 7.98 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.99 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 National and local planning policies provide a positive framework for encouraging renewable energy developments. As set out in the appraisal, the proposed anaerobic digester has the potential to make a contribution to the production of a renewable resource and to contribute to the renewable energy generation. In terms of the generation of energy from renewable technology this is set out in the NPPF and Policy RE2 of the CMDLP and these are met in terms of the development type (renewable energy).
- 8.2 The feedstock for the proposal would utilise waste material and falls to be assessed under Policy OW4 of the Northumberland Waste Local Plan. This policy sets out a locational requirement relating to anaerobic digestion developments. As the proposal would be located in association with an established facility at North East Grains the development fails to accord with the requirements of Policy OW4 which requires that anaerobic digestion plants be located adjacent to landfill site, waste transfer sites or industrial sites. Since the adoption of the NWLP in 2001 there have been advances in AD technology and changes in policy at a national level. Both NPPW and the waste policies in the emerging NLP provide some support in principle for the proposal.

- 8.3 The proposed development would have public benefit in providing a source of renewable energy and this is supported in national and local policy. Furthermore, it would provide economic and environmental benefits consistent with sustainable development objectives set out in the NPPF. These are significant material considerations which outweigh the conflicts with policies in the CMDLP and NWLP and the inappropriateness of the development in the Green Belt which have been set out in the report.
- 8.4 The proposal would increase the supply of green energy for use on site and into the national grid whilst reducing the consumption of fossil fuels. Concerns have been raised about the harm that this proposal would cause notably on the local road network, however, many of these impacts are already in existence. The change in character of the grain drying facility over time to an industrial process is noted but is not for consideration in the determination of this application. The relatively small increase in vehicle movements would not lead to a severe impact on the local highway network. It is therefore concluded that the public benefits outweigh any harm identified and that the proposal, with all of the above in mind, constitutes sustainable development.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the details of the approved plans and associated documents. The approved plans and documents include:

D001 Location Plan

D002 JAS_181130 Rev a Site Layout dated 04.06.18

D003 BS_181211 Rev a Elevations dated 11.12.18

JAS_181130 Plant Layout dated 21.09.17

Ecological Appraisal by Naturally Wild dated October 2018

Flood Risk Assessment Report by RAB Consultants dated 31.10.2018

Noise Assessment by Apex Acoustics dated 12 November 2018

Transport Statement by SAJ Transport Consultants dated December 2018

Odour Assessment by Redmore Environmental Dated 5 November 2018

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

Matters Requiring Subsequent Approval

3. Notwithstanding any indication of materials which may have been given in the application, before development commences a schedule and samples of the materials and colours for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be constructed other than in accordance with the agreed details.

Reason: In the interests of establishing the satisfactory appearance of the development upon completion, from the outset.

4. Notwithstanding the details submitted prior to the commencement of development site levels shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be constructed other than in accordance with the agreed details

Reason: In the interests of establishing the satisfactory appearance of the development upon completion, from the outset.

5. Notwithstanding the details submitted prior to the commencement of development details of the silo, straw processing building and lagoon shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall not be constructed other than in accordance with the agreed details

Reason: In the interests of establishing the satisfactory appearance of the development upon completion, from the outset.

6. Notwithstanding the details submitted a detailed planting and landscaping plan including details of any bunding and boundary treatments shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved scheme during the first full planting season (November to March inclusive) following practical completion of the approved development .
Notwithstanding the details submitted any plants which fail within the first five years following the season in which they were planted will be replaced on a like for like basis.

Reason: In the interests of ecology and visual amenity, in accordance with the National Planning Policy Framework.

7. The development shall not be brought into use until details of staff car parking have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

8. Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction

Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

9. No development shall be undertaken (including groundworks and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted and approved by the Local Planning Authority. The CEMP shall detail the following:
- Details of the disposal of surface water from the development through the construction phase
 - Measures to reduce the risk of pollution to nearby watercourses
 - Measures to be taken in the event of a pollution incident
 - Responsible persons and lines of communication

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that a watercourse is not polluted or contaminated during development works and to ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features

10. No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To maintain and enhance the biodiversity of the site.

11. Prior to the development being brought into use, details of surface water drainage to manage run-off from private land shall be submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is brought into use and thereafter maintained in accordance with the approved details. A maintenance schedule and log, which includes details for any SuDS features for the lifetime of development shall be comprised within and be implemented thereafter in perpetuity.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework and to ensure that the scheme to disposal of surface water operates at its full potential throughout the developments lifetime.

12. Prior to the fixing of any external lighting within the site, including any illumination of the landmark itself, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Details should include:
 - The specific location of all external lighting units
 - Design of all lighting units
 - Details of beam orientation and lux levels
 - Any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely. Any new lighting on the site is designed in accordance with the guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series Bat Conservation Trust/Institute of Lighting Professional 2018). New external lighting will be directional, low wattage and controlled by motion sensor.

