

Agenda Item No 6

Planning and Development Board

12 October 2015

Planning Applications

Report of the Head of Development Control

1 Subject

1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 9 November 2015 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

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General Development Applications

(1) Application No: PAP/2014/0339

Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS

Outline planning application (with all matters reserved for subsequent approval other than access) for the redevelopment of the site for a maximum of 24,652 sqm (265,345 sq ft) of built floor space for employment uses comprising either wholly B2 (General Industry) development or part B2 (General Industry) and a rail distribution depot for the purposes of maintaining rail infrastructure comprising the stabling of trains and the storage, handling and processing of railway related materials; ancillary open storage areas, associated car parking, servicing yards, gantry crane, infrastructure and utilities, retention and use of existing infrastructure including rail head and sidings, site vehicular access, grid connection, electricity sub-station and reconfigured surface water drainage infrastructure., for

Harworth Estates

Introduction

The further amendment to this application was reported to the September Board meeting. At that time the Board resolved to visit the site and to additionally visit sites in Doncaster and Bescot in order to appreciate the nature of the development that might be implemented at Daw Mill should this outline application be granted a planning permission. Members will be aware from that September report that there is a potential occupier for Daw Mill – Network Rail – and thus it was agreed that the other sites be visited in order to see Network Rail’s operations so as to enable potential impacts to be understood.

The Latest Position

a) Visits

Members visited the Doncaster site on the 29 September. At that site they were able to see an operational concrete railway sleeper manufacturing factory in operation together with its associated rail sidings. They were also able to see a rail ballast recycling operation.

Members visited the Daw Mill site on the 10 October.

Members have not visited the Bescot site in Walsall. Because the Doncaster site included the potential type and nature of activity and operation to be seen at Daw Mill in the event of Network Rail occupying it, Members are asked to consider whether a visit to Walsall is appropriate.

b) Application Description

Members may well have picked up that the current proposals as outlined in the September report contained an “and/or” in the revised description. The applicant has sought to clarify this by changing the description to that now contained in the “header” to this report. Whilst this still contains an “either/or”, it is considered that the overall

description is clearer and it is this that will be carried forward in the processing of the application.

c) Consultation and Timetable

The last meeting was notified that the Highway Authority had lodged an objection to the current proposals and that there were continuing discussions between the applicant and that Authority. At the time of writing this report, the Highway Authority has signalled that a revised response to the current proposals is likely to be forwarded to the Borough Council in the week commencing 5 October. The Borough's Environmental Health Officer is also looking to provide a response within the same time period. Given that these are perhaps the two most significant issues involved with the latest proposals, it is considered to be appropriate that the local community has the opportunity to see these responses and that it be invited to comment. There would be insufficient time for any such notification to take place before the next Board meeting on the 12 October. It is therefore suggested that a Special Meeting of the Board takes place to discuss the current proposals.

Recommendation

1. That the Board resolves whether to visit the Bescot site or not in view of the Member visit to Doncaster.
2. That a Special Meeting of the Planning Board be convened to determine the current application.

(2) Application No: PAP/2014/0609

Fir Tree Inn, Fir Tree Lane, Arley, CV7 8GW

Introduction

The application is reported to Board at the request of a Local Member in light of the potential impacts.

The Site

The site is located in the garden of the Fir Tree Inn, within a wholly residential area on the north side of New Arley - see Appendix A. The land is currently laid to grass with existing landscaping along the Frederick Road frontage in the form of a conifer hedge and conifers to the rear boundary which backs onto homes at Fir Tree Lane. The site is enclosed to the north and west by residential properties and to the east by the existing public house which will be retained. There are terraced and semi-detached properties on the other side of the road. The site is illustrated below in terms of its footprint/ layout and the immediate area.



The Proposal

The proposal is for the erection of a class A1 convenience store with associated car parking, landscaping and an ATM machine. The store would have ground floor retail accommodation with a first floor storeroom and staffroom in the roof void areas. It would measure 13 by 16 metres and be 9 metres to its highest ridgeline with a hipped roof arrangement and 7.3 metres to the mid-range with a hipped and gable roof arrangement and 6.2 metres to the ridge at the lower range. Given the site levels, the height of the building would appear higher in scale than the neighbouring dwellings, but when read in

context with the scale of the existing public house and the neighbouring properties at Frederick Road, then the scale would be mid-way between the two. A section of the street scene and elevations are at Appendix B.

The new store would not be set back from the road frontage but would have a prominent frontage virtually in line with the public house. It would be constructed off the rear of the public footway and would sit forward of the building line towards the highway compared with the immediate neighbouring dwelling at Frederick Road. The public house would be proud of the proposal given it has a predominantly higher scale, thus the store would be subservient in aspects of its height when viewed immediately from the street scene.

Additional landscaping is to be provided along the boundary with the adjoining house, at No. 2 Frederick Road. All existing landscaping to the northern boundary would be retained where possible to screen the development from neighbouring properties at the north of the site and along Fir Tree Lane.

Deliveries and the refuse areas would be to the rear of the building. The access off Frederick Road would involve the loss of some of the frontage leylandii. Car parking would be to the rear of the store – a total of 7 car parking spaces is proposed. The public house would retain its existing parking arrangements at the frontage of its site and no parking capacity would be lost to the store.

The applicant says that the store would open from 0700 to 2300 hours throughout the week and on weekends and that 20 jobs would be created – 14 part time and 6 full time. There would be one or two deliveries a day and these would be typically in the early morning with the delivery of fresh produce.

Background

The site serves as a beer garden to the public house which has been well established in the area for many years. The decline in public houses has led to proposed conversions or demolitions in recent years. The proposals here would not relate to the loss of a community facility, such as the public house, as this would be retained as well as a small beer garden.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation), NW20 (Services and Facilities) and NW21 (Transport)

Saved policies of the North Warwickshire Local Plan within the Core Strategy 2014 - ENV4 (Trees and Hedgerows); ENV10 (Energy Generation and Energy Conservation), ENV6 (Land Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON12 (Facilities in Category 3 and 4 Settlements), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework – (the “NPPF”)

Consultations

Warwickshire County Council as Highway Authority – The Council initially had a highway objection, but following the receipt of amended plans and transport arrangement there is no longer an objection subject to conditions.

Environmental Health Officer – The plans have been amended to incorporate an acoustic enclosure for the plant and activities area at the rear of the building. The heating/refrigeration units should be housed in separate enclosures. Due to the site's close proximity to residential property it is recommended that delivery times are not before 0700 hours, nor after 2100 hours. There is no objection to the 2300 hour closing time.

Crime Prevention Officer – No objection subject to notes relating to crime prevention.

Warwickshire County Forestry Officer – The trees to be removed are all conifers so there is nothing really worthy of formal protection.

Warwickshire Wildlife Trust – No comments.

Representations

Arley Parish Council has submitted an objection based on the following grounds:

- Loss of green space within the development boundary of the Pub garden
- Scale of the proposed development is unsuitable for the location adjacent a side road within the village of New Arley
- Current centre of the settlement on Gun Hill provides a more suitable location for such developments and associated traffic and business delivery.
- Loss of amenity to local residents by unsuitable increase in traffic levels, noise, light pollution, parking issues and littering with anti-social activities
- Construction and shop delivery vehicles would increase danger on nearby roads with large vehicles struggling to access the site which is served by a steep side road from a traffic island. This was evident at the recent Arley Miners Site in Ransom Road with construction traffic causing damage to parked vehicles, damage to verges and access obstruction.
- Current retail provision within the designated local service centre of Arley may become oversupplied thus threatening future provision and the functioning of Arley as a local service centre. The village already has a Co-op so economic benefits which are projected in terms of jobs and income for local economy cannot be justified.
- Concerned that the development may affect the sustainability of the nearby public house, whose loss as a community asset would impact on the functionality of Arley.
- The development would be out of keeping with the surrounding pub and housing.
- No mitigation measures to limit the detriment of the development have been proposed or consultations with the local community have taken place.
- We ask prior to any determination of the application that the matter is deferred to the full planning committee who should take the opportunity to conduct a site visit

Eight letters of objection have been received from neighbours. The matters raised include:

- The height of the building is a concern as my house is at the back of it, will the height block out light in the summer and if the aircon and heating units are going to be fitted to the roof would that make the building height be more on one side than the other?
- Village roads unsuitable for delivery vehicles. The increase of road traffic on already narrow streets and the increase in large delivery lorries to the area.
- The documents state that 50% to 55% of users will be pedestrian. There is no direct pedestrian link to Old Arley from Frederick Road and Tremelling Way. The catchment area for this stores limited to New Arley which questions the viability of the store to make a profit, the job figures state create up to these figures if correct give weight to the potential unviability of the store.
- Where is the evidence of the need for this Co-op store the existing Co-op store is less than 10 minutes' walk and less than ½ mile.
- Lack of any provision in Old Arley surely this would be a consideration for the residents in Old Arley, who lost their village shop and post office a couple of years ago?
- If any additional retail outlet is considered in this area it should be a farm shop encouraging the use of locally grown, seasonal produce from local farmers. This would also boost the local economy.
- We do not need a Co-op convenience store in the grounds of the fir tree inn pub where there is already a Co-op store.
- Why not build one in Old Arley.
- The stores already in place would lose custom and possible redundancies made for the locals employed currently.
- There is only the fir tree left in the community, the shop may affect the sustainability of the public house leading to closure.
- The roads were not built for lorries and delivery vehicles Safety should be paramount in the village it is bad enough that the Gun Hill is dire to drive on.
- Anti-social behaviour the problem will move from Gun Hill to the site.
- Home owners brought their property in a rural village and do not want built up buildings in every space available.
- The village is struggling with community spirit and is being ruined continually.
- Why would there be a shop in an area that is accessed via relatively narrow roads that were built for access to housing.
- The roads could not support HGV delivery vehicles which would prove damaging to the road surfaces.
- There would be potential for accidents with children playing outside houses and gardens, the noise pollution would be greater.
- The village already has two convenience stores. There are problems along gun hill which causes problems for bus/coach drivers and HGV drivers use the road as an access to the village as a thoroughfare.

Observations

a) Principle

The site of the store lies within the Arley development boundary as defined by the Development Plan. This Plan supports new developments and local services within existing settlements. The NPPF too requires planning decisions to support rural economic and business growth in order to create jobs and so as to promote the retention and development of local services in villages. This is reflected in saved policy ECON12 of the Local Plan where proposals to improve the viability of existing services are to be welcomed. Policy NW20 of the Core Strategy continues such an approach. Moreover the site itself is not identified in the Development Plan as an open or green space to be retained. It is thus considered that in principle this development should be supported.

There has been some concern that the proposal might impact adversely on the existing shops in the village, those being a Co-op and a post office with a general store. However Members are reminded that “market forces” and “competition” are not treated as material planning considerations and thus these matters should carry little weight here. There is also concern that there is the lack of a store in Old Arley and that provision for a shop should be provided there instead. Members are aware that they have to deal with the application as submitted and thus this particular issue should again carry little weight. However, there is some weight to be given to the application in meeting the concern as it is considered that the proposed location of the store could also serve Old Arley and there is a sustainable transport link between the two villages. In other words it does add a further opportunity for local retail outlets to serve a wider catchment. The store will also provide a service for existing and new customers to the north of the village who may have to walk some way to the existing shops. Moreover the existing village shop is the same operator as the Co-operative and therefore competition would be between the same operators. There is no suggestion that the existing post office within the village would be lost as a consequence. The villages of New and Old Arley have expanded in terms of residential provision recently adding to the significance of a wide catchment.

There is no retail evidence available to defend a refusal based on the possibility of an adverse trading impact in the village. Members are also aware that the greater flexibility in the Use Classes Order makes it much easier for retail units to come about without the need to submit any planning application. It is considered that there is an opportunity here to support the introduction of new local services with the provision of employment opportunities.

b) Design

The design of the new building reflects local character as best as it is able to given its size and function and the scale of the neighbouring public house in relation to the existing residential properties. It is not low in height but the majority of the scale is in the hipped roof arrangement. This does not detract from the existing public house which would continue to retain the dominance on the street scene and hosts a commanding position on the corner of the street. It is lower than the public house and marginally taller than the neighbouring houses to some of its range. It would thus not be over dominant in the street scene. Subject to agreement on satisfactory facing materials, the building can be seen as an appropriate addition to the immediate surroundings.

In terms of layout, then it would have capacity to include features such as pedestrian links and “secure by design” features.

c) Highways

There is no highway objection, given that the site layout has been altered through the planning process to accommodate parking and vehicle manoeuvring. The use of the car park area for seven vehicles is considered to be acceptable. It is also highly unlikely that the car parking area would be wholly full as the majority of the customers would be local and it would be located within a wholly residential area so many customers using the store would be pedestrians. The highways arrangement and site manoeuvrings have been assessed during the application process in light of local comments. Whilst the immediate road network is narrow, the Highway Authority does not consider that this should prevent the development from occurring. The parking a manoeuvring plan is indicated at Appendix C.

d) Residential Amenity

A material consideration is the potential impact on the residential amenity of existing occupiers of the immediate neighbouring properties to the application site. Here that relates to the properties to the north and west. Those to the north are at a separation distance of approximately 19 metres from the rear of the building. Existing boundary trees would be trimmed but would screen the development from these neighbours to the rear. This separation distance is acceptable in order that the neighbours would not suffer from a loss of light or privacy. The neighbour to the west (2 Frederick Road) is at a distance of 12 metres from the side elevation of the building and its lower range. As such the building does not impact on the 45-degree line and thus does not impact on light. Again this separation distance is acceptable and the privacy of this neighbour can be retained by fencing and additional landscaping. The 12 metre gap to this neighbour would be made up of the parking area and access drive to the delivery area. It is noted that whilst this is a new feature for the neighbour, the pub garden would have had an element of noise and disturbance associated with that use. An acoustic fence is proposed to further reduce the impact of the access drive and parking areas on this neighbours amenity. On the adjacent side of the road, the houses are 18 metres away – as measured from their front elevation to front elevation of the shop. This is considered to be a satisfactory separation distance.

In recognition of this however the boundary here is to be enhanced with additional planting and the Environmental Health Officer’s request for no late night or early morning deliveries should resolve delivery times to ensure that they do not take place at unsocial hours. These matters can be dealt with by condition. In all of these circumstances the arrangements can be considered to be acceptable.

In terms of noise disturbance it is often the deliveries to new stores that cause the greatest amenity issues together with refuse collection areas and either air-conditioning or refrigeration plant. The operational end of the store is at the rear, the furthest that it can be from local residents. Here there is proposed to be an enclosure surrounded with an acoustic fence. Details of these features and details of all new plant can be conditioned. In these circumstances it is considered that there is satisfactory control over these issues in order that a noise disturbance outside of sociable hours would not occur beyond the existing disturbance that might be associated with the use of the public house.

e) Ecology

The ecological value of the existing site is not considered to sustain species of a protected nature with the site being grassed and screened by conifers. The development would result in the loss of the green area but retain some perimeter landscaping to the north boundary. The only row of trees to be removed is the hedgerow in the form of high conifers that fronts the site. Appropriate conditions can be attached to protect existing trees and to ensure that new landscaping to the perimeter of the site leads to an enhancement in bio-diversity to the western boundary.

In conclusion therefore the proposal is to be supported.

Recommendation

That the application be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than 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 by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the 1:1250 site location plan numbered RF14-0300, the tree plan numbered – FIRTR – JUL 14, the Tree Protection Method Statement, the Planning and Retail Statement and the Transport Statement received by the Local Planning Authority on 25 November 2014. The elevation plan of the compressor and air conditioning unit and the specification sheets on the compressor and refrigeration/heating units received by the Local Planning Authority on 2 December 2014 and the Noise Impact Assessment received by the Local Planning Authority on 2 February 2015. The Service Area Layout Plan numbered RF14-0306 Rev B received on 29 July 2015 and the Technical Highway Note and Vehicle Tracking and Parking Plans numbered 14015-RF-010 Rev F and 14015 – RF14 – TR001 Rev G, received by the Local Planning Authority on 8 August 2015. The revised site layout plan numbered RF14-0302 Rev E, and the revised floor plan, roof plan and elevation plan numbered RF14-0303 Rev E, RF14 – 0304 Rev C and RF14 -0305 Rev D, received by the Local Planning Authority on 24 August 2015.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. No development shall be commenced before details of all facing materials to be used on the construction of the store and exterior hardsurfacing materials have been

submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. No building shall not be occupied until the 2.7 metre high acoustic fence to the delivery/service area has been erected. The fence shall then be maintained in situ at all times.

REASON

To protect the amenities of nearby residential property.

5. Before the completion of the scheme details to mitigate noise covering the extractor fans and air condensing/heating and re Fridgeration units to the building shall be submitted to and approved in writing by the Local Planning Authority. The noise output levels shall not exceed the agreed details in writing by the Local Planning Authority.

REASON

To prevent disturbance to the occupiers of nearby properties.

6. There shall be no opening of the food store, other than between 07:00 hours and 23:00 hours each day Monday through to Sunday and no deliveries before 0700 hours or after 2100 hours.

REASON

To prevent disturbance to the occupiers of nearby properties.

7. The food store hereby approved shall not be used for any purpose, including any other purpose in Class A1 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification other than for the sale of good to the general public.

REASON

To prevent unauthorised use of the property.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen fences and landscaping to be erected to the boundaries. The approved screen fences shall be erected before the building hereby approved is first occupied and shall subsequently be maintained. A landscaping scheme shall include details of supplementary landscaping along the boundaries to No. 2 Frederick Road and Fir Tree Inn. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9. The scheme referred to in Condition No 8 shall be implemented within six calendar months of the date of occupation of the premises for business purposes, and

in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

10. No development shall take place including site clearance until Tree Protection Measures in the form of protective fencing around the root protection areas has been placed in situ to protect the trees earmarked for retention, in accordance with details in the Tree Protection Method Statement and Tree Plan required by Condition 2. Tree protection measures shall be maintained in situ until development is completed to the satisfaction of the Local Planning Authority.

REASON

In the interests of retaining tree cover for the amenities of the area.

11. No development shall take place on site until details of any flood lighting, including hours of operation, has been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, operated and maintained in accordance with the approved scheme before the development is first occupied. Glare shall not be created upon the public highway by the lighting sources associated with the proposed development.

REASON

In the interests of the amenities of the area and highway safety.

