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**MAIN CASE**

**Reference No:** 16/00410/FUL

**Proposal:** Extension to existing anaerobic digester plant with erection of 3 no new storage tanks

**Site Address:** Padro House Ely Road Chittering Stretham CB25 9PZ

**Applicant:** Produce Connection/Pretoria Energy

**Case Officer:** Julie Barrow Senior Planning Officer

**Parish:** Stretham

**Ward:** Stretham  
Ward Councillor/s: Councillor Bill Hunt  
Councillor Charles Roberts

**Date Received:** 19 April 2016      **Expiry Date:** 13 July 2016

[R54]

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1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 External appearance
- 4 Construction management Plan
- 5 Construction hours - plant and machinery
- 6 Construction hours - general
- 7 Staff working hours
- 8 Delivery and collection times
- 9 Site based mobile plant
- 10 Feeder to AD plant
- 11 Process enclosure
- 12 Storage of raw materials
- 13 Lighting
- 14 Unexpected contamination
- 15 Fuel source

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the extension to the existing anaerobic digester plant at The Produce Connection Limited. Two Primary Digester Tanks are proposed, 20m in diameter and with a maximum height of 10m, alongside a Digestate Storage Tank 30m in diameter and set into the ground to ensure the same height as the primary Digester Tanks. The tanks will have the same external appearance as the existing tanks on the site.
- 2.2 The tanks will be located on an existing hard standing area to the rear of existing storage buildings and to the north of the existing plant. The hard standing area is currently utilised for the storage of raw material to feed the plant. The expansion of the plant will enable the operator to produce its own fuel that will power vehicles transporting the raw material to the site. In turn this will reduce the number of vehicle movements to and from the site in connection with the transportation of the raw fuel and removes the need for raw material to be stockpiled on site.
- 2.3 The existing drainage system will serve the new tanks and the tanks themselves will be partially screened by the existing earth bunds and landscaping surrounding the site.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.5 The application has been brought to Planning Committee in accordance with Section 5.4 of the Council's Constitution, which requires all large scale renewable energy development (which includes all proposals that involve anaerobic digestion to generate heat, electricity or a combination of the two) to be determined by Planning Committee.

## 3.0 PLANNING HISTORY

- 3.1
- |              |   |          |            |
|--------------|---|----------|------------|
| 92/00857/FUL | Erection of cold store & preparation area including external paved area (1512m2)  | Approved | 08.04.1993 |
| 94/00313/FUL | Proposed Covered Loading Area (1621m2)  | Approved | 21.06.1994 |
| 98/00560/FUL | Erection of extension to form cold store, change of use of workshop to cold store | Approved | 01.09.1998 |
| 99/00163/FUL | Erection of potato and onion  | Approved | 25.03.1999 |

store - 3600m2

12/00055/FUL	Proposed farm anaerobic digester plant	Approved	27.04.2012
13/00325/VAR	Variation of Condition 2 (Colour of Domes) for the Proposed farm anaerobic digester plant	Approved	10.07.2013

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site forms part of the existing anaerobic digester plant, which is located to the rear of an existing agricultural business that grows, stores and packs potatoes. The site is accessed via the old A10 loop road to the west. At present the site is used for the storage of raw material and is laid to hardstanding with an existing below ground drainage system in place. The wider anaerobic digester site is surrounded by an existing earth bund with planting carried out following the construction of the main plant.

#### 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**Stretham Parish Council** – After careful consideration, Stretham Parish Council raise no objections to this application provided it in no way increases the volume of material being transported in and out of the site.

**Waterbeach Parish Council** – Objects to the application based on the following points:

- Design & Access Statement does not allow for the use of School Lane, Chittering for the output of vehicles.
- Use of vehicles in School Land which has no speed limit, weight control and as a small road is not designed for large vehicles.
- Catchment drainage into local rivers.
- Impact on the already busy A10.

If East Cambs agree this application ask for the following restrictions to be introduced and apply to School Lane, Chittering:

- Restrict vehicle movement to between the hours of 8am – 6pm – Monday to Friday.
- Restrict vehicle movement to between 8am – 1pm – Saturdays.
- No vehicle movement on Sundays.
- Unless significant improvements are made to School Lane, Chittering then restrictions on size and weight on vehicles should be made.

**Ward Councillors** - No comments received

**South Cambs District Council** - No Comments Received

**Transport Planning Team** – The additional information submitted in the form of the Transport Statement is acceptable and there is no objection to the application. Should planning permission be granted it is recommended that conditions are imposed limiting the routes that can be used to access the site and restrictions on the number of vehicles using School Lane to the number already occurring.