Reason: In order to ensure that there is no harmful effect through excessive light pollution, in accordance with paragraph 125 of the NPPF and to maintain the favourable conservation status of protected species

13. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and the approved Written Scheme of Investigation for a programme of archaeological excavation (Vindomora Solutions Ltd ref: 258-19-AAS, dated 22/10/19). The archaeological scheme shall comprise two stages of

work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) The archaeological recording scheme required by the NCCCT Standards document must be completed in accordance with the approved written scheme of investigation.

b) The programme of analysis, reporting, publication and archiving if required by the NCCCT Standards document must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest.

14. Notwithstanding the details submitted in the report entitled "Preliminary Ecological Appraisal North East Grains Longhirst October 2018" by Naturally Wild no development shall take place on site until details have been submitted and approved in writing by the Local Planning Authority of the following:
- A buffer for construction and operational traffic to the burn which runs to the west of the site
 - Buffers to boundary habitats

Reason: To maintain the biodiversity value of the site in accordance with the NPPF

Operational Requirements.

15. Construction operations shall only take place between:
- 7am to 7pm Monday to Friday
 - 7am to 1pm on Saturdays
 - At no time on Sundays or Bank Holidays

Reason: In order to protect the amenity of local residents

16. Between 1 August and 30 September in any calendar year no more than 7 (4 in/ 3 out or 3 in / 4out) HGV and tractor and trailer traffic movements shall enter the site on any single working weekday (Monday to Friday) and none at all on Saturdays, Sundays or Bank Holidays

Reason: in the interests of highway safety

17. Between 1 November and 30 April of any calendar year not more than 12 (12 in and 12 out) HGV and tractor and trailer movements shall enter the site on any single working weekday (Monday to Friday) and none at all on Saturdays, Sundays or Bank Holidays

Reason: In the interests of highway safety.

18. Between 1 May and 31 July and during the month of October in any calendar year not more than 40 (20 in and 20 out) HGV and tractor and trailer movements shall enter the site on any single working weekday (Monday to Friday) and none at all on Saturdays, Sundays or Bank Holidays

Reason: In the interests of highway safety.

19. No vehicles shall enter or leave the site other than between the hours of:

- 07:30 and 1700 Monday to Friday

and none at all on Saturdays and Sundays or Bank holidays.

Reason: In the interests of highway safety.

20. The operator shall maintain a vehicle log for all vehicle movements permitted by conditions 16-18. The Local Planning Authority shall be supplied, within 48hrs of a written request, with details of all lorry/tractor and trailer movements over a 12 month period.

Reason: In the interests of highway safety

21. The noise rating level from the development shall not exceed the following values at the boundary of the nearest noise sensitive premises in lawful existence at the time of this planning permission, when measured using BS4142:2014.

- 1 November - 31 July in any year 45 dB
- 1 August - 31 August in any year 40 dB

* T shall be assessed as one hour during daytime (0700 – 2300) and five minutes at night time (2300 – 0700).

Reason: To protect residential amenity and provide a commensurate level of protection against noise

22. During commissioning testing and before the scheme is brought into use, or continues in use, the operator shall employ a competent acoustic consultant to assess the level of noise emissions from the development at the nearest noise sensitive properties.

The assessment shall be undertaken in accordance with the methodology described in BS 4142:2014 . The Operator shall submit a validation report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the development exceeds the levels stated in condition 20 , at the nearest noise sensitive premises, appropriate mitigation measures shall agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

* T shall be assessed as one hour during daytime (0700 – 2300) and five minutes at night time (2300 – 0700).

Reason: To protect residential amenity and provide a commensurate level of protection against noise

23. The odour from the development shall not exceed 3 odour units (OUE/m³), as detailed in the Redmore Environmental Odour Assessment ref: 2182r2 (5 November 2018)

Reason: To protect residential amenity and provide a commensurate level of protection against odour

24. Within 21 days from receipt of a written request from the Local Planning Authority notifying the operator of a justified odour complaint the operator shall employ a competent independent consultant to assess the odour impact from the development at the complainant's property using a methodology to be agreed in writing with the Local Planning Authority.

Where the odour levels from the development exceeds the levels stated in condition 22, at the complainant's property, appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against odour

25. Only cereal crops, cereal crop derivatives, straw, grass silage, cattle manure and chicken litter as identified in the Odour Assessment carried out by Redmore Environmental dated 5 November 2018 shall be used as feedstock for the anaerobic digester.

Reason: In the interest of residential amenity.

26. If the development permanently ceases to be operational the operator shall notify the Local Planning Authority in writing within 1 month of the cessation of operations . The building, plant, lagoon and all other equipment and features associated with the development shall be removed from the land within 12 months of the date of last power generation and the land restored to its former condition within 6 months.

Reason: To ensure the development site is appropriately restored if the development ceases operation

Informatives

Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Environment Agency

During construction care should be taken to ensure that there is no pollution to the watercourse close by. Also, during transfer of the digestate

from the digester to the storage area, care should be taken to avoid spillages which could enter the watercourse

This proposal will require an environmental permit from the Environment Agency.

Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

Background Papers: Planning application file(s) 18/04533/FUL