12. Access for vehicles to the site from the public highway (Frederick Road D475) shall not be made other than at the position identified on the approved drawing, number 14015-RF14-010 Rev F, whereby the visibility splay requirements shown on the drawing will be satisfied. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the Interest of Highway Safety

13. The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority for HGV's.

REASON

In the Interest of Highway Safety

14. No development shall commence until full details of the surfacing, drainage and levels of the access, car parking, servicing and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and

manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the Interest of Highway Safety

15. The maximum length of vehicles delivering, collecting or servicing the site shall be no longer than 10.059 metres to ensure such vehicles can enter the site using a forward gear, turn around within the site and re-enter the public highway using a forward gear. The public highway shall not be used for the purposes of deliveries, collections or servicing of the site.

REASON

In the Interest of Highway Safety

16. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. No gates shall be hung within the vehicular access to the site so as to open within 11.0 metres of the near edge of the public highway footway.

REASON

In the Interest of Highway Safety

17. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the Interest of Highway Safety

18. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 – 09:00 and 17:00 – 18:00) or during periods when children are going to / or being collected from the local school.

REASON

In the interests of Highway Safety for all users.

19. There shall be no construction, site clearance or demolition works before 09:00 hours of after 18:00 hours Monday to Friday or before 0900 hours or after 1300 hours on Saturday. There shall be no construction whatsoever on Sundays or Public Bank Holidays.

REASON

In the interests of the amenities of the area.

20. Retaining wall details shall be provided including the structural calculation to the boundaries where the development abuts the boundary with Fir Tree Inn.

REASON

In the interests of securing ground stability.

21. Details of roller shutters/grilles to be included over the entrance doors shall be submitted and approved in writing by the Local Planning Authority prior to the installation of the shutters/grilles, details shall include colour finish and specification.

REASON

In the interests of the amenities of the area.

22. The applicant/owner shall afford unrestricted access and make the images available within 24 hours to the Local Enforcing Police Authority, to the data recorded from the CCTV monitoring cameras. The images will be retained for 31 days, at 12 frames a second, the CCTV system will be maintained to a fully operational standard at all times.

REASON

In the interests of monitoring potential incidents of anti-social behaviour in the interests of the amenities of the area.

Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

2. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.

3. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345

762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

6. Condition numbers 14 to 17 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness. The county Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicants/developer's failure to make an application for such an agreement/licence sufficiently in advance of the works requiring to be executed, or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.

7. The applicant/developer will be required to defray all the County Council's administration, legal, design, technical approval, safety audit, inspection of works costs etc., whenever applicable in respect of any applications to enter into Highway Works Agreements, or for the issue of licences or similar actions.

8. No felling shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway authority for a replacement tree(s). The felled tree(s) shall be replaced during the first planting season following the tree felling works hereby permitted and commuted sums shall be collected for the replacement tree(s) maintenance.

8. In respect of secure by design standards, it is advised that a retail unit alarm system be extended to the roof of the building. It is recommended that CCTV coverage be provided to the site both internally and externally.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0609

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/11/14
2	The Applicant or Agent	Plans and Statement(s)	2/12/14
3	The Applicant or Agent	Statement(s)	2/2/15
4	Mr Williams	Representation	7/2/15
5	Mr Godfrey	Representation	10/2/15
6	NWBC Forward Plans	Consultation reply	12/2/15
7	NWBC Environmental Health	Consultation reply	16/2/15
8	Crime Prevention Officer	Consultation reply	18/2/15
9	Arley Parish Council	Consultation reply	3/3/15
10	WCC Highways	Consultation reply	4/3/15
11	Mr Williams	Representation	5/3/15
12	Ms Eady	Representation	6/3/15
13	WCC Forestry Officer	Consultation reply	10/3/15
14	Ms Jones	Representation	11/3/15
15	Case Officer to Agent	Correspondence	12/3/15
16	Mrs Sykes	Representation	19/3/15
17	Mr Sykes	Representation	19/3/15
18	Ms Fellows	Representation	23/3/15
19	Mr and Mrs Thomas	Representation	28/3/15
20	Case Officer to Agent	e-mail	30/3/15
21	Agent to Case Officer	Extension of time	30/3/15
22	Severn Trent Water	Consultation reply	13/4/15
23	Case Officer to Agent	e-mail	11/5/15
24	Agent to Case Officer	e-mail	11/5/15
25	Case Officer to Agent	e-mail	18/5/15
26	Agent to Case Officer	e-mail	19/5/15
27	Case Officer to Agent	Correspondence	4/6/15
28	Agent to Case Officer	e-mail	5/6/15
29	Case Officer to Agent	e-mail	15/6/15
30	Agent to Case Officer	Revised plans	15/6/15
31	WWT	Representation	19/6/15
32	Ms Eady	Representation	20/6/15
33	WCC Highways	Consultation reply	25/6/15
34	Case officer to agent	e-mail	25/6/15
35	Agent to Case Officer	e-mail	25/6/15
36	Arley Parish Council	Representation	30/6/15
37	NWBC Environmental Health	Consultation reply	6/7/15
38	Agent to Case Officer	Revised plans	7/7/15
39	Crime Prevention Officer	Consultation reply	8/7/15

40	NWBC Environmental Health	Consultation reply	22/7/15
41	Agent to Case Officer	e-mail	22/7/15
42	Agent to Case Officer	e-mail	22/7/15
43	Agent to Case Officer	Revised plans	24/7/15
44	WCC Highways	Consultation reply	27/7/15
45	Agent to Case Officer	e-mail	29/7/15
46	Crime Prevention Officer	Consultation reply	30/7/15
47	Case Officer to Agent	e-mail	30/7/15
48	Agent to Case Officer	e-mail	30/7/15
49	Case Officer to Agent	e-mail	5/8/15
50	Agent to Case Officer	e-mail	6/8/15
51	Severn Trent Water	Consultation reply	6/8/15
52	Arley Parish Council	Representation	8/8/15
53	Neighbour (name unknown)	Representation	11/8/15
54	WCC Highways	Consultation reply	19/8/15
55	Case Office to Agent	e-mail	20/8/15
56	Agent to Case Officer	e-mail	20/8/15
57	Case Officer to Agent	e-mail	24/8/15
58	Agent to Case Officer	e-mail	26/8/15
59	NWBC Environmental Health	Consultation reply	28/8/15
60	Case Officer to Agent	e-mail	28/8/15
61	Agent to Case officer	e-mail;	3/9/15
62	Mr Bateson	representation	18/9/15
63	Crime Prevention Officer	Consultation reply	22/9/15
64	Case Officer to Agent	e-mail	29/9/15
65	Agent to Case Officer	e-mail	29/9/15

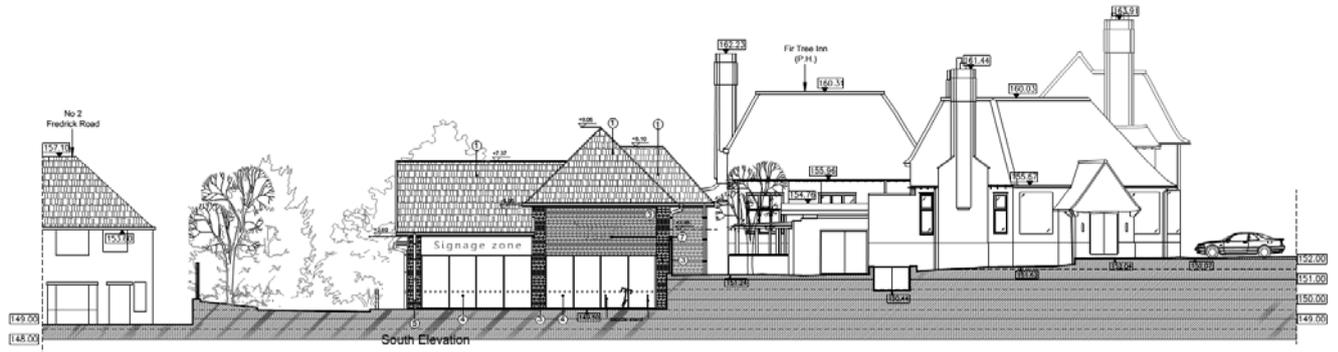
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix A

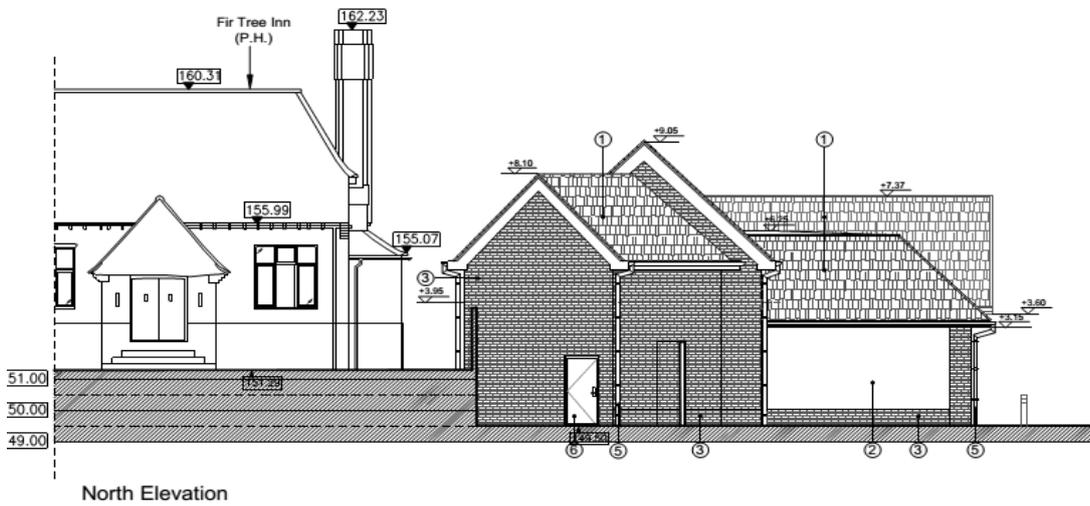
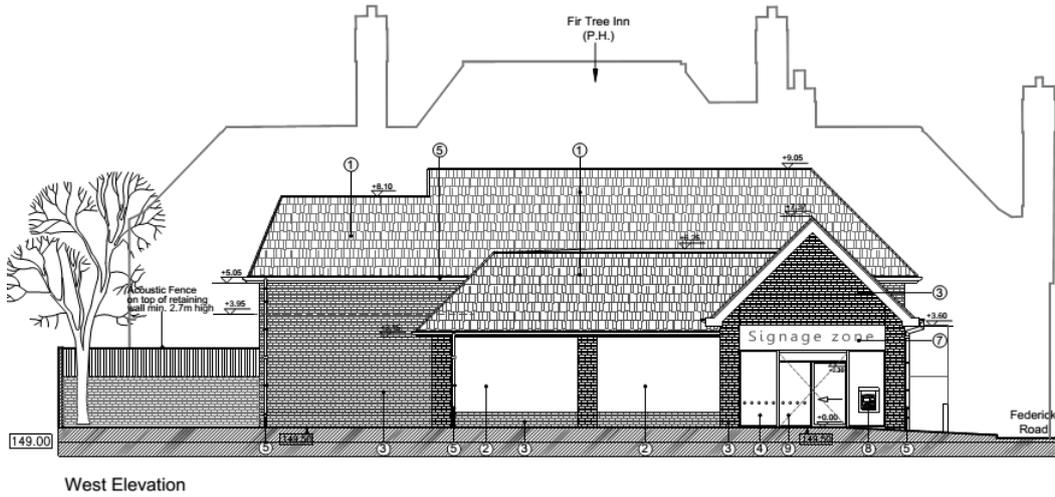


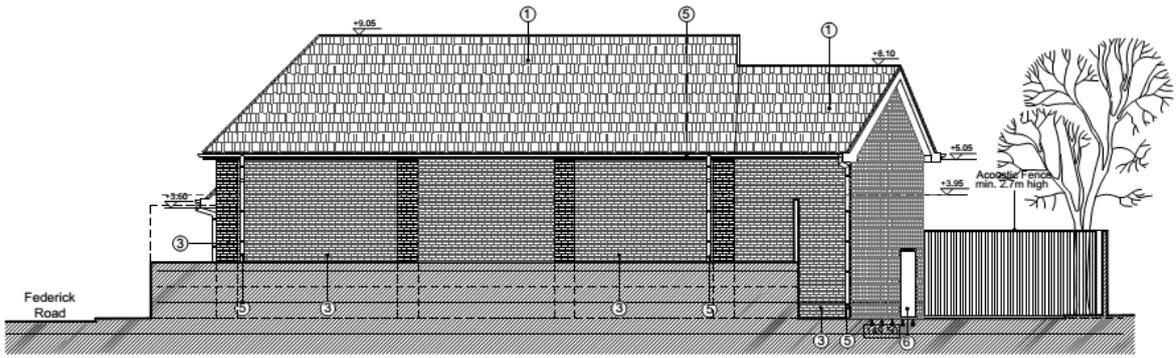
Appendix B



Street View along Frederick Road

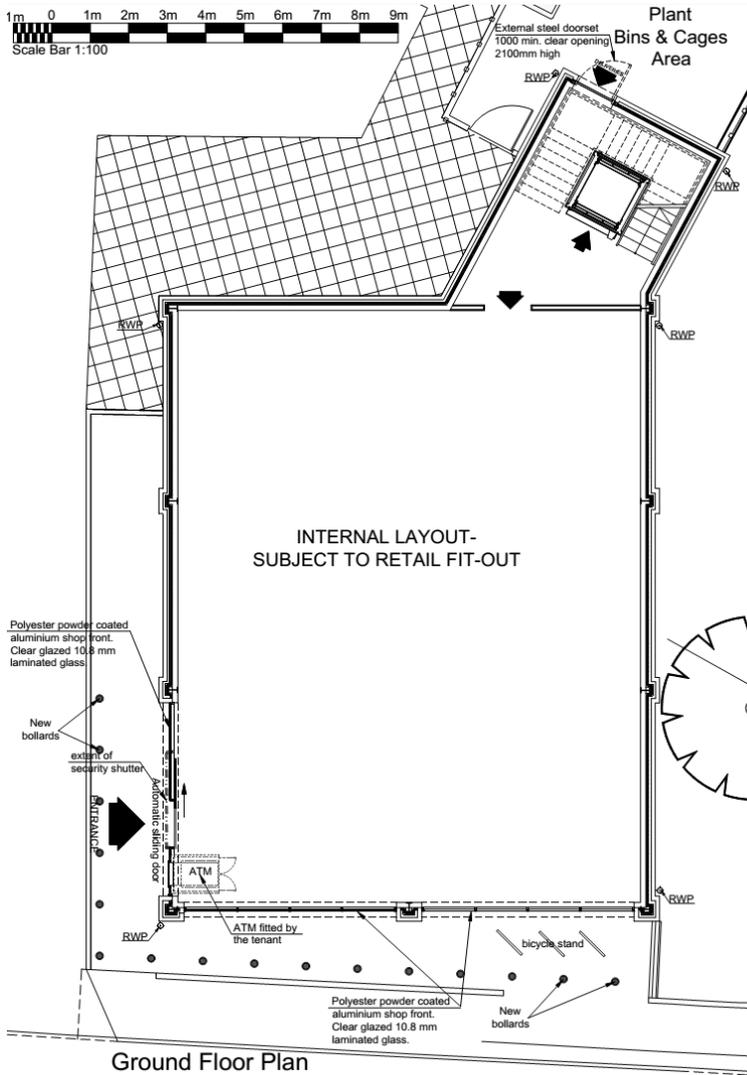
Proposed Elevations below:





East Elevation

Ground floor layout plan below:



First Floor Plan layout below:

Appendix C
Photographs of street scene



Direct view of frontage to site showing existing landscaping and context of immediate neighbouring buildings.



Site from neighbouring dwelling



Streetscene existing boundary fronting Frederick Road and the elevations to the public house below.