**Environment Agency** – The submitted information has been reviewed and the details are acceptable. All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies shall not be used. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

**Waterbeach Internal Drainage Board** – The application is within the Waterbeach Level Internal Drainage District.

The application states that surface water will be dealt with by soakaways. The Board is concerned that this would be inadequate for this type of development, given its location.

The plans do show a surface water balancing pond which was included in the original application. This drawing shows an outfall into the Board's District, which the Board believe was never constructed, as no discharge consent was applied for.

The scheme will also need to have an effective means of pollution control incorporated, as pollution incidents have occurred in the past.

Before this application is determined, the method of surface water disposal needs to be clarified.

**Trees Officer** – The precedent at this site is that of industrial development therefore the additional development of this site would not be objectionable.

No detriment to trees currently on the boundary of this site is foreseen.

The site could potentially benefit from some additional landscaping at the boundary of the site, however a condition is not recommended as there is no loss of trees for the development.

**Environmental Health** – On the basis that the tanks are exactly the same as the current ones, i.e. sealed there are no objections. It is advised that any extension to the site is covered by the same (relevant) conditions as under the current permission

5.2 Neighbours – Site notice posted and 64 nearby addresses were notified. The responses received are summarised below. A full copy of the responses are available on the Council's website.

5 responses received from residents in School Lane, Chittering raising the following points:

- Concerned about liquid waste spread on farm land and machinery that transports and spreads this liquid on School Lane.
- School Lane is used by school buses, all farm machinery to adjacent farms and an industrial development in addition to residents and it does not have a footpath.
- Want assurance/confirmation that waste distribution via School Lane will not be increased.
- As residents of School Lane would like to strongly object to plans.
- School Lane is not fit for the size of vehicles/machinery used to transfer liquids.
- Noise and vibration from vehicles/machinery disrupt residents' life.
- Increased congestion of traffic on the dangerous junction of School Lane and the A10.
- Smell of waste effluent being spread on the land is appalling.
- The three domes and waste gas flame are already an eyesore. Three more will be a further blot on the landscape.

3 responses received from residents of Lazy Otter Meadows raising the following points:

- Did not support original application. Since then quiet road by Lazy Otter Meadows inundated by noisy and slow moving farm vehicles and lorries at all hours of day and night.
- Worse during winter as vehicles caused inordinate amount of mud and debris.
- Slow moving vehicles turning from and onto the A10 could causing safety hazard.
- Concerned that by increasing capacity this will impact on scenic beauty of area and exacerbate impact of increased volume of vehicles.
- Unable to access application details online.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
EMP 2	Extensions to existing businesses in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Renewable Energy Development (Commercial Scale) October 2014

### 6.3 National Planning Policy Framework 2012

## 10 Meeting the challenge of climate change, flooding and coastal change

### 7.0 PLANNING COMMENTS

The main issues to consider in the determination of this application are the principle of development, the impact of the proposal on the visual amenity of the area, residential amenity, highway safety and drainage and flood risk.

#### 7.1 Principle of Development

7.1.1 The principle of constructing an anaerobic digester plant on this site has been established through the earlier granting of planning permission in 2012 under reference 12/00055/FUL (copy decision notice attached at Appendix 1).

7.1.2 This application seeks to extend the plant through the construction of an additional digestate storage tank and two primary digester tanks. The output of the plant is expected to increase by approximately 30-40 percent.

7.1.3 Local Plan Policy ENV6 relates to renewable energy development and states that proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated and made acceptable.

#### 7.2 Visual Amenity

7.2.1 The additional tanks will be located on land immediately to the north of the existing tanks and associated plant and infrastructure, on an area currently used for the storage of raw maize. The maize is contained within a series of pens surrounded by concrete walls that will be removed to facilitate the construction of the tanks. The tanks will be partially screened by the existing farm buildings to the west and the 3m high earth bund that has been constructed to the north, east and south of the wider site. The boundaries of wider site have also been subject to a landscaping scheme that will mature over coming years.

7.2.2 When viewed from the north the additional tanks will be seen in context with the existing tanks and will for the most part be screened from views from the south by the existing structures. There are limited public views across the farmland to the east of the site, where the new tanks will be most visible. The proposed tanks will have a similar appearance to the existing tanks and this can be secured by condition.