Existing arrangement in the beer garden

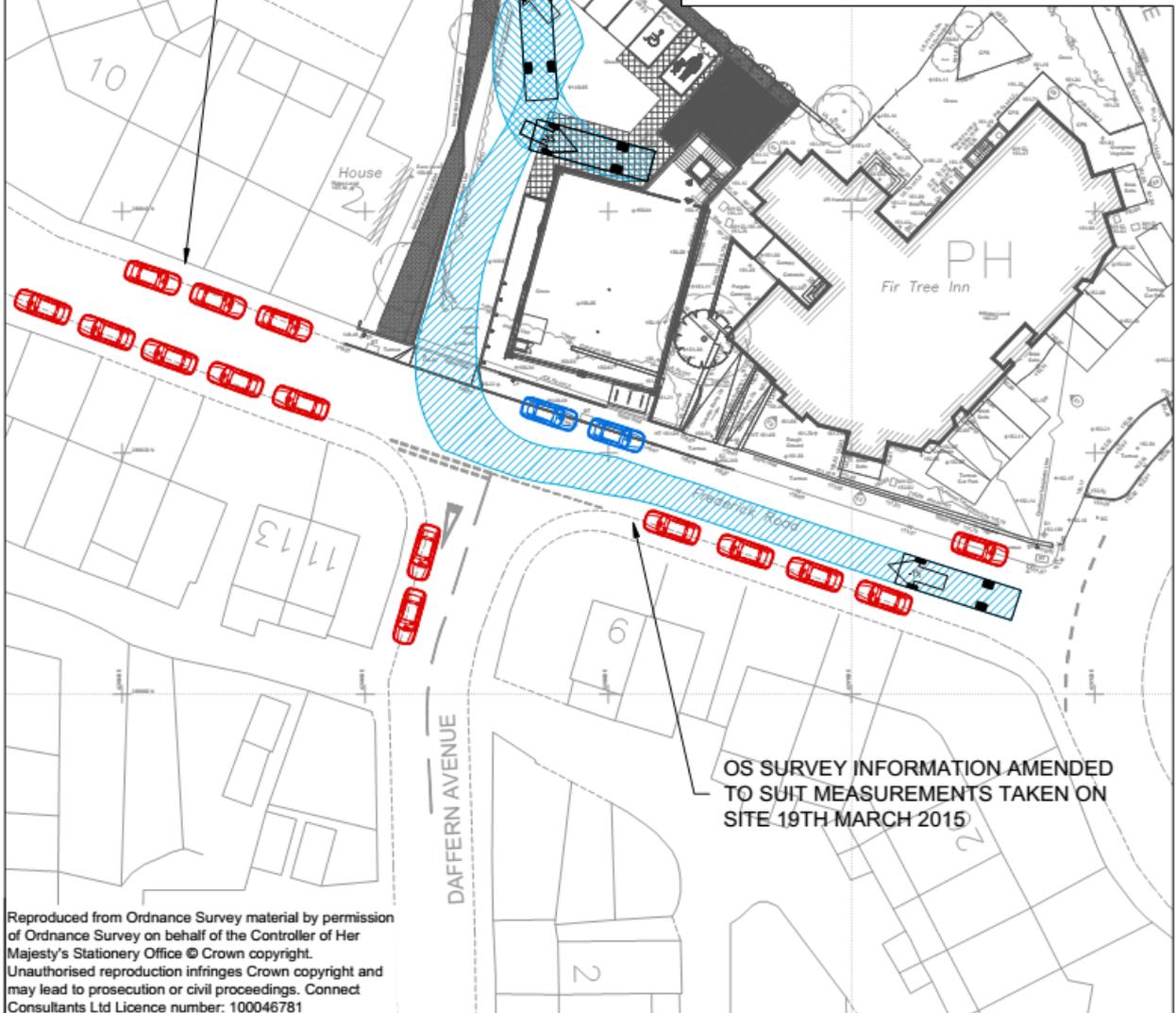


Appendix D

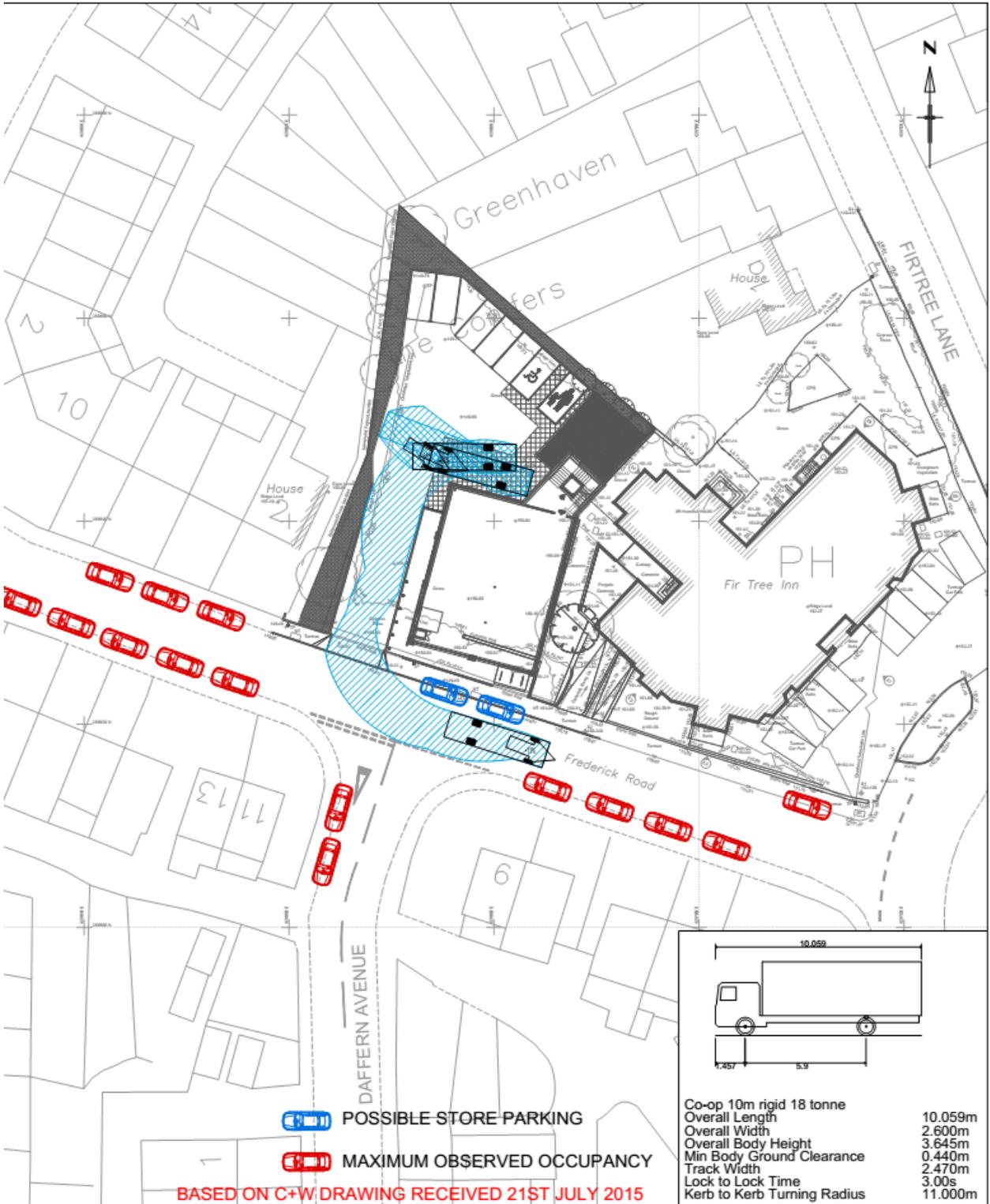
Vehicle Manoeuvring Plan

A3

OS SURVEY INFORMATION
AMENDED TO SUIT MEASUREMENTS
TAKEN BY WCC



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(3) Application No: PAP/2014/0665

Hollow Oak Farm, Breach Oak Lane, Corley, CV7 8AW

Installation of small anaerobic digester to convert farmyard manure, straw and silage into renewable energy and organic fertiliser, for

Mr Joe Brandreth - AW & J Brandreth & Son

Introduction

This application was reported to the July Board meeting, but a determination was deferred in order that Members could visit the site and secondly because additional information was to be submitted by the applicant to address matters referred to in that report.

Members have now visited the site and additional information has been submitted. Re-consultation has also taken place following its receipt.

The previous report is attached for convenience at Appendix A.

The Site Visit

Members have visited the site of this proposed installation and its surrounds. A note of that visit is attached at Appendix B. In summary the visit included looking at the site itself, its setting and from close to the nearest public footpath to the north; the machinery and vehicles used on site and in transporting materials, visiting the proposed access point and touring the roads around the site.

The Additional Information

The applicant has submitted additional information in response to the matters of concern raised in the initial report to Members. This includes written clarification and further evidence together with additional amendments and proposals.

This is attached in two letters at Appendices C and D. Some of the matters raised in these letters will be included as additional Appendices.

In summary, the matters are:

- Size of the AD plant – This is a 500kw plant. It will take grass silage, slurry and waste from the whole of the farm holding – the land that is both owned and rented as well as straw from other farms which is already stored at Hollow Oak Farm. This straw import will come from the straw business that is already operating from Hollow Oak Farm. As can be seen from Appendix D no more than 30% of its feedstock is from straw.
- Process – The use of the straw is said to be an integral part of the AD process and would not dilute the organic credentials of the farming partnership. This is confirmed by Organic Farmers and Growers Ltd – see Appendix E. Straw and silage is said to be essential to enable the plant to be viable in terms of energy production as well as in the value of the digestate product as an alternative of fertilisers – Appendix D. Alternatives to straw and silage could be used, but

those crops would still have to be transported to the site and the existing lawful straw business would still continue.

- Access – The applicant has confirmed that all materials brought to the site for the AD plant would access the site from the access in Howe Green Lane. The great majority of the materials brought to the site for the AD plant would thus use Astley Lane or Park Lane, then Windmill Lane and Howe Green Lane accessing the plant from the access on Howe Green Lane. In other words from the north. This therefore avoids use of that narrow stretch of Breach Oak Lane to the immediate east of Hollow Oak Farm for the bulk of the materials. However there would still be some use of this lane and the southern section of Breach Oak Lane for the transport of straw because the source of this straw is close to those roads and alternative routes to Park Lane and Astley Lane would involve long detours. It is estimated that 25% of the straw going into the Howe Green Lane access would travel along the southern section of Breach Oak Lane and that 5% would use the short stretch of Breach Oak Lane east of Hollow Oak Farm. All of the traffic movements taking the digestate away from the site would use the access onto Howe Green Lane, with the majority of trips turning left so as to travel north to Astley Lane and avoiding Breach Oak Lane. Appendices F and G illustrate the existing and proposed routes.
- Traffic figures – The applicant confirms that the annual total number of movements currently using the Breach Oak Lane access into Hollow Oak Farm is 2368 – i.e. say 1200 in and 1200 out. The make-up of this total is shown at Appendix H. It is appreciated that this total is seasonal but it amounts to say around 6 or 7 movements a day. The applicant states that this would fall to 2024 annual two way movements once the AD was up and running and the caravan use ceased, but that these movements would then be via the Howe Green Lane access. The make-up is shown in Appendix H and the daily figure would fall to around 5 or 6 movements.
- Connection to the National Grid – The AD plant would be connected to an existing on-site transformer by underground cabling. This transformer is at the southern end of the existing buildings close to the gate across the access drive from Breach Oak Lane. See Appendix I.
- Water Provision – The AD will be fed by farm waste only – i.e. straw, silage and slurry, not food waste. There will be no water imported to the site as the applicant will use the existing borehole onsite and utilise this water together with “brown water” harvested from both the existing and proposed buildings. There is a current Abstraction Licence enabling 2.04Ml of water to be abstracted each year. Officers and Members have seen a copy of this Licence.
- Noise and Odour – Some representations received suggested that the noise and odour assessments did not take full account of the actual specification of the plant – i.e. the use of macerators . The Environmental Health Officer has been asked to reconsider his initial conclusion but has confirmed his previous comments – that noise mitigation measures will be required and that these can be agreed under planning conditions – there being no objection in principle.
- Other Uses – The applicant is prepared to wholly relinquish the caravan storage at the site through an appropriately worded planning condition to the effect that twelve months is allowed in order to enable this.
- The applicant has confirmed that he holds a Certificate of Compliance from Organic Farmers and Growers Ltd saying that the farm is an accredited organic holding. This has been confirmed – see Appendix E
- Land Ownership – Other than land that is owned by the applicant, additional land that he farms is leased to the applicant on a lifetime tenancy.

- Visual Impact – The applicant reiterates the fact that the tallest structure has already been reduced from 15 to 11.8 metres. It will sit on lower land than the existing buildings and it is now proposed to reduce the ground levels by a further metre through additional ground levelling works. The AD plant has been moved close to the western boundary where there is significant existing hedge and tree cover and additional landscaping, including the provision of semi-mature trees is now also proposed along the eastern boundary – see Appendices J and K.
- Letters of Support – The applicant has forwarded ten letters of support as itemised in the background papers listed in this report.
- The Environmental Permit - A permit has been granted by the Environment Agency and this runs to January 2018. This restricts the use of the AD to agricultural waste alone – see Appendices L and M.
- The applicant has confirmed that his son would reside in the house on site.
- Other Considerations – The applicant sets out in Appendix C why in his view that the AD plant would help sustain and support the economic longevity of the organic farming business and thus the local rural economy and its environmental sustainability.
- Construction – The applicant estimates that the construction period would be some 4 to 5 months. An outline of the method of construction is at Appendix N.

Re-Consultation

Re-consultation on the earlier of the two letters referred to above at Appendix C has taken place with those who were included in the notification process at the time of the initial application as well as those who sent in representations but were not.

As a consequence there were twelve letters of objection. The letters refer to:

- There is no justification to build such a large industrial processing plant in the Green Belt. It could go on brown-field land.
- The very special circumstances are not “very special”.
- It is still a large amount of new built development – 100 by 60 metres.
- It will be in operation 24/7 throughout the year leading to noise and odour risks as well as light pollution.
- There is no overall CO₂ analysis to evidence carbon savings – e.g. taking travel into account particularly taking digestate off the farm
- The traffic figures are still uncertain
- Imported straw is not organic.
- There is inconsistency in the employment figures
- This is an experimental plant
- The sustainability credentials of the scheme are questionable as AD plants affect agricultural rent levels
- Who will enforce pollution issues?
- There is no “bund” to capture spills etc.
- The proposal does not accord with several policies of the Development Plan.
- Does the water extraction have the appropriate Abstraction Licence?
- More detail is needed on the grid connection
- Lifetime tenancies need explanation

Corley Parish Council – The Council submits an objection based on the development not being appropriate in the Green Belt. It also requests that the technological issues need to be sufficiently researched; that it needs to be limited to the current size and for the applicant’s use alone.

Fillongley Parish Council - No objection subject to the following:

- The caravan storage should be removed
- Only “home” sourced material should be used
- The house should be occupied within twelve months of the grant of permission.

A further re-consultation took place following receipt of the letter of 15 September – Appendix D. Thirty eight objections had been received up to the time of preparing this report. Some of these appear as a “pro-forma” which raises three concerns and invites people to then add their own further comments. The pro-forma is attached at Appendix O and the three concerns are:

- There is no confidence in the traffic figures
- The Noise and Odour Assessments are out of date
- The plant will be unmanned and monitored remotely.

The other matters raised include:

- Loss of Property value
- Impact on the environment and wildlife
- No appropriate in the Green Belt
- It will be an eyesore
- Additional land has been acquired

Three very full letters of objection are attached at Appendices P, Q and R as they cover many of the matters of concern

A petition of objection has been submitted containing 310 signatories. The front pages of this are attached at Appendix S

Corley Parish Council – No response has yet been received

Fillongley Parish Council – No response has yet been received.

A letter of support says the AD will be good for the environment and helps in organic farming.

Development Plan

All of the policies identified in the report at Appendix A remain relevant to this proposal.

Other Material Planning Considerations

Advice on the use of planning conditions is set out in the National Planning Practice Guidance of 2014.

Introductory Remarks

Members are reminded that the Board is dealing with a planning application and thus its remit is only to assess the planning merits of the proposal. In this respect Members are not required to undertake a carbon audit of the proposal; address matters that are more properly dealt with under other legislation, question how a farm holding should be managed or make any judgement on the personal credentials of the applicant. In order to keep to this remit, the guiding principle is to ask whether the proposal accords with the Development Plan.

Observations

This part of the report will draw on the matters raised in the previous report at Appendix A and consider whether the concerns outlined therein together with the issues raised, have been addressed through the proposed changes outlined above and the additional information provided. In summary it is considered that they have and that they are sufficient to alter the recommendation.

a) Green Belt

The NPPF makes it very clear that there are several steps to take when looking at the Green Belt issue. The first is to establish whether the proposal is appropriate or not appropriate under the definitions set out in the NPPF.

The applicant and officers agree that the proposal is not an agricultural building, being a building for a renewable energy project. In this case the NPPF says that elements of such projects might be inappropriate development if they cause harm through having an adverse impact on the openness of the Green Belt and/or if they harm the purposes of including land within the Green Belt. It is considered that the proposal will impact on the openness of the Green Belt because its installation amounts to the construction of new and large buildings in an open field beyond existing farm buildings. Additionally it is considered that this would not assist in maintaining one of the purposes of including land within the Green Belt, that of safeguarding the countryside. The proposal is thus not appropriate development in the Green Belt.

The second step is to assess the degree of Green Belt harm – in other words the degree of harm on openness and in not safeguarding the countryside. There have been changes since the last report – the further lowering of the development into the slope of the land; the additional landscaping which will effectively divide the field where the plant is to be installed into two fields and the relinquishment of the caravan storage. There still would be harm but it is considered that these changes are material and sufficient to lower the degree of Green Belt harm found in the first report. It is concluded that there would now be moderate rather than significant harm. Members attending the site visit will be able to come to their own conclusion on this matter.

The third step is to assess whether there is any other harm over and above Green Belt harm that needs to be considered later in the final fifth step. This non-Green Belt harm will be evaluated later in the report.

The fourth step is to identify whether there are any material planning considerations of such weight that could amount to the very special circumstances necessary to outweigh the combination of Green Belt harm and non-Green Belt harm. The onus is on the applicant to identify these considerations. In this case he is putting forward three such considerations – the first is the renewable energy argument; the second is to support

the organic credentials of the farm holding and the third is an economic viability argument. These will need to be considered later in this report in the final fifth step. That step is to undertake a balancing exercise weighing the total level of harm - that to the Green Belt and to other concerns - against these three considerations.

These final steps will be dealt with later. It is now necessary to return to the third step – that of evaluating non-Green Belt harm.

b) Landscape Character

It was concluded in the initial report that there would be some harm to the character of the landscape here. The key element was one of “containment”. The changes described above in reducing the harm caused to openness will also improve the standing of the proposal in respect of its impact on the character of the landscape and its visual impact. It is considered that there will be limited harm as a consequence. This is due not only to these changes which enable greater “containment” – eg. visually and physically dividing the field into two thus containing the plant, but also to the fact that large agricultural buildings could be erected here under agricultural permitted development rights – including silage clamps; storage buildings, grain and feed silos. The buildings here are not necessarily therefore out of place. The flare stack referred to by objectors is not the tallest structure here and is located well within the range of other taller buildings. It would only be “flared” at times of maintenance or emergency. The buildings would be coloured dark “juniper” green. The only public footpath from which the site can be seen is to the north and this is in fact a “cul-de-sac” path according to the Definitive Map of the County Council. With the setting down of the buildings further into the slope, it is considered that the opportunity for any glimpsed views of the site from occasional gaps in the surrounding public highway hedgerows is much reduced. It is accepted that the plant would be seen in the landscape from some distant public highways, but these would be transitory and glimpsed views. It is considered that the plant would be interpreted visually as a collection of modern agricultural buildings. In short therefore it is now considered that landscape and visual harm is limited.

Members will be able to come to their own conclusion on this matter following the site visit.

c) Highway Safety and Access

The applicant has now provided a traffic generation analysis comparing existing operations with projections arising from the development. These show that an overall annual reduction in movements is anticipated - at worst it could be said that the figures would be equivalent. There is now confirmation that no water would be imported; that traffic connected with caravan storage would cease and that all feedstock imports and digestate exports would use from the Howe Green Lane access. Whilst the Highway Authority raised no objection to the anticipated movements, as was reported to the last meeting, it was the planning context of the traffic figures that raised concerns. There is now more comfort with the additional information, such that mitigation through planning conditions can be considered as being appropriate to off-set these concerns. It can be seen from the tables that there will be a significant nett reduction in traffic using the existing access in Breach Oak Lane and thus the length of lane between that access and its junction with Howe Green Lane. Members saw the single carriageway width of this stretch on their visit. There would be an increase however using Howe Green Lane but this is the better road and the Highway Authority has no objection. Moreover it has to be pointed out that agricultural vehicles are already and will continue to use Howe Green Lane and Breach Oak Lane whether associated with this particular farm holding

or not. Even if this application is refused, then the nature and extent of the existing traffic arrangements will still continue. For instance Members are aware that there is a lawful straw business operating from the site and that in the event of a refusal that would continue together with its associated traffic movements. The application does therefore provide an opportunity here for improvement – less traffic on the southern section of Breach Oak Lane. As a consequence of all of these matters it is not considered that there would be the significant harm caused to warrant this matter being of substantive weight. Indeed in respect of access and associated traffic travelling along Breach Oak Lane, it is considered that there would be an improvement as the great majority of traffic would enter the site from the north and also leave in that direction. Members are reminded that the NPPF states that for traffic matters to carry substantive weight in terms of a refusal, they have to be “severe”.

Concerns about damage to the highways; the deposit of waste on the carriageways and verges and overladen vehicles are matters that should be taken up primarily with Highway Authority and if necessary the Police.

d) Health and Safety

The Environment Agency standard rules for AD's are attached to the applicant's letter as verification of the Regulations surrounding the operation of such installations. Indeed the Agency has granted a Permit and this is considered to be a material consideration of significant weight. Breach of its conditions would result in the loss of the permit and thus the closure of the operation. There is no requirement for a bund in that Permit but it does require only the use of farm waste. It is also of weight that the Council's own Environmental Health Officer has not raised an objection.

Members will be fully aware that it is not within the remit of planning decision making to consider matters that are regulated through other relevant legislation. The Environment Agency here will be the regulatory body overseeing the operation of this plant through the issue of its Permit. Should there be breaches of that permit in terms of noise or odour emissions, then those matters should be raised with the Agency as it has the ability to close the plant. The actual operation of the plant is thus a matter for that Agency. The fact that this is governed by another Agency with full regulatory legislative authority is sufficient for the Council as Local Planning Authority. Its remit here is only to consider the planning merits of the case.

Representations made refer to the omission of a bund around the site because of potential leakage or breach of the tanks. As explained this is not a requirement of the Environment Agency. If however Members consider that such a feature should be included as a precautionary measure then this could be dealt with by an appropriate planning condition. The applicant has indicated that he would accept such a condition.

The occupation of the house on-site by the applicant's son is of weight here too as that should allay some of the objector's concerns.

e) Noise and Odour

The Council's Environmental Health Officer has re-visited the case in light of representations received but has not altered his conclusion – subject to agreeing noise mitigation measures there is no objection. This can be dealt with by condition as is common practice. He points out that these measures will be physical – i.e. enclosures/screening/silencers etc.

f) Other Matters

The previous report concluded that there would be no significant harm on the amenity of nearby residential properties; on the bio-diversity of the site and its surrounds or on local heritage assets. The additional information received does not alter these conclusions. The information about the nature of the tenancies and the connection to the National Grid reinforce this conclusion.

Objectors refer to the need to evaluate whether there would be an overall carbon benefit through the provision of this proposal. They request a full carbon “audit” taking into account all of the farm operations as well as taking into account the traffic movements to and from the site. Members are reminded that the Board has to deal with the application on its planning merits. It is thus guided by the NPPF and its own Development Plan. The NPPF explicitly says that, “when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions”. A full carbon audit is thus not required. Members are reminded too that the generation of a form of renewable energy for the lifetime of the installation will replace the use of existing fossil fuel electricity and that it will feed the National Grid. Additionally the section on traffic movements above suggests that there would be little change in overall volume than that happening at present. The applicant points out too that the proposed plant would reduce methane emissions as the decomposing feedstock is to be captured in the digestate rather than into the atmosphere from conventional manure storage systems. The approach set out in the NPPF is reflected in the Council’s Development Plan. At Policy NW11 it says that renewable energy projects will be supported subject to a range of planning criteria. These have been assessed in this report and not found not to result in significant harm.

There is a suggestion too that the AD plant could or should be re-located to Astley Hall Farm where the dairy herd is housed. As indicated in the introductory remarks it is not within the remit of the Board to advise on how the applicant manages and operates his farm. The Board is advised that it should determine the application before it on its own planning merits. However in order to provide a complete report Members should be aware that that farm is in the Green Belt too; it is closer to substantially more residential property than at Hollow Oak Farm and that if the AD were there then straw feedstock would have to travel much further and the digestate too would have to be transported back to Hollow Oak Farm. As a consequence there are going to be planning issues with that alternative too. Similarly no weight should be attached to the suggestion that the farmer should grow maize as a substitute for straw as a feedstock for the AD.

Objectors have also referred to a Planning document PPS18 – see Appendices P and Q. Members should be made aware that PPS18 only applies to Northern Ireland and the equivalent PPS in England – PPS22 was withdrawn with the publication of the National Planning Practice Guidance in 2014. The NPPG section of renewable energy projects does not include AD plants.

The employment issue is not considered to be of any weight here.

g) Interim Conclusion

In the light of the receipt of additional information and changed proposals, an interim conclusion can be drawn.

This is inappropriate development in the Green Belt which is considered to cause moderate harm to the openness of the Green Belt and to the purposes of including land within it. As such the proposal carries a presumption of refusal. There is only limited other harm as a consequence of the landscape and visual impact.

The Board must now understand the material planning considerations put forward by the applicant as set out above in the fourth step in (a) above. This will then enable an evaluation to take place to see if they amount to the very special circumstances necessary to outweigh the harm caused by the inappropriateness and the other identified harm – step five.

h) Very Special Circumstances

The applicant has identified three planning considerations which he considers provide the weight to override the presumption of refusal.

The first is the renewable energy argument. The applicant has set out what the CO2 saving would be for the farming business here. The NPPF supports the “transition to a low carbon future” and the “encouragement of the use of renewable resources” as guiding principles. It also confirms that the wider environmental benefits associated with increased production of energy from renewable sources may amount to “very special circumstances” if the renewable project is in the Green Belt. Additionally it explicitly says that “small-scale projects provide a valuable contribution to cutting green-house emissions”, and that applications “should be approved” if “impacts are or can be made acceptable”. Development Plan policy reflects these guiding principles. Policy NW11 of the Core Strategy supports the principle of renewable energy projects. This consideration therefore carries weight.

What gives it significant weight is when it is put into its actual context with this application. The two other arguments of the applicant thus come into consideration.

The economic argument stems from the fact that the farm holding is operated as an organic farm which has resulted in less intensive farming requiring the farm diversification projects and the need to save energy costs. Even with the loss of one of those projects – the caravans - the proposal would make the farm more efficient by providing a sustainable and reliable income stream as well as reducing energy costs. The use of the digestate would provide an organic fertiliser on-site which would reduce costs and increase the productivity of the land. Moreover as a dairy farm, the continuing difficulties with consistency about the price of milk would be partially off-set by this installation.

To this is added the third argument – that of sustaining an organic farming enterprise. Whilst an AD plant is of consequence on any farm, here it is more so because of the recycling of straw as a natural waste material and the production of an organic fertiliser for use on the land. As organic farms, it is said, are on average yielding a third less than other farms, their continuation depends on cost reduction and improving those yields whenever possible. There is also a “planning” take on this argument. Organic farming creates greater bio-diversity and more sustainable soil conditions. This in turn can be said to have the bonus of safeguarding the rural character of the countryside in a wider sense. As a consequence perhaps there is then no harm done to the purposes of including land within the Green Belt as set out in section (a) above – namely safeguarding the countryside.

It is considered as before that these considerations when taken together carry significant weight.

The Board therefore in the fifth and final step, has to balance this conclusion against the moderate harm caused to the openness of the Green Belt and the other limited harm to the character of the landscape and the visual amenities of the area.

Given the clarifications set out in this report; the additional amendments and the use of planning conditions to mitigate adverse impacts, it is considered that the balance at this final stage of the process has altered from the previous report. The significant weight given to the applicant's planning considerations does outweigh the moderate harm caused to the openness of the Green Belt and the limited harm caused to the visual impact. The retention and sustainability of a large organic farming enterprise with the Green Belt is considered to amount to the very special circumstance necessary to outweigh the harm caused by its inappropriateness.

Conditions

Members will be aware that there have been references to conditions in this report; the letters from the applicant and the representations submitted. Given the agreement of the applicant, some of these can be included in the recommendation below.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

Standard Conditions

1. Standard Three year condition.
2. Standard Plan Numbers condition - plan numbers 2186447; 6697/L/01C, Brandreth 013A and Brandreth 001C received on 28/7/15

Defining Conditions

3. The AD installation hereby approved shall be limited at all times to an annual output of 500kw.

REASON

In the interests of the specific circumstances of this case.

4. The AD installation hereby approved shall be limited to only having agricultural feedstocks at all times.

REASON

In the interests of the specific circumstances of this case.

5. The AD installation hereby approved shall have no more than 30% of its feedstock arising from straw. This shall be measured on an annual basis.

REASON

In the interests of the specific circumstances of this case.

6. The AD installation hereby approved shall be for the sole benefit of AW and J Brandreth and Son and for no other business, company or person whomsoever.

REASON

In the interests of the specific circumstances of this case.

7. All feedstock to be imported to the site of the AD installation hereby approved and all digestate exports leaving the site of the AD plant, shall be via the approved access onto Howe Green Lane and no other access or location where-so-ever.

REASON

In the interests of highway safety.

8. Not less than 75% of all vehicle movements of feedstock into the AD site shall turn right into the site via the approved access and not less than 75% of digestate leaving the site shall turn left when exiting the approved access.

REASON

In the interests of highway safety and the amenity of the area

9. No external lighting shall be installed on site until full details and specifications have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

REASON

In the interests of the visual amenities of the area.

10. Within twelve months of the date of this planning permission the whole of the caravan storage use operating from the site under planning permission reference 1508/2002 dated 2/4/03 shall cease.

REASON

In the interests of highway safety.

Pre-commencement Conditions

11. No development whatsoever shall commence on the construction of the AD installation hereby approved until such time as full details of the colour and finish of all of the materials for the external surfaces of the plant and equipment hereby approved have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

12. No development whatsoever shall commence on the construction of the AD installation hereby approved until such time as full details of noise mitigation measures have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed on site.

REASON

In the interests of reducing the risk of pollution

13. No development whatsoever shall commence on the construction of the AD installation hereby approved until such time as full landscaping details have first been submitted to and approved in writing by the Local Planning Authority. Only t

REASON

In the interests of the visual amenities of the area.

14. No development whatsoever shall commence on the construction of the AD installation hereby approved until full details of a bund to surround the plant and its associated equipment have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be provided on site.

REASON

In the interests of reducing the risk of pollution.

15. No development whatsoever shall commence on the construction of the AD installation hereby approved until full details of a Construction Management Plan have first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall then be implemented at all times during the construction of the plant.

REASON

In the interests of safety and the amenity of the area.

16. No development whatsoever shall commence on the construction of the AD installation hereby approved until full drawings and specifications for the access onto Howe Green Lane including visibility splays, radius turnouts, road widths and location of gates have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be undertaken on site.

REASON

In the interests of highway safety.

17. No development whatsoever shall commence on the construction of the AD installation hereby approved until such time as full details and specifications of the surfacing and construction of the access between the AD plant and the Howe Green Lane access have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site

REASON

In the interests of highway safety

Pre-Operation Conditions

18. The AD installation hereby approved shall not be brought into use until such time as all of the details approved under conditions (xi) to (xvii) above have first been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety; amenity and visual amenity.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case by undertaking negotiation and discussion on all of the planning matters raised by responses to consultations and representations such as to result in amended plans and the imposition of defining conditions.
2. The Coal Authority Standing Advice
3. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980. Works within the highway will require formal agreement with the Warwickshire County Council as Highway Authority under these Sections.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0665

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	14/7/15
2	Applicant	Letter	20/7/15
3	S Moore	Support	10/7/15
4	M Ross	Support	11/7/15
5	L Brandeth	Support	11/7/15
6	J Wilson	Support	11/7/15
7	S Jones	Support	
8	S & J Taylor	Support	10/7/15
9	J Rawson-McKensie	Support	13/7/15
10	Bell & Partners	Support	20/7/15
11	R & R Knowles	Support	18/7/15
12	K Ayres	Support	
13	Mrs Sharples	Objection	26/7/15
14	Head of Development Control	E-mail	31/7/15
15	M Moran	Objection	1/8/15
16	P Ireson	Objection	11/8/15
17	J Smith	Objection	11/8/15
18	G Heritage	Objection	11/8/15
19	M Heritage	Objection	11/8/15
20	D Sharples	Objection	10/8/15
21	H Sharples	Objection	10/8/15
22	Corley Parish Council	Objection	11/8/15
23	J Smith	Objection	3/8/15
24	Head of Development Control	Letter	3/8/15
25	Fillongley Parish Council	Representation	5/8/15
26	N Russell	Objection	5/8/15
27	N Russel	Objection	6/8/15
28	Applicant	Letter	14/8/15
29	Mr Smith	E-mail	17/8/15
30	D and H Sharples	E-mail	25/8/15
31	Mr Russell	Objection	17/8/15
32	Head of Development Control	E-mail	17/8/15
33	Applicant	Letter	15/9/15
34	Applicant	E-mail	18/9/15
35	Applicant	E-mail	18/9/15
36	Environmental Health Officer	Consultation	14/9/15
37	Head of Development Control	E-mails	16/9/15
38	Organic Farmers and Growers Ltd	E-mail	24/9/15
39	Mrs Allen	Objection	23/9/15
40	A Acton	Objection	15/9/15

41	W Ball	Objection	24/9/15
42	R Atkins	Objection	24/9/15
43	C Atkins	Objection	24/9/15
44	B Parker	Objection	25/9/15
45	G Narval	Objection	22/9/15
46	Mr & Mrs Jenkins	Objection	18/9/15
47	Mrs Ryder	Objection	17/9/15
48	D O'Flanagan	Objection	17/9/15
49	Mr McMahon	Objection	16/9/15
50	C Coulter	Objection	16/9/15
51	B Highgate	Objection	15/9/15
52	A Lucas	Objection	18/9/15
53	B Hill	Objection	23/9/15
54	R Reading	Objection	22/9/15
55	C Danks	Objection	22/9/15
56	L Reading	Objection	22/9/15
57	N Norgrove	Objection	22/9/15
58	G Heritage	Objection	26/9/15
59	A O'Toole	Representation	20/9/15
60	J & A Kolaj	Objection	29/9/15
61	L Wissin	Objection	29/9/15
62	G & R Read	Objection	29/9/15
63	P Watts	Objection	25/9/15
64	A Smith	Objection	27/9/15
65	R Smith	Objection	27/9/15
66	S Atkins	Objection	23/9/15
67	P Cripps	Objection	29/9/15
68	P Telfer	Objection	29/9/15
69	E Hancock	Objection	29/9/15
70	J Sullivan	Objection	29/9/15
71	P Ward	Objection	29/9/15
72	D Sharples	Objection	29/9/15
73	H Sharples	Objection	26/9/15
74	N Russell	Objection	28/9/15

75	C Lynch	Objection	26/9/15
76	E Bond	Objection	26/9/15
77	P Scollard	Objection	30/9/15
78	D Sharples	Petition	29/9/15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



(4) Application No: PAP/2014/0665**Hollow Oak Farm, Breach Oak Lane, Corley, CV7 8AW****Installation of small anaerobic digester to convert farmyard manure, straw and silage into renewable energy and organic fertiliser, for****Mr Joe Brandreth - AW and J Brandreth & Son****Introduction**

The application is reported to Board at the discretion of the Head of Development Control

The Site

Hollow Oak Farm is a well-established agricultural working farm located off Breach Oak Lane, Fillongley and close to the Parish Boundaries of Corley and Astley. Farming activities at the site have diversified in recent years by the addition of caravan storage. The main farm house is not currently occupied by the farmer, but the site is still in use as part of an agricultural holding. Currently the activity at the farm is mainly confined to the storage of straw and hay, although some arable operations are also undertaken here on the surrounding fields. The farmer does keep beef cattle but these are at Astley Hall Farm, being some distance from the site - within 2 km - and he also owns several parcels of land associated with Hollow Oak farm, totalling 49 hectares, as well as other rented parcels of land in the immediate and surrounding area at approximately 155 hectares.

The site is wholly within the Green Belt and the land earmarked for the AD plant is 0.5 hectares. The arrangement at the farm consists of a cluster of buildings; the main farmhouse, a second farm house, modern steel portal framed barns for the storage of straw bales, and traditional brick and tile barns. The site earmarked for the digester plant is located to the north of the farm complex at the location identified in Appendix A.

The level of the land is on a sloping topography and drops away to the north. All buildings are on the higher land level, though the large modern buildings can be seen from some distance away at Astley Lane and Park Lane and are not obscured from view. The site levels are available at Appendix B. Due to the lay of the land the larger of the buildings on the holding are visible from open aspects along Howe Green Lane and Windmill Lane and from glimpses at Astley Lane and Park Lane. There is a public footpath to the north of the land at 340 metres and a bridle way to the south at 230 metres. Within 500 metres of the site is one scheduled monument, being the heritage designation of the WW2 anti-aircraft battery which is 280 metres south west of the site and two grade 2 listed buildings, one at Big House Farm within 300 metres of the site and one at Breach Oak Farm within 250 metres. There are no statutory designations in the immediate area in terms of AONB's or SSSI's.

The Proposal

It is proposed to install an anaerobic digester to convert farmyard waste silage, slurry, straw and cattle manure from the rented and owned land holding, with the by-product of liquid digestate to be used on the land as organic fertiliser. Biogas would be utilised in a containerised 500kWe combined heat and power engine to produce electricity and heat. The gas generated by the anaerobic process drives the generator which makes electricity. It would produce approximately 500kWe of combined heat and power for use by the farm and any surplus would be fed into the national grid.

A vehicular access would be altered off Howe Green Lane, where an existing informal access was located. A route across the applicants land would enter the site from the north directing traffic movements associated with the AD plant from the north. The arrangement to the site is shown at Appendix C.

This digester plant will be for the processing of agricultural waste only to create energy to feed back to the grid and to produce a fertiliser.