7.2.3 The extension of the plant does not involve the use of any previously undeveloped land and on balance it is considered that the cumulative effects of the existing plant and the additional tanks would not cause significant and demonstrable harm to the character and appearance of the rural area. The proposal is therefore considered to comply with Policies ENV6 and ENV1 in this regard.

#### 7.3 Residential Amenity

7.3.1 A number of objections have been received from residents in School Lane, Chittering approximately 1500m to the south of the site. The majority of the

objections relate to vehicle movements in connection with the plant, in particular the spreading of the liquid waste from the plant over local fields as fertiliser. This process is fundamental to the closed loop sustainable cycle of the plant.

- 7.3.2 The Transport Statement submitted during the course of the application states that the vehicle movements on School Lane will not increase as a result of the expansion of the plant. There are set limits on the amount of fertiliser that can be spread on agricultural land and whilst output from the plant will increase, new locations away from School Lane will need to be sought for the additional fertiliser.
- 7.3.3 Concerns have also been raised by some residents of the Lazy Otter Meadows Park, approximately 580m to the north of the site regarding the number of slow moving vehicles accessing the site along the former A10 and travelling past the Park. As detailed below, the number of vehicular movements in connection with the Plant is expected to significantly reduce and the type of vehicles in use is also expected to greatly differ.
- 7.3.4 Whilst the proposed tanks will be visible to local residents, as discussed above, these will be viewed in context with the existing Plant and no previously undeveloped land is to be utilised. Planning conditions were used in relation to the construction of the existing Plant to control noise during construction and similar conditions can be imposed in respect of this proposal. It is expected that the additional tanks will be sealed in the same way as the existing tanks, preventing odour and a planning condition can also be imposed in this respect. The amount of raw material being stored on site will be significantly reduced through changes to working practices that will be possible following construction of the tanks and any odour emitted at present from the raw material will be eliminated.
- 7.3.5 On balance it is considered that the proposal will not have a significantly detrimental effect on the residential amenity of local residents and on this basis the proposal complies with Policies ENV6 and ENV2 in this regard.
- 7.4 Highways
- 7.4.1 Due to the nature of the objections received the applicant has been asked to submit further details relating to the highway implications of the proposal and a Transport Statement has subsequently been submitted and examined by the County Council Transport Planning Team.
- 7.4.2 The increase in capacity of the Plant through the additional tanks will enable the operator to produce fuel for biogas vehicles that will be operated by the applicant. These vehicles will be new gas powered lorries, which will replace the current JCB Fastrac/trailer combinations. These new vehicles will have the latest Euro 6 specification Scania gas engine vehicles and will have specifically built 'walking floor' trailer units that have three times the capacity of the existing Fastrac/trailer combination.
- 7.4.3 The additional tanks will be located on an area currently used for the storage of raw maize brought onto site by the Fastrac/trailer combination vehicles. Rather than stockpiling raw maize on site, it will be brought onto site as it is needed in the larger gas-powered lorries. As a result it is expected that the number of vehicle

movements will decrease by approximately 45% despite the increase in output of the plant. The information submitted by the applicant states that at present there are 22 vehicular movements a day in connection with the plant, this rises to 96 movements a day during harvest. Following the introduction of the plant's own fleet of vehicles, movements are expected to reduce to 10 a day.

- 7.4.4 The Transport Planning Team has confirmed that the information detailed in the Transport Statement is acceptable and it has no objection to the proposal. It has recommended conditions placing limits on the routes that can be used to access the site and restrictions on the numbers of vehicles using School Lane to overcome local objections. The Local Planning Authority cannot however control the use of the public highway and it would not be reasonable or enforcement to impose a condition requiring vehicles to follow a specified route. In addition, the existing plant is not subject to such a condition and even if imposed at this time, a condition would only relate to the additional tanks and it would not be possible to differentiate between vehicle movements serving the existing plant and the additional tanks.
- 7.4.5 All vehicles arriving and departing the plant are expected to continue to use the northernmost access onto the A10 where there is a ghost island junction for increased safety when turning on or off the A10. The existing plant is subject to a condition requiring all vehicles approaching the site from the south during the hours of 08:00-09:00 and 16:30-18:00 Monday to Friday to use this access point. As detailed above, the Local Planning Authority cannot control the use of the public highway and it is likely to provide difficult to enforce such a condition.
- 7.4.6 The use of School Lane has been addressed above and given the limitations on the spreading of liquid fertiliser on the fields access of School Lane and the fact that the Local Planning Authority could not enforce such a condition it is not proposed to take this recommendation forward.
- 7.4.7 On the basis of the information submitted it is considered that the applicant has addressed highway safety and that the reduction in the number of vehicle movements and the change to gas-powered lorries from Fastrac/trailer combination vehicles will reduce the traffic and transport impacts of the plant as a whole.
- 7.5 Flood risk and drainage
- 7.5.1 The construction of the existing plant was subject to a detailed drainage strategy, which was secured by condition. As a result the Environment Agency has approved the existing tank construction and drainage system that operates on the site. Additional information has been submitted by the applicant's consulting engineers during the course of the application to address concerns initially raised by the Environment Agency regarding a lack of information on flood risk and drainage.
- 7.5.2 The Environment Agency has now confirmed that the submitted details are acceptable and it has no objection to the proposal. The additional information submitted also details the pollution control measures in place on site and an application has been made to the Internal Drainage Board for consent to discharge to the Board's drain.