The digester plant and associated works will incorporate the installation of the following:

- 1 silage clamp - 45m (L) x 45m (w) x 3m (h).
- 1 semi-submerged Induction tank with electric lid - 6.8m (w) x 2m (AGL) x 1m.
- 1 mixing tank - 13m (w) x 6m(h)
- 1 primary digester – 17m (w) x 11.8m (h)
- 1 secondary digester – 20.8m (w) x 6m (h)
- 1 digestate storage tank – 30m (w) x 4m(h)
- 1 pump house – 9.6m(l) x 6.4m (h) x 6.6m (h) 1 CHP container – 6.1m (l) x 2.5m(w) x 2.24m (h)
- 1 flare stack – 0.5m (l) x 0.5m (w) x 5m (h)

The arrangement to the tanks in terms of their elevations are illustrated at Appendix D.

The feedstock to be fed into the digester per annum would be 2,000 tonnes of cattle manure and litter; 2,000 tonnes of straw and 3,500 tonnes of grass silage - totalling 7,500 tonnes of feedstock. The total digestate to leave the site is 13,000 tonnes, the difference in figures is made up with water from rain water harvesting from roof of the structures and through a borehole on the site.

Background

Historically there have been planning applications at this site associated with the need for an agricultural dwelling; caravan storage and hay barns. Farm diversification at the site has occurred in recent years, which has resulted in the caravan storage and large barns for the storage of hay.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation)

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 10 (Agriculture and the Rural Economy); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON 7 (Agricultural and Forestry), ECON 8 (Farm Diversification) and TPT1 (Transport Considerations)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 - (the "NPPF").

National Planning Policy Guidance 2014 - (the "NPPG")

Consultations

Environment Agency – No objection subject to standard notes

Natural England – No comments as it considers that its standing advice is adequate

The Council's Agricultural Advisor – No objection as the plant is proportionate to the needs of the whole holding.

Environmental Health Officer – No objection subject to mitigation measures by condition

Warwickshire Wildlife Trust – No objection subject to mitigation measures by condition.

Warwickshire Museum – No comments received

Warwickshire County Council as Highway Authority – No objection subject to conditions and informatives

Warwickshire County Council Public Footpaths – No objection

Severn Trent Water – No objection

Police Architectural Liaison Officer – No objection

Warwickshire Fire Services – No representation received

Health and Safety Executive – The proposal is under the threshold for HSE to make a response.

National Grid – It makes comments relating to a schedule of work.

The Coal Authority – The site does not fall within a defined High Risk Area.

Representations

Fillongley Parish Council – No objection

Corley Parish Council – It submitted an initial objection and has made a further representation saying that it does not have the technical background and expertise to comment in detail on the application. It would wish to ensure that the details are correct; safety and environmental concerns are answered and the impact on the residents the

local roads and community are fully considered. Is the facility of this size and scale appropriate development in the Green Belt? The facility has eco-credentials but all relevant planning guidelines should be applied.

Astley Parish Council – It requests that the applicant should provide proven data on noise from 24 hour operation of the plant, taking into consideration wind direction and the humdrum from the M6.

Neighbours – There have been 72 individual objections from residents in the surrounding area of the site. A summary of the nature of the residents objections are as follows:

- Visual impact and Green Belt matters. It is industrialisation of the area and will not enhance the green belt, resulting in a blot on the landscape. It is unclear why the plant needs to be so large. More hardstanding and building would be added to the farm - some of the buildings are at least twice that of anything else. The height of the proposed structure at 12 metres on the top of a hill and 45 metres wide will change the rural landscape. The large ducting and flare stack will disfigure the Green Belt and the several large buildings with extraction vents would have the appearance of a factory and not a farm located in the green belt. It is unclear what the very special circumstances are. The proposal will be seen from many perspectives and directions. A Listed Building is nearby the visual impact assessment doesn't cover the impact on its setting.
- Drainage. There are no drains at the sides of Breach Oak Lane to take any excess rain water or water runoff from rain. There will not be enough spreadable waste to fertilise the land. It will cause pollution to groundwater and run of nutrients into streams and ponds.
- Input figures for waste and output for digestate. The straw to feed the digester will not be organic, brought in from normal arable farms. Hollow Oak Farm is not big enough to provide material for a digester of this size. Astley Hall Farm is only rented there is no guarantee there would be enough product to feed the digester. Some of the land at Astley Hall Farm was planned by Arbury Estate to be developed for housing; the loss of the rented land would have implications on the supply of the plant. Concerns that the figures are unclear, how can 7500 tonnes input produce a 13000 tonnes digestate output if the additional weight is the water being added to this process? How is this water sourced, as there is no reference to rainwater harvesting at this site? The plant is disproportionate to the current farm operations at the site. The applicant will move material to and from third party farms including his own. It appears to be an industrial waste plant; it is not self-sufficient to the existing farming activities. The farm has already diversified to caravan storage and straw wholesaling operation at the farm. There is no indication that either of these activities will cease. There is nothing to say in the application how the plant would be managed. How do we know if the applicant will only use his own produce to feed the plant and will not be using any from the surrounding farms to help in the supply? The applicant has only demonstrated the ability to support around a quarter of this large plant. The proposed plant is too big when you consider the land needed for a 500 kW plant. What stops the plant being sold off as a separate entity?

- Safety. Health and safety concerns including accidents. The bio-gas will produce 60% methane. Methane is a dangerous gas and is combustible. The technology is unique and not proven to be safe. Fears that should an incident occur there will be no earth bund to contain it. No fire and rescue details have been addressed. The facility appears to be monitored remotely there is no suggestion of the plant being manned and there is no reference to the creation of employment given it is a 24/7 operation. There are numerous examples in the UK of environmental accidents involving AD plants suffering structural failures or leaks. No reference is made to emergency planning or contingencies as AD's have a track record of failure. The environment agency doesn't permit AD's to be sited within 200m of dwellings. Beckfield Lodge Farm and High House Farm are just over this 200m minimum requirement.
- Highway Safety and Traffic. Safety concerns with use of HGV's or other large vehicles using the roads and lanes will present a traffic hazard. Breach Oak Lane is narrow. The new access at Howe Green Lane is not considered by residents to be any better in terms of visibility and the speed at which vehicles travel, with no footways or street lighting. It would be unsafe. The new access would use even more green field to form the road/track leading to the development. It is not clear if the caravans are to be ceased or if some will stay? It is unclear how the applicant would use the dual access points. Overall traffic would be increased dramatically. The traffic movements do not add up when comparing present and proposed movements. As there are many places where silage, straw and feedstuff would be taken from then this would mean several different routes to get to Hollow Oak Farm. As farming is seasonal, traffic patterns will be consolidated into large cycles of movements. There is no mention on how traffic would be handled. Existing straw and hay from movements has resulted in debris sat at the side of the roads. There is no mention in the application about keeping the lorries and tractors wheels clean. The traffic figures seem to be flawed.
- Noise, odour and lighting. The plant room and pump station will produce noise with generators running 2/7 for 365 days a year. The noise assessment assures that vehicles movements would be limited to normal working hours but nowhere in the planning application are normal working hours defined - this is a 24/7 operation. The noise assessment report indicates that the plant would exceed the target criteria and recommends a reduction of 5dB. How will noise mitigation measures be installed? Light pollution will occur as the plant will need strong lighting. As this plant is on a hill then lights will be visible for miles. The papers on the odour assessment indicate the majority of the materials being handled to be - in the open air which will pollute the environment. The odour assessment does not specifically name the AD model and size it is reporting on, how can we be sure the reports have been submitted based on the model proposed? There are no details of the make or specification of the equipment to be installed, no commitment to implement the mitigation measures on noise, odour, ecology. The impact on the environment can also be questioned in terms of vermin and flies. The fumes will be toxic and dangerous.
- Landscape and Ecology. The ecology survey advises on recommendations and a mitigation strategy. There are ponds within 240 and 180 metres of the plant which have potential to support great crested newts. The environment agency states the storage of solid wastes; liquids and sludge shall not be within 250m of great crested newts. How would planning ensure that the applicant adheres to the recommendations of the reports? The unit will supply 950 homes with

electricity; there is no mention of how this will be achieved. There is no mention of associated pylons, power distribution or connection. There are no calculations on the net impact of the CO2 emissions which are critical for demonstrating the primary reason why a proposal should be considered. If the plant is being proposed on its green credentials what about the CO2 emissions from the use of vehicles and road transport to serve the operations. The source of input comes from Bedworth and other areas resulting in a lot of journeys with more CO2 emissions so how can the plant be seen as green. How can these benefit carbon emissions if it is not limited to an on-site production.

- Other Issues. Emotional stress and effect on house prices. There is insufficient information to make a decision in the consultation time. The application is not fully supported by the published documents.

There have been letters in support of the application from the following organisations:

- NFU
- Friends of the earth
- Letter from Yeo Valley
- Letter from the Soil Association
- Letters from OMSCO (organic milk suppliers co-operative) and
- Friends of the Earth Briefing on Anaerobic Digestion

Observations

The starting point with this application is to establish whether the proposal is appropriate or inappropriate development in the Green Belt. If it is appropriate then consideration will need to be given to whether there is other harm in respect of likely impact of the development. If not, then the Board will need to assess whether there are any other material planning considerations that amount to the very special circumstances necessary to outweigh the harm done to the Green Belt by virtue of its inappropriateness. Other potential harmful impacts will also need to be assessed.

a) The Green Belt

Members will know that new buildings are inappropriate development in the Green Belt. However there are exceptions to this as defined in the NPPF. One such exception is that agricultural buildings are appropriate development and therefore do not carry the presumption of refusal. It is therefore necessary to come to a view on whether this proposal is an agricultural building or not. It is not considered that this proposal is an agricultural building. This is because its design, function and purpose are all for the development of a renewable energy project. It may be sited on a farm, but there is nothing intrinsic in the development or the process to say that it could not be re-sited elsewhere and be used for non-agricultural waste. There are at two other such plants in the Borough that are not fully dependant on agricultural waste – at Packington and Baxterley. Moreover the proposed building and plant in this case does not appear to have been adapted to deal solely with agricultural waste. The Council too has successfully argued at appeal that wind turbines located to provide renewable energy on farms are not agricultural buildings. Given this conclusion the proposal is inappropriate development on the basis of this particular exception.

Members will also be aware that the NPPF recognises that some elements of renewable energy projects themselves may be inappropriate development in the Green Belt. An assessment has therefore to be made as to whether that is the case here. It is

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considered that the proposal will impact on the openness of the Green Belt hereabouts because of its size; its introduction into a location in an adjacent field beyond the present range of buildings and the general setting including the lie of the land. New built development is thus introduced into a presently open field and this would not be contained by other tall buildings or landscape features. It is concluded therefore that the development will impact on openness and the degree of that harm will be significant.

As a consequence the conclusion is that the proposed development will carry a presumption of refusal because of this inappropriateness and the significant harm caused.

In these circumstances it is necessary for the Board to consider whether there any material planning considerations of such weight that would amount to the very special circumstances that could outweigh that harm.

Before undertaking that assessment, the Board will first need to see if there is any other harm which needs to be added into that balancing exercise.

b) Landscape Character

The site is within the Church End to Corley Landscape Character Area as defined in the North Warwickshire Landscape Character Assessment. This is broadly defined therein as “an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. The landform combined with extensive hilltop woodlands and tree cover creates an intricate and small scale character, punctuated by numerous scattered farms and hamlets”. This is amplified by reference to, “landform relates intimately with tree cover and field pattern to provide enclosure. In the more intimate pastoral areas, views tend to be restricted by thick roadside hedgerows and are often short, overlooking two or three fields to a wooded skyline”. The applicant considers that the proposed plant’s impact would be limited by the rolling topography and the mature vegetation with no significant impacts. The view of the site can be assessed at Appendix E. It is agreed that the proposal has been reduced in scale since the original submission and that the largest structures here would be painted dark green, but the buildings would still have an impact on the landscape character as described above. That description refers to intimate landscapes and to containment. The proposal would upset those characteristics because of its size and location within an open field. That impact would be sufficient to carry weight.

Additionally the plant and structures will be visible from both some roads – Howe Green Lane and Astley Lane - and certainly from public footpaths. The buildings will therefore be noticeable and appear out of character. This harmful visual impact will carry weight.

It is thus concluded that there will be visual and landscape harm here and that that harm will carry some weight.

c) Residential Amenity

The nearest residential dwelling is at Hollow Oak Farm house some 120 metres to the south of the proposal and the Acorns some 180 metres south. These are both included on the agricultural holding. The nearest neighbours are at Beckfield Lodge Farm approximately 255 metres to the south east and High House is 260 metres to the south west. These distances at more than 200 metres are significant such that the impact on their residential amenity and safety would not be considered detrimental.

In terms of potential odours then an odour assessment has been provided with the application and concluded that general livestock operations are likely to have the most significant odour source at the site rather than the AD plant. Some odours are always likely to result from agricultural activities. However, provided the silage clamp can be closed and digestate is transported in sealed containers, then resultant odours would not be unacceptable. An odour management plan can be reserved by planning condition to include such measures. Whilst it is agreed that potential odour releases may occur during the movement of materials on site; from the storage of materials, from the digester and from the movement of fertiliser around the farm holding, these will be controlled with relevant preventative and mitigation measures through an Environmental Permit which falls under the responsibility of the Environment Agency. It is significant that the Council's Environmental Health Officer does not object.

In terms of noise, then mitigation can be addressed by screening or silencers which would normally be addressed by condition. The Council's Environmental Health Officer agrees his course of action.

It is not considered therefore that the development will have a significant impact on the amenity of nearby residential properties, sufficient to cause harm.

d) Ecology

An Ecological Survey Report was submitted with the application which presents the results and evaluations following an extended Phase 1 Habitat Survey at Hollow Oak Farm. It concludes that there would be no significant ecological issues or impacts as a result of the development subject to the proviso that great crested newts may be located within the boundary hedgerows to the arable field. The Warwickshire Wildlife Trust has raised no objection to the proposal subject to a mitigation strategy in respect of the newts should they be found. There is thus not considered to be harm here of sufficient weight to warrant refusal.

e) Heritage Issues

The settings of the Grade 2 Listed building at Big House Farm – some 300 metres to the south west – and Breach Oak Farm some 600 metres to the east would not be considered to be compromised. This is because these assets are at sufficient distance from the site and because there are intervening trees and hedgerows such that their special historic or architectural character would not be directly or indirectly affected. There is thus not considered to be harm arising from this matter.

f) Highway safety and access

An existing field gate onto Howe Green Lane will be upgraded to accommodate the majority of the traffic associated with the AD plant. The access is proposed to be utilised together with the existing Breach Oak Lane access to the holding, which also would be subject to improvements.

Trip generation figures were submitted with the application giving details of traffic movements of the existing agricultural operation of the holding and the projected traffic movements anticipated for the proposed plant. These figures have been re-assessed following queries from residents and up-dated figures have been provided. It is now said that there are approximately 765 movements per annum to and from the farm

connected with the import and export of straw alongside another 765 movements from machinery needed to lift the straw. This amounts to some 1530 existing movements per annum associated with the storage of straw. There would also be some use by vehicles used in connection with arable operations although there is no figure provided. So the 1530 should be treated as the minimum figure associated with agricultural movements.

When the AD is operating the applicant says that the straw lifting equipment would stay on site thus removing 765 movements immediately and that because much of the straw imported here would be used in the AD plant rather than be exported for use elsewhere on the holding or sold, there could be a further reduction of some 320 movements. This would give a figure of some 445 movements. However to this must be added additional material for the AD plant – grass silage and slurry from the farm's wider holdings. The applicant suggests a further 620 movements from this source. Also the AD plant creates digestate/fertiliser. Whilst some of this would be spread on the fields around the AD plant without the need for road movements, the applicant suggests that the great majority would be transported off-site. This could amount to an extra 1000 movements. The total movements associated with a full working AD plant could thus amount to some 2300 movements. Even taking the existing 1530 – see above - as a minimum, the overall increase in traffic would be an increase of at least a third. If that is assumed to be a minimum of 500 movements, then that equates to say an extra ten movements a week. A couple of other points need to be made – this traffic will almost certainly be agricultural in nature; the transport of the digestate will be concentrated in the summer months and the traffic connected with the caravan storage has been excluded.

The Highway Authority has looked at the adequacy of the two proposed access points and following the receipt of survey information and road safety audits it has no objection to the use of these, subject to engineering improvements.

The Highway Authority also has no objection overall as it considers that the increased traffic generation is not material – ten vehicles a week. However this needs to be placed into a planning context. There are several issues here. There is no indication as to what proportion of the increased traffic would use which access or how that is to be controlled; there is no routing agreement or reference to how these access points might be accessed from the whole of the applicant's land holding, whether there is an underestimation about the import of water to facilitate the AD process, the nature of the surrounding highway network which is wholly rural in character, the inclusion of a lengthy and indirect "haul" road across open fields and the future of the caravan storage on the site.

It is considered that in view of the material increase in traffic associated with this proposal that there is insufficient clarity here to warrant a full assessment as to how this can be satisfactorily mitigated, if at all. In other words at present, there has not been shown to be no harm arising from the development and that is considered to carry weight.

g) Health and Safety

There is concern that the AD plant would not be manned 24/7 and that there is no earth bund around the site. These matters, whilst understood, are matters that will be dealt with under other legislative regimes with other Agencies enforcing the on-site operations – the Environment Agency in particular. The provision of an earth bund would seem to be advantageous for several reasons. In the event of a planning permission then this could be conditioned as would details of surface water disposal and the storage of water

on site for use in the plant. There is no refusal reason here in view of the other Agencies interests in the development.

h) Interim Conclusion

Having run through a number of issues other than the Green Belt an interim conclusion can be made.

This is inappropriate development in the Green Belt which is considered to cause significant harm to the openness of that Green Belt. Other harm is also caused because of the landscape and visual impacts and potential traffic and highway impacts which remain unclear. As a consequence the development proposal carries a presumption of refusal. The Board must now assess the material planning considerations which the applicant has put forward in order to see if they amount to the very special circumstances necessary to outweigh the harm caused by the inappropriateness and the other identified harm.

i) Very Special Circumstances

The applicant has identified two planning considerations which he considers provide the weight to override the presumption of refusal.

The first is an economic argument. He argues that the farm holding is operated as an organic farm which has resulted in less intensive farming requiring the farm diversification project and the need to save energy costs. Hence the proposal is submitted which would make the farm more efficient as well as not harming its organic credentials. The farm still keeps beef cattle as Astley Hall and the plant will assist in making that enterprise more efficient too by providing renewable energy. This argument does carry weight as all farm holdings now are coming under increasing pressure to become more efficient and sustaining the rural economy is one of the guiding principles of the NPPF and a Spatial Objective of the Core Strategy. That objective will also ensure that the rural character of the Borough is retained, as the landscape is inherently linked to the efficiency of the local agricultural holdings.

The second is the renewable energy argument. This does carry weight as well. The NPPF supports "the transition to a low carbon future" and the "encouragement of the use of renewable resources" as guiding principles and this is followed up in the Development Plan. Energy generated here would reduce costs for the farm; provide an additional income source for the farm through surplus electricity going to the Grid as well as increasing the proportion of renewable energy going to the Grid, making the disposal of waste more sustainable and naturally generating highly nutrient digestate and fertilisers. This therefore is a sustainable development from this perspective. The NPPF too makes very clear that the wider environmental benefits associated with increased production of energy from renewable sources may amount to "very special circumstances".

These two considerations when added to gather carry significant weight.

The Board has to balance this conclusion against the significant harm caused to the openness of the Green Belt and the other harm identified above. It is considered that the latter should prevail.

In respect to the applicant's case then it is agreed that the scale of the proposal has been reduced since the original submission but these are still large buildings in an exposed setting. In general terms the matters raised by the applicant certainly carry weight but they do need to be applied to the case in hand. There are some caveats in this respect which weakens his position. These matters include that the holding has rented land and this is not necessarily a permanent position; there will be a material increase in traffic movements which is in itself not sustainable, there is no indication of how or where the connection to the National Grid is to be made and thus any consequential adverse impacts and there appears to be no benefit in terms of increased employment. The case is also weakened by the other harm created by the proposal – visual, landscape and traffic generation. In particular the latter issue has not been thoroughly dealt with.

The key issue here is that greatest attributes of the Green Belt are its permanence and its openness. These would be compromised here because one of the purposes of the Green Belt is to safeguard the countryside from encroachment and that has not been achieved here. Given the conclusion above it is considered that the balance here lies with the presumption of refusal.

Recommendation

That planning permission be **REFUSED** for the following reason:

“The proposed development is considered to be inappropriate development in the Green Belt causing significant harm to the openness of the Green Belt hereabouts. Additionally other harm is caused as a consequence of the impact of the development on landscape character and visual amenity. The development will also lead to a material increase in traffic movements but the full highway impact of the development has not been thoroughly assessed therefore further adding to the harm. It is not considered that the planning considerations advanced by the applicant are sufficient to amount to the very special circumstances needed to override the harm caused by the development's inappropriateness and the other harm caused. The development does not therefore accord with policies NW3, NW10, NW12 and NW13 of the North Warwickshire Core Strategy 2014 not with the NPPF.”

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0665

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8.1.15
2	The Coal Authority	comments	14.1.15
3	NBBC	No objection	15.1.15
4	Fillongley PC	No objection	16.1.15
5	Mr Russell	comments	19.1.15
6	Natural England	No comments	20.1.15
7	M Hartley	objection	20.1.15
8	Mr Ward	objection	20.1.15
9	Mr Birch	objection	21.1.15
10	Applicant	Supporting information	22.1.15
11	HSE	No comments	23.1.15
12	Mr Coley	objection	23.1.15
12	Mr O'Brian	objection	23.1.15
13	Mr Sutherland	objection	23.1.15
14	Mrs Fox	No objection	24.1.15
15	Applicant	e-mail to case officer	25.1.15
16	Applicant	e-mail to case officer	25.1.15
17	Mr and Mrs Sharples	objection	25.1.15
18	Applicant	e-mail to case officer	26.1.15
19	Applicant	e-mail to case officer	27.1.15
20	Mr Russell	comments	28.1.15
21	Mr and Mrs Sharples	comments	28.1.15
22	Mrs Henri	objection	28.1.15
23	Applicant	e-mail to case officer	29.1.15
24	Markham	comments	30.1.15
25	Applicant	e-mail to case officer	30.1.15
26	Applicant	Plan and supporting information	30.1.15
27	Mr Pursey	comments	31.1.15
28	Consultant Land Agent	No objection/comments	1.2.15
29	Charlotte Houston	objection	2.2.15
30	Mr and Mrs Houston	objection	2.2.15
31	Case Officer	e-mail to agent	2.2.15
32	Applicant	Supporting information	2.2.15
33	Corley Parish Council	comments	2.2.15
34	Mr and Mrs Sharples	comments	3.2.15
35	Case Officer	e-mail to agent	3.2.15
36	Applicant	e-mail to case officer	3.2.15
37	Case Officer	Correspondence	4.2.15
38	Case Officer	e-mail to applicant	4.2.15

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39	Coulter	objection	5.2.15
40	Mr Bond	objection	5.2.15
41	Mr Chambers	objection	5.2.15
42	Dan Byles	Correspondence	5.2.15
43	Planning Manager	e-mail	6.2.15
44	NFU	No objection	9.2.15
45	P. Lyons	objection	8.2.15
46	NWBC Environmental Health	comments	12.2.15
47	Mr and Mrs Smith	objection	13.2.15
48	WCC footways	No objection	16.2.15
49	Mrs Watts	objection	16.2.15
50	Agent	e-mail to case officer	16.2.15
51	Mr and Mrs Caine	objection	17.2.15
52	Mr Moran	objection	17.2.15
53	Mr Eyden	objection	17.2.15
54	Mr Liddiatt	objection	17.2.15
55	Mr Eyden	objection	18.2.15
56	G Simmons	objection	18.2.15
57	Mr Goddin	objection	18.2.15
58	Case Officer	e-mail	18.2.15
59	Mr Hancock	objection	18.2.15
60	T Court	objection	19.2.15
61	Corley Parish Council	comments	22.2.15
62	Mr Rollason	objection	23.2.15
63	DM Hurt	objection	24.2.15
64	Mrs Cooper	objection	24.2.15
65	Agent	e-mail – to case officer	24.2.15
66	Case Officer	e-mail – to agent	24.2.15
67	Severn Trent Water	No objection	27.2.15
68	Agent	e-mail to Case Officer	2.3.15
69	Environment Agency	No objection	3.3.15
70	Astley Parish Council	comments	4.3.15
71	Mr Sharples	objection	4.3.15
72	R Duffin	objection	4.3.15
73	Mr Heritage	objection	5.3.15
74	Agent	Supporting plans and information (amended)	5.3.15
75	J A Hill	objection	5.3.15
76	H Sharples	objection	6.3.15
77	D and R Gane	objection	6.3.15
78	D Sharples	objection	7.3.15
79	C Rooke	objection	8.3.15
80	J McAdam	objection	9.3.15
81	WCC Highways Authority	comments	9.3.15
82	Agent	e-mail to case officer	9.3.15
83	Mr Ward	objection	10.3.15
84	Mr Pymm	objection	11.3.15
85	Mr Siebert	objection	11.3.15
86	Mr Moran	objection	11.3.15
87	Mr Russell	objection	13.3.15

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88	Mr and Mrs Hill	objection	12.3.15
89	Mrs Russell	objection	12.3.15
90	A Patchett	objection	12.3.15
91	Agent	e-mail to Case Officer	2.4.15
92	Case officer	e-mail to Agent	24.4.15
93	Agent	Supporting information	27.4.15
94	Case officer	e-mail to agent	28.4.15
95	Mr Birch	objection	29.4.15
96	Police Architectural Officer	No objection	30.4.15
97	Coal Authority	comments	30.4.15
98	Agent	Supporting information	30.4.15
98	Applicant	Supporting Information	5.5.15
99	Natural England	No objection	8.5.15
100	Mr Ball	objection	9.5.15
101	Mr Layton	objection	11.5.15
102	McIndoe	objection	11.5.15
103	Applicant	e-mail and correspondence	11.5.15
104	WCC rights of Way	No objection	12.5.15
105	J Sullivan	objection	12.5.15
106	Mr Rooke	objection	13.5.15
107	Mr Wilkinson	objection	13.5.15
108	Mr and Mrs Hill	objection	13.5.15
109	L Sullivan	objection	13.5.15
110	WCC Highways	objection	14.5.15
111	Case Officer	e-mail	15.5.15
112	Severn Trent Water	No objection	15.5.15
113	Mr Sharples	objection	15.5.15
114	Williamson	objection	16.5.15
115	H Sharples	objection	17.5.15
116	Mrs Box	objection	17.5.15
117	Agent	e-mail	18.5.15
118	Mr Duffin	objection	19.5.15
119	Corley Parish Council	comments	19.5.15
120	National Grid	comments	19.5.15
121	Mr Ward	objection	20.5.15
122	Mr Corrigan	objection	20.5.15
123	Mrs C Russell	objection	20.5.15
124	Mr Russell	objection	20.5.15
125	P Ward	objection	20.5.15
126	Applicant	e-mail and correspondence	21.5.15
127	S Sharples	objection	21.5.15
128	L Sharples	objection	21.5.15
129	M Ward on b/half of Mr Spacey	objection	22.5.15
130	Mr Smith	objection	22.5.15
131	J Hill	objection	27.5.15
132	P and T Hill	objection	27.5.15
133	Applicant	e-mail and correspondence	27.5.15
134	Agent	e-mail and supporting documents	28.5.15
135	Agent	Supporting plan	1.6.15

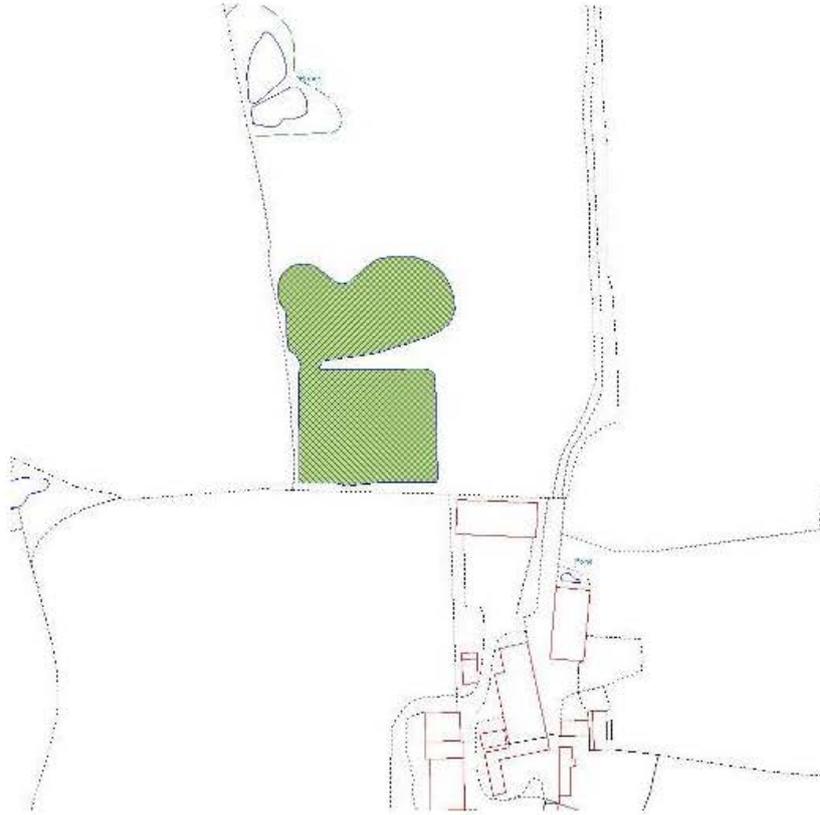
6/125

136	Agent	e-mail	3.6.15
137	NWBC Environmental Health	comments	11.6.15
138	Agent	e-mail	18.6.15
139	Mr L Smith	objection	22.6.15
140	Mr J Smith	objection	22.6.15
141	Warwickshire Wildlife Trust	No objection	23.6.15
142	Agent	e-mail to case officer	23.6.15
143	Fillongley Parish Council	No objection	24.6.15
144	Agent	e-mail to case officer	25.6.15
145	Natural England	No objection	25.6.15
146	WCC Highways Authority	No objection	25.6.15
147	Agent	e-mail to case officer	26.6.15
148	Mr Sharples	objection	28.6.15
149	Mr Russell	objection	28.6.15
150	Mrs Russell	objection	28.6.15
151	Mr J Smith	objection	29.6.15
152	Mr Sharples	objection	29.6.15
153	Mrs P Smith	objection	29.6.15
154	Mr J Smith	objection	29.6.15
155	Agent	e-mail to case officer	29.6.15
156	Agent	e-mail to case officer	30.6.15
157	Case Officer	e-mail to agent	30.6.15
158	Agent	e-mail to case officer	30.6.15
159	Mr J Smith	objection	30.6.15
160	Monika Heritage	objection	30.6.15
161	Mr Heritage	objection	30.6.15

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

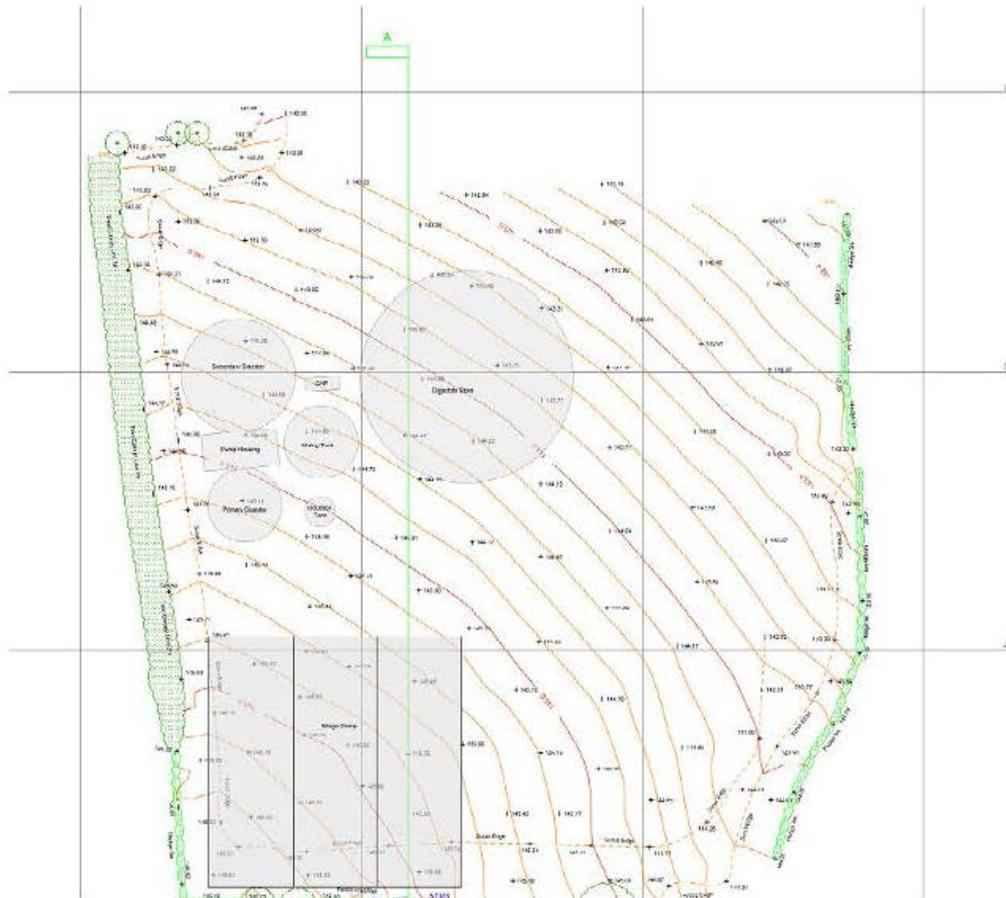
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix A