7.6 Planning Balance

7.6.1 The proposal involves the extension of an existing anaerobic digester plant, which is expected to increase output by approximately 30-40 percent. The additional capacity of this facility and its contribution as a renewable energy producer weighs in favour of the proposal. The proposed tanks are to be located on previously developed land within the wider site on an area being used for the storage of raw material. The visual impact of the introduction of three additional tanks is not considered to cause significant and demonstrable harm to the visual amenity of the area and the change in working practices that will follow from the extension will reduce the number and type of vehicular movements to and from the site. On balance it is considered that there are no significant adverse effects that would outweigh the benefits of the proposal and the application is therefore recommended for approval.

8.0 APPENDICES

8.1 Decision Notice 12/00055/FUL

8.2 Draft Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00410/FUL	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 665555 julie.barrow@eastca mbs.gov.uk
92/00857/FUL		
94/00313/FUL		
98/00560/FUL		
99/00163/FUL		
12/00055/FUL		
13/00325/VAR		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## Appendix 2 – Draft Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
PC02-16	(12.5)	12th May 2016
PC01-16	(12.5)	12th May 2016
LOCATION PLAN		19th March 2016
PC05-16		13th April 2016
PC04-16		13th April 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The external appearance of the Primary Digester Tanks and Digestate Storage Tank shall be the same as the existing tanks immediately to the south of the site.
- 3 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 Prior to commencement if development a management plan shall be submitted and agreed in writing with the Local Planning Authority regarding mitigation measures for the construction phase these shall include, but not be limited to, a schedule of works, plant to be used, times of use and shall be adhered to at all times during the construction phase.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The use of plant and machinery and deliveries to the site during the construction phase shall be limited to 07:00 - 18:00 Monday - Friday and 08:00 - 13:00 on Saturdays and at no time on Sundays and Bank Holidays.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 Other construction activities shall be limited to 07:00 - 22:00 Monday to Saturday.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Staff working hours on the plant shall only take place between the hours of 07:00-19:00 Monday to Saturday and 07:00-16:00 on Sundays and Bank Holidays.

The only activities permitted on the site outside of these hours are for access by employees and contractors for purposes of security and undertaking emergency maintenance and repair.

- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Delivery and collection times shall be limited to 07:00-21:00 Monday to Friday and 07:00-19:00 on Saturday, Sunday and Bank Holidays
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Any site based mobile plant (excluding HGV's) shall have broadband reversing alarms, either set to a low noise level or, if Health and Safety and/or the LPA deem it necessary, to be of a 'smart' type- A reverse-warning alarm that automatically adjusts the level of sound it emits to suit prevailing conditions
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 The feeder to the AD plant shall be sealed when not being filled.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The anaerobic digestion process shall be fully enclosed.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 At all times the best practicable means shall be employed to control and minimise any possible odour resulting from any storage of raw materials. Measures shall be taken to suppress odour arising from the operations hereby approved. If control measures are found by the LPA to be inadequate, causal operations shall cease until additional measures are provided and demonstrated to be adequate to limit and control the cause(s) of concern.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 No external lighting shall be installed or erected at the site.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a method statement detailing how this unsuspected contamination shall be dealt with.

- 14 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 15 The AD plant hereby permitted shall only be fed with the fuel source stated in the planning application.
- 15 Reason: To ensure that the development complies with the approved details and to allow the LPA to assess whether the use of an alternative fuel source is acceptable in this rural location.