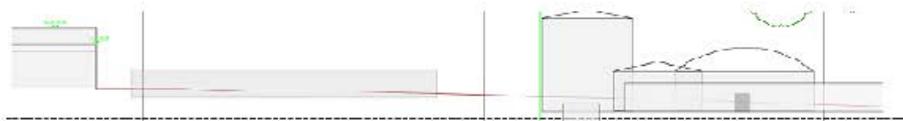


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Appendix B



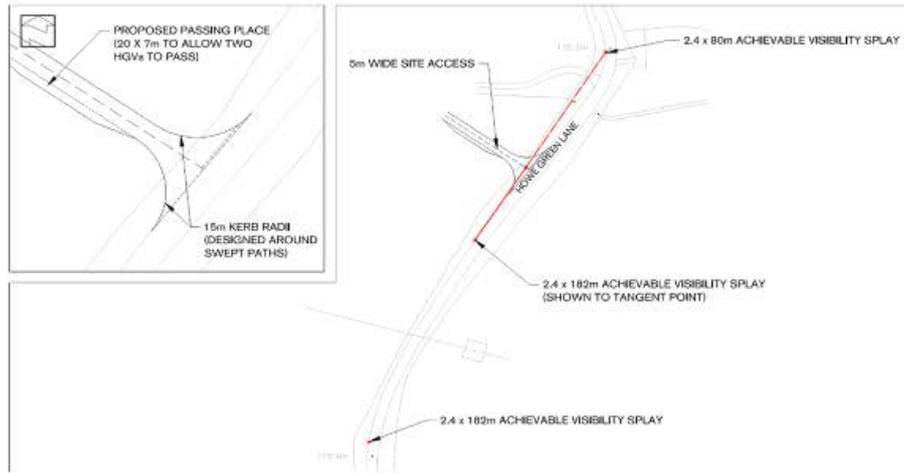
Section A/A



Appendix C



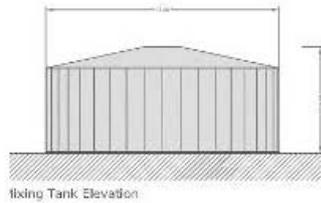
Access route to farm site



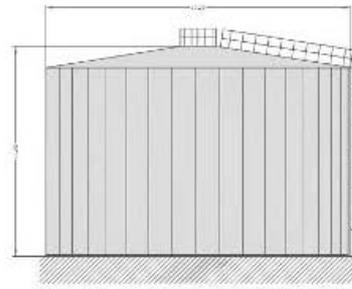
Improvements made to access

Appendix D

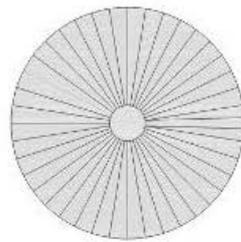
Mixing Tank and Primary Digester



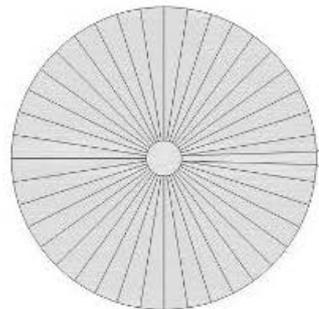
Mixing Tank Elevation



Primary Digester Elevation

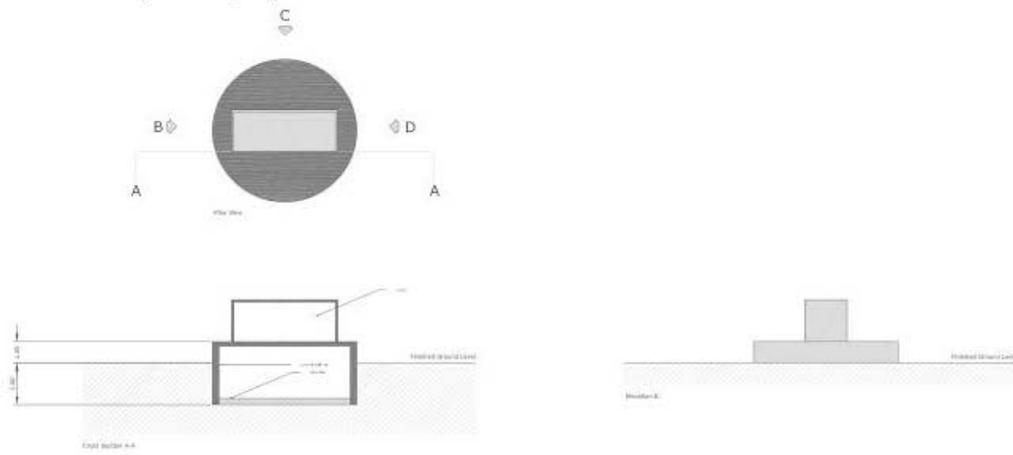


Mixing Tank Plan View

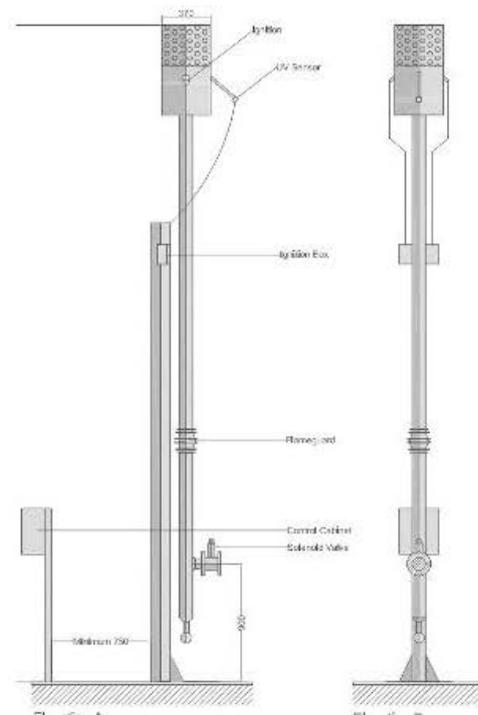


Primary Digester Plan View

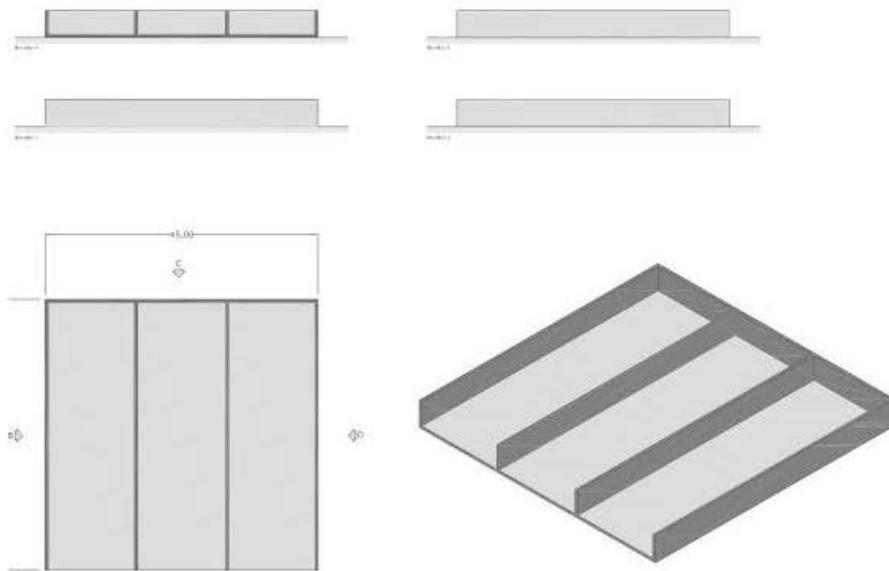
Intake tank (submerged)



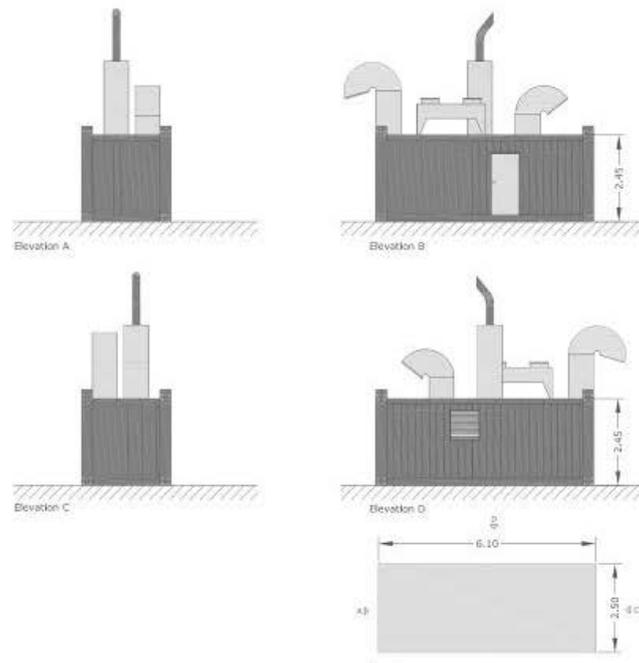
Flare stack



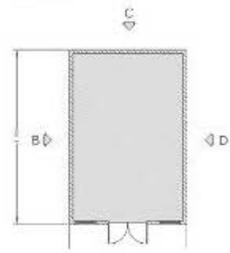
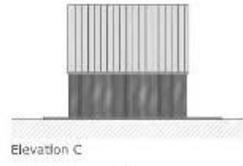
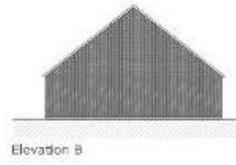
Silage clamp



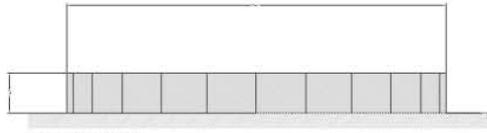
CHP Unit



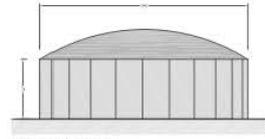
Technical building



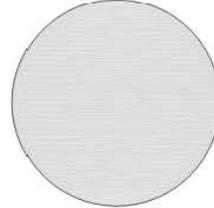
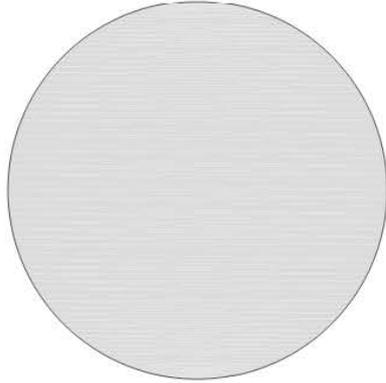
Digestate storage and secondary digester



Digestate Storage Tank Elevation



Secondary Digester Elevation



Secondary Digester Tank Plan View

Appendix E

Photographs following Landscape Assessment from different vantage points in the area including highways and public right of ways.

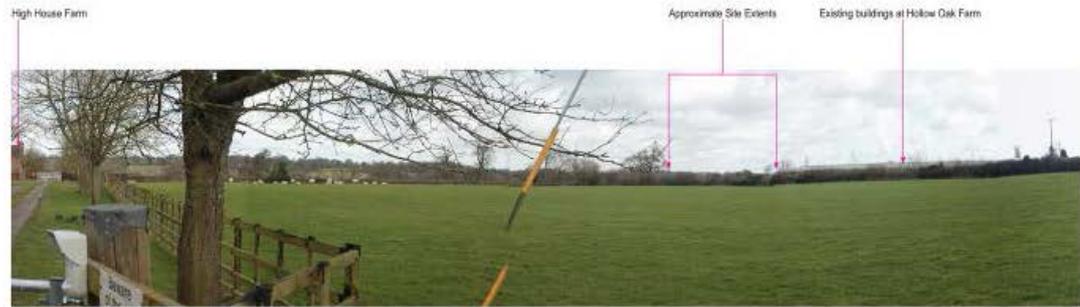




PHOTO VIEWPOINT 5: View east towards the site from PRoW adjacent to Breach Oak Lane and Fir Tree Farm



PHOTO VIEWPOINT 6: View east towards the site from adjacent to properties on Wood End Lane



PHOTO VIEWPOINT 7: View south east towards the site from junction of PRoW and Wood End Lane



PHOTO VIEWPOINT 7: continued...



PHOTO VIEWPOINT 8: View south east towards the site from the junction of PRoWs



PHOTO VIEWPOINT 8: continued...



PHOTO VIEWPOINT 9: View west towards the site from junction of Breach Oak Lane and Howe Green Lane



PHOTO VIEWPOINT 10: View west towards the site from Howe Green Lane



PHOTO VIEWPOINT 11: View south towards the site from Park Lane



PHOTO VIEWPOINT 11: continued...



PHOTO VIEWPOINT 12: View south east towards the site from Park Lane

Old House Lane



PHOTO VIEWPOINT 43: Distant view north towards the site from Church Lane, Corke

Glimped views of Farm buildings on Breach Oak Lane

MB



PHOTO VIEWPOINT 43: continued



Existing view from Public Right of Way

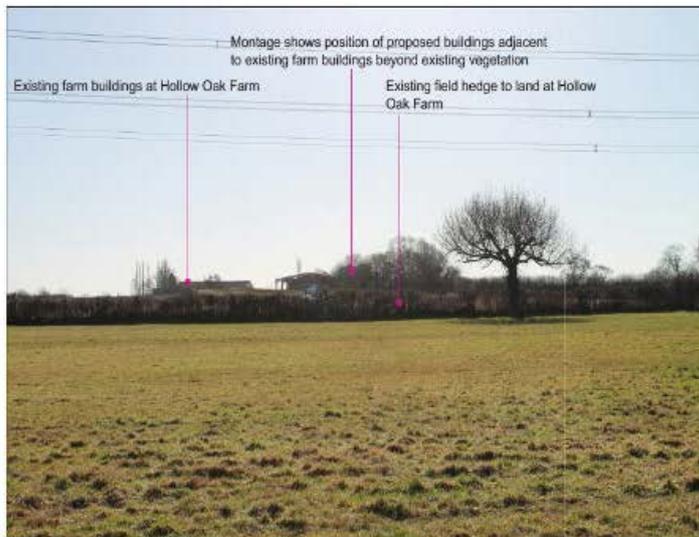


Photo montage from Public Right of Way

PAP/2014/0665

Proposed AD Plant at Hollow Oak Farm, Corley

Member Site Visit – Saturday 15 August 1030

Present: Councillors Bell, Humphries, Lea, Simpson, Sweet and Wright together with F Wallace, J Brown and the applicant and his son

1. Members met at the farm at 1030.
2. They were shown the existing buildings here including the large new shed for the storage of straw.
3. Vehicles and equipment associated with the current use of the farm were parked here so that Members could appreciate their size and the kind of loads that were carried. Several trailers were present with full loads and the waste spreader, hay cutters and tractors were also seen.
4. Members then walked into the field beyond where the AD plant would be installed. The latest plans were displayed. In particular Members saw where the new hedgerow across the field would be; the location of the landscaping, the slope away from the existing buildings and the general nature and extent of the existing hedgerows and trees around the site. Members were reminded that the visit was taking place in the summer with full leaf cover.
5. The heights of the proposed buildings were pointed out and comparisons made with the existing ridge and eaves lines of the buildings in the yard. The further proposed drop in ground levels was referred to.
6. Members also saw that the existing buildings and the site were on the highest ground in the area with the land falling away particularly to the north. Whilst here, Members were asked to look at the wider setting and panorama. In the far distance the tower of Astley Church was visible as was Astley Lane in the vicinity of the Book Farm. In the middle distance the buildings at Howe Green and Oak View Farm were visible. The line of Park Lane was also pointed out.
7. Members then continued down northwards to the hedgerow at the bottom of the field. From here they looked south up the slope towards the existing gable end of the store and to the site of the plant. Whilst here the line of the public footpath was pointed out.
8. Members then returned to the main yard and the location of the connection to the National Grid was pointed out.
9. At this point Members split into two groups in two cars.
10. The cars left the site by turning left and proceeded along the length of Breach Oak Lane to Smorral Lane. The existing houses along this stretch were pointed out, particularly those closest to the existing farm. The cars travelled along Smorral Lane, turning and returning along that road, turning up Breach Oak Lane and then proceeding along Howe Green Lane. The cars pulled in at the proposed access onto this Lane. Visibility was noted as well as the speed of passing cars. Whilst here the site of the plant was pointed out, and the top of the gable of the existing building could be seen.
11. The route then took the cars along Astley Lane right up to Sole End Farm where they turned and proceeded back along Astley Lane. They pulled in at an access beyond the Book Farm. From here the existing buildings could be seen and the site of the proposed installation

could therefore be assessed. The heights of the horizon were noted along with the intervening tree and hedgerow cover. It was noted that the site was on high ground.

12. The route then continued to the Astley crossroads and along Park Lane. The buildings at Oak View Farm were noted as these gave an indication as to the location of the proposed plant.
13. The route then proceeded along Wood End Lane where the residential properties were noted.
14. The route was completed by turning left and continuing to the site from the other end of Breach Oak Lane. Members could see the nature of the lane here and the residential properties here were also pointed out.
15. The tour returned the farm and the visit concluded at around 12 noon.



FAO Mr Jeff Brown
 North Warwickshire Borough Council
 South Street,
 Atherstone,
 Warwickshire
 CV9 1DE

Friday 14th August 2015

Dear Mr Brown,

Planning Application Ref: PAP/2014/0665

I have now had the opportunity to review the consultee responses recently submitted and have the following comments. Some of the points made have already been addressed in previous information submitted and therefore I will not needlessly repeat these arguments again.

Operation of the AD plant

The AD plant process (i.e. the natural breakdown of the feed by micro-organisms) will indeed run 100% of the time except for certain short periods of maintenance. The assessments supporting the application has assessed the operation of the AD plant during daytime and night-time scenarios. The conclusions of the assessments have not raised any significant effects on the residential amenity of the nearest residents during all relevant times of the day.

It should also be noted that fields fertilised with digestate instead of manure will not only result in a better fertilising effect on soil and crops but will also reduce odour issues as digestate has lower odour concentrations than manure.

Carbon dioxide emissions

The National Planning Policy Framework (NPPF) outlines at paragraph 98 that '*[w]hen determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions*'

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 VAT Reg No. 108 5430 33



In this respect, a detailed CO₂ analysis is not required. The generation of a renewable form of energy for the lifetime of the development will replace the use of fossil fuel electricity on the farm and will also be fed into the National Grid, which will cut greenhouse gas emissions and will offset CO₂ emissions of the additional movements associated with the AD plant. In addition, the majority of vehicles associated with the feedstock are already in existence on the road due to the existing farming operations.

More importantly, the proposed AD plant would reduce emissions of methane (CH₄), which is a greenhouse gas **23 times more potent than CO₂** as the decomposing feedstock is captured within the digester rather than released into the atmosphere from conventional manure storage systems.

Location of AD plant

The location is the most sustainable for the applicant and the project is viable in this location. All of the land available to the applicant is located within the Green Belt however the Green Belt designation is not designed to prevent development taking place or direct development away from one location to another location.

All of the digestate (and all of the feedstock) will be spread on land within close proximity to the proposed AD plant. In this respect, the production of a nutrient rich organic fertiliser used for local agriculture and its benefits are a significant material consideration. Although it has been argued that the AD plant could be located elsewhere, this would not be a sustainable option as this would increase distance from the agricultural land in which the feedstock originates and digestate is to be spread.

Vehicle movements associated with proposed AD plant

Firstly and for clarification, it has not been stated within the application that 32 tonnes vehicles will be utilised.

Secondly, the use of the main farm access on Breach Oak Lane is likely to reduce as the proposed access on Howe Green Lane will be used by approximately two-thirds of the traffic associated with the AD plant. In addition, the current traffic movements associated with the caravan storage use will cease when the use is relinquished and the telehandler movements will cease as this will remain onsite. The following existing and proposed traffic numbers are outlined in the table below:

Existing Context – Main Farm Access on Breach Oak Lane

	trips per annum (2way movements)
Straw	382 (764)
Telehandler	382 (764)
Silage, muck and slurry	120 (240)
Caravan	150 (300)
Caravan users	150(300)
TOTAL	1184 (2368)

Proposed Context with AD plant – Main Farm Access on Breach Oak Lane

	trips per annum (2way movements)
Straw for AD plant	0 (0)
Telehandler	0 (0)
Import of silage, muck and slurry	430 (860)
Caravan	0 (0)
Caravan users	0 (0)
TOTAL	430 (860)

Proposed Context with AD plant – Proposed access on Howe Green Lane

	trips per annum (2way movements)
Straw for AD plant	222(444)
Export of digestate	360 (720)
TOTAL	582(1164)

Combined traffic between the two entrances 1012(2024)

As shown above, the total vehicle numbers that will use the main farm access on Breach Oak Lane would reduce overall after the AD plant is in place. In this respect, the proposed AD plant will not cause any additional impediment to the safe and free movement of pedestrians, vehicular or other traffic on Breach Oak Lane and in fact will improve it by reducing vehicle numbers to the farm along this lane. The proposal therefore complies with Policy ECON8 in this regard.

In terms of the access on Breach Oak Lane, the access would still be utilised for agricultural use as the applicant is permitted to do so and to access the properties adjacent to this access.

Perceived effects of the AD plant during the lifetime of the development

The assessments have concluded there would be no significant effects, by noise or odour emissions, to the residential amenity of the nearest neighbours. If the local planning authority are minded to approve the proposed development, the effects will be controlled by way of appropriately worded conditions attached to the decision notice. The applicant would need to comply with the conditions throughout the lifetime of the development and in the unlikely event that substantiated issues were raised by neighbours that showed the applicant contravened a condition, then the applicant would be required to resolve the issues or enforcement action would be taken by the local planning authority.

In addition, as part of the Environment Agency regulatory system, the AD plant would need to follow their standards to minimise pollution.

Employment

Organic farming in the UK provides 32% more jobs per farm than equivalent non-organic farms as it demands more labour. However, within the agricultural sector, it is always difficult to define job creation as the farming community often assist with informal jobs therefore defining total jobs created is not an easy task. This is not to say that there is no job creation and therefore no economic benefit.

Visual Effects and height of Primary Digester

There is key design criteria behind the CombiGas AD system that ensure a high level of efficiency in processing feedstock with a maximum conversion rate of dry matter into biogas.

There is a bespoke intake system that pre-conditions the more solid material and within the first step reduces particle size via the propeller and chopping pumps. Within the mixing tank, the feed is homogenised and macerated again to further reduce particle size to create a stable input into the Primary Digester. The Primary Digester uses a patented gas mix system that uses external pumps to avoid internal mechanical stirring systems, which inevitable would need to be serviced/breakdown and therefore would require emptying the tanks and shutting down of the process. The process would then need to restart again, which takes approximately 2 months to regain the process and production levels. The external pumps utilised within the CombiGas system would avoid these issues as any maintenance can occur much more easily with the integral parts accessible on the outside of the tanks.

The bacteria added to the process produce the biogas and they are unable to move themselves to the raw material and therefore a pumping and mixing system is required to expose all the material to the bacteria. The mixing and particle size are the key elements to ensuring a more efficient AD plant.

The patented gas mix system sucks in liquid and biogas above the surface in the tanks and re-injects it back into the tank at a particular angle to create a circular mixing motion within the tanks. The gas that is re-injected will decrease the density of the material in the bottom of the tank and therefore

the heavier material on the surface of the tank will sink to the bottom thus creating a circular upward/downward movement of the material. This is the unique mixing process of the CombiGas system. However, with not having internal mechanical mixing, there is a certain relationship required between the diameter and height of the Primary Digester tank for the mixing system to work properly and have unrivalled efficiencies. This is the reason why the Primary Digester needs to be at this height.

It has also been suggested that effects will be worse in winter when trees/hedgerows are not in leaf. The photograph utilised for the photomontage was taken in February and therefore the photomontage represents a worst case scenario with no leaves on the trees. As shown from the nearest public vantage point, there would be minimal adverse effects.

Landscaping scheme

A query has been raised in relation to the landscaping scheme not showing an opening for the access track to the proposed AD plant. Revision C of the landscaping scheme submitted on 28th July 2015 does show an opening for the access track to the proposed AD plant.

I hope the above information clarifies matters raised within consultee responses to the planning application. If you require any further information please do not hesitate to contact me.

Yours sincerely,



Marie Stacey BA(Hons) MCD MRTPI

Tel: 01530 567044

Mobile: 07769266412

Email: marie@hallmarkwind.co.uk

Enc.

MS01ms3662/EMS.2751

Tuesday 15th September 2015

FAO Mr Jeff Brown
North Warwickshire Borough Council
South Street
Atherstone
Warwickshire
CV9 1DE

Dear Jeff,

Proposed AD plant at Hollow Oak Farm REF: PAP/2014/0665

Having now had the opportunity to review the further consultee comments, please find the following information.

Feedstock

The feedstock to be put into the AD plant is a delicate balance consisting of the following farm wastes:

- Cattle manure and litter – 2,000 tonnes
- Straw – 2,000 tonnes
- Grass Silage – 3,500 tonnes

Water will also be used to obtain the most efficient consistency for the AD plant. The farming partnership would harvest rainwater from existing and proposed roofs, and would utilise the existing water supply (a water extraction license from the Environment Agency exists at the farm).

The straw business is an established and continuing use at Hollow Oak Farm. The use of straw within the AD plant is an integral part of the feedstock and would not dilute the organic credentials of the farming partnership. The Organic Farmers and Growers accepts the use of non-organic plant material such as straw subject to certain standards, which the applicant already complies with through his existing farming practices. The standards set out by the Organic Farmers and Growers and the Soil Association comply with all legal requirements in particular EU Regulations 834/2007 and 889/2008.

The type of feedstock used for the AD plant is very important for the efficiency of biogas production. Generally, cattle manure/slurry has less energy content in comparison to

Page | 1

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grass silage and straw because much of the energy in the feed given to livestock is digested and absorbed by the animal. In this respect, it is essential to include higher biogas yielding feedstock such as grass silage and straw to enable cattle manure/slurry to be used economically in AD plants. The use of cattle manure/slurry as the only feedstock in an AD plant is not a viable option and therefore needs to be supplemented by higher biogas yielding material.

In addition, as part the AD process the straw becomes part of a nutrient rich fertiliser in the form of the resultant digestate and therefore is much more nutrient rich then re-incorporating straw into the land. In this respect, additional organic matter and nutrients will help to improve soil structure improving yields and biodiversity.

If straw was not utilised as part of the feedstock within the AD plant, another crop or more grass silage would need to be imported into the site to replace the straw as part of the feedstock mix. A smaller AD plant that would just be fed with the current tonnage of grass silage and cattle manure would not be a financially viable option due to the cost of the plant.

The AD plant proposed uses a thermophilic digestion process which operates at higher temperatures and faster process compared to mesophilic digesters. The bacteria used in the thermophilic process are more sensitive and therefore the type of feedstock used is strictly controlled to ensure the organisms are not shock-loaded and killed by suddenly introducing different feedstock. In this respect, the feedstock will be carefully controlled and managed by the farming partnership to ensure the efficient running of the AD plant and therefore the feedstock outlined above will generally be consistent throughout the operation of the AD plant.

In addition, the AD plant can only process a certain amount of material and so there is a finite amount of feedstock that can be fed into the AD plant for it to work efficiently. The additional land rented by the farming partnership was previously mentioned due to residents raising land supply issues with particular reference to the land at Astley Lane being granted planning permission for residential development. In this respect, the newly acquired land was previously mentioned in my letter dated 20th July 2015 to show that there is no land supply issue and therefore no issues envisaged with the continued supply of feedstock for the AD plant.

Highways

After our further correspondence, please find enclosed route maps associated with the current traffic movements to Hollow Oak Farm and proposed traffic movements associated with the AD plant. Of note, the farming partnership does pick up straw from neighbouring farms along Breach Oak Lane and this will be diverted to the proposed Howe Green Lane entrance.

Further information is also enclosed with this letter to clarify the vehicle movements outlined within my letter dated Friday 14th August 2015. The movements refer to total movements which include both incoming and outgoing trips.

In summary, the existing farm traffic create 2368 traffic movements annually, which all currently use the existing Breach Oak Lane access. The proposed traffic associated with the AD traffic will equate to 2024 movements annually, which will all utilise the proposed new access on Howe Green Lane. This means a significant amount of traffic will be diverted away from the Breach Oak Lane access.

In addition, some of the proposed AD traffic movements can be further reduced by utilising a larger slurry tanker and by back loading the digester movements with the slurry i.e. once digestate has been dispensed, the slurry from Astley Hall Farm is taken away to Hollow Oak Farm rather than separate vehicles taking the slurry loads.

The applicant has also highlighted that there is also potential to change the straw baler to accommodate a higher density to that currently used and so the increased weight that can be carried per trailer will reduce number of loads.

The size of the new digestate tanker will be appropriate to legislation at the time of purchase. Any adjustment in size will be more than compensated from the above traffic movement savings.

Bund

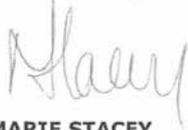
The Environment Agency permit for this particular AD plant does not require a bund around the AD plant. There will be no hazardous materials contained within the AD plant, only farm waste. It is also stressed that the AD plant would be monitored 24 hours a day, 7 days a week by a remote monitoring system overseen by Combigas and Hallmark Power and therefore any leak would be detected and attended to as soon as possible. In addition, with the AD plant stepped into the ground by a metre this is also an effective secondary containment measures to reduce any risk.

Other Matters

I have reviewed the Odour and Noise Assessments have assessed the relevant matters associated with the AD plant and both reports are reflective of the most up-to-date layout for the proposal.

I hope the above information is helpful to clarify the anaerobic digestion process and other relevant matters associated with the AD plant.

Yours sincerely,



MARIE STACEY
Senior Planner
marie.stacey@pegasuspg.co.uk

Enc. Route maps
Breakdown of vehicle movements

Brown, Jeff

From: Stephen Clarkson <stephen.clarkson@organicfarmers.org.uk>
Sent: 24 September 2015 09:24
To: Brown, Jeff
Subject: Fwd: Fwd: Astley Hall Farm , Smorral Lane, Bedworth. CV12 ONL

Dear Mr Brown

Many thanks for the email regarding Mr Brandreth which has been forwarded to me for a response.

I can confirm that Mr Brandreth of Astley Hall Farm, Bedworth, Warwickshire is registered with Organic Farmer & Growers (OF&G) as an organic farmer. The farm was first certified by OF&G in October 2000 and the current Certificate of Compliance runs through to an expiry date of 31 October 2015. The certificate cover the production of grass and forages, dairy cattle and milk and the related youngstock.

The annual organic inspection is due to take place this week and I have notified the inspector of the concerns raised so that they are aware.

With regard to your second query on the AD plant and feedstocks the simple answer is that non-organic straw is a permitted inout on organic farms so would be permitted as a feedstock in a AD plant. If wanting to use digestate from an AD plant prior approval is required before it is applied to the land, in this we look at, and assess, the feedstocks to the plant and whether they are permitted as inputs onto an organic farm. The organic regulation has a positive list of permitted inputs and if all feedstocks are listed and meet other relevant criteria such as non-gm the digestate may be used, if a feedstock is not listed it is not permitted the digestate could not be used.

I hope this helps, however, if you require any further assistance please do not hesitate to contact me.

Your sincerely
Stephen Clarkson

--

Stephen Clarkson
Certification & Compliance Manager
Organic Farmers & Growers Ltd

Tel: 01939 291800 ext. 224
Direct Line: 01939 292002
Fax: 01939 291250

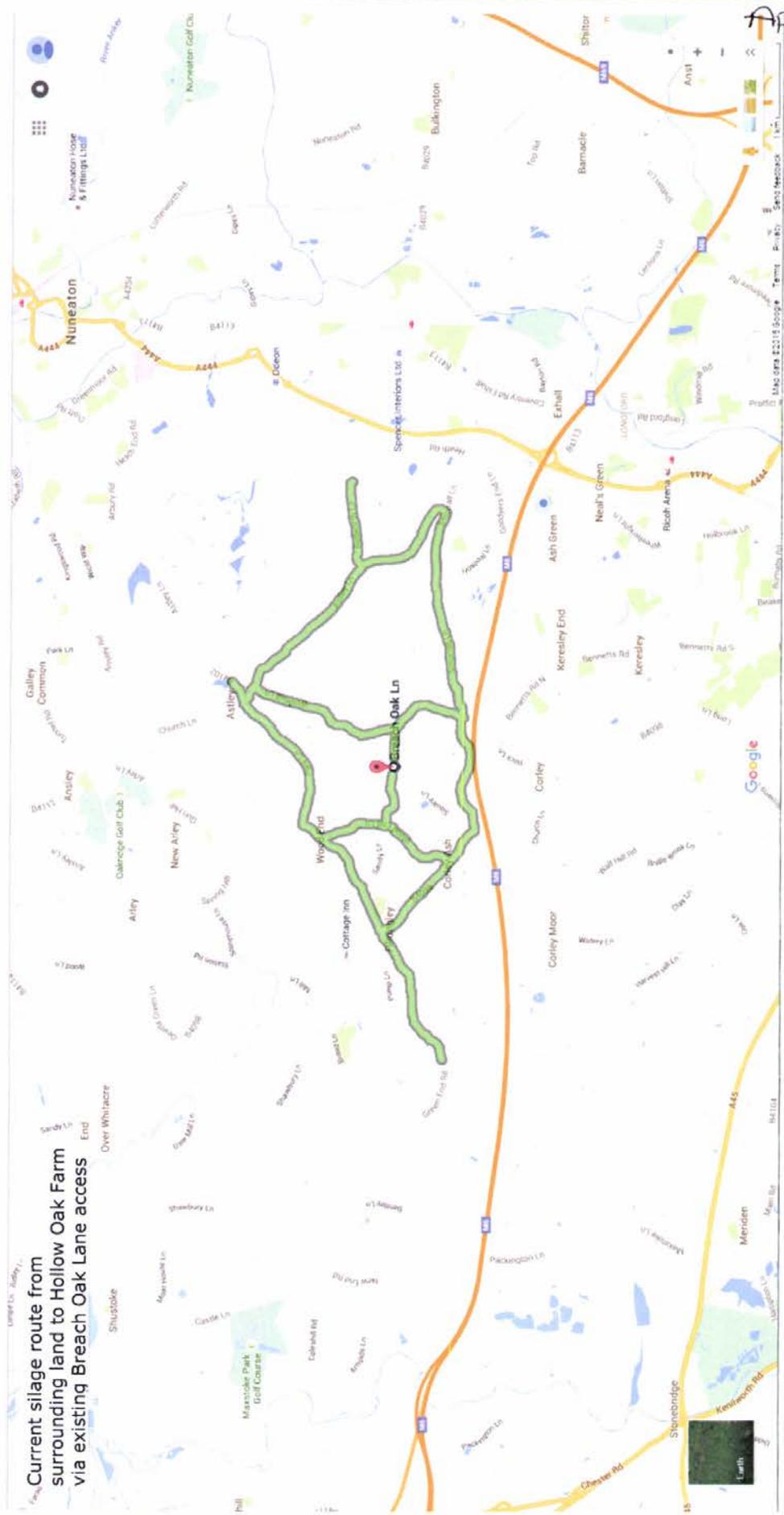
www.organicfarmers.org.uk

Tweeting: @ofgorganic
Facebook: facebook.com/organicfarmers

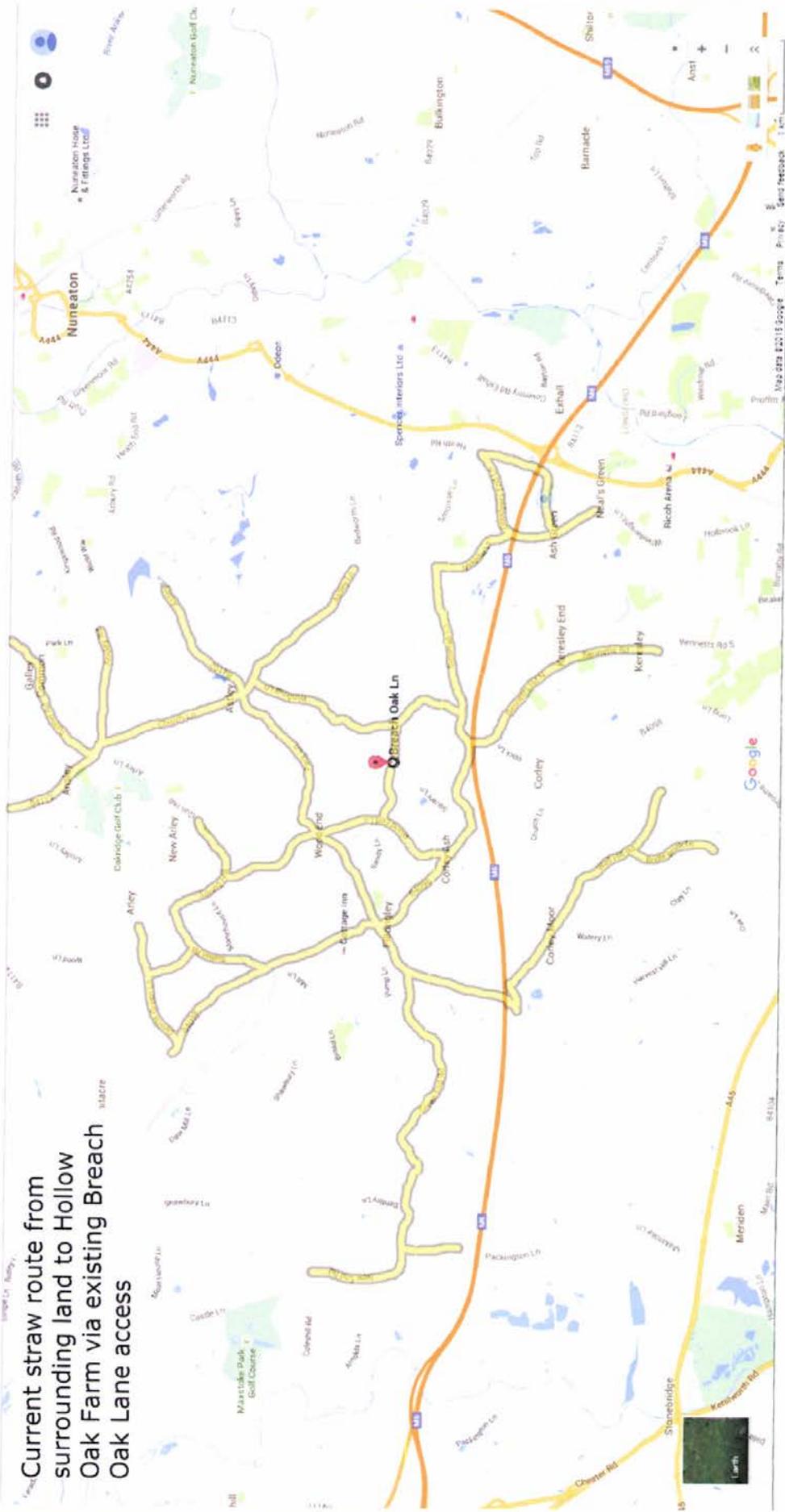
For details of news and events please follow the link:
<http://www.organicfarmers.org.uk/news-events/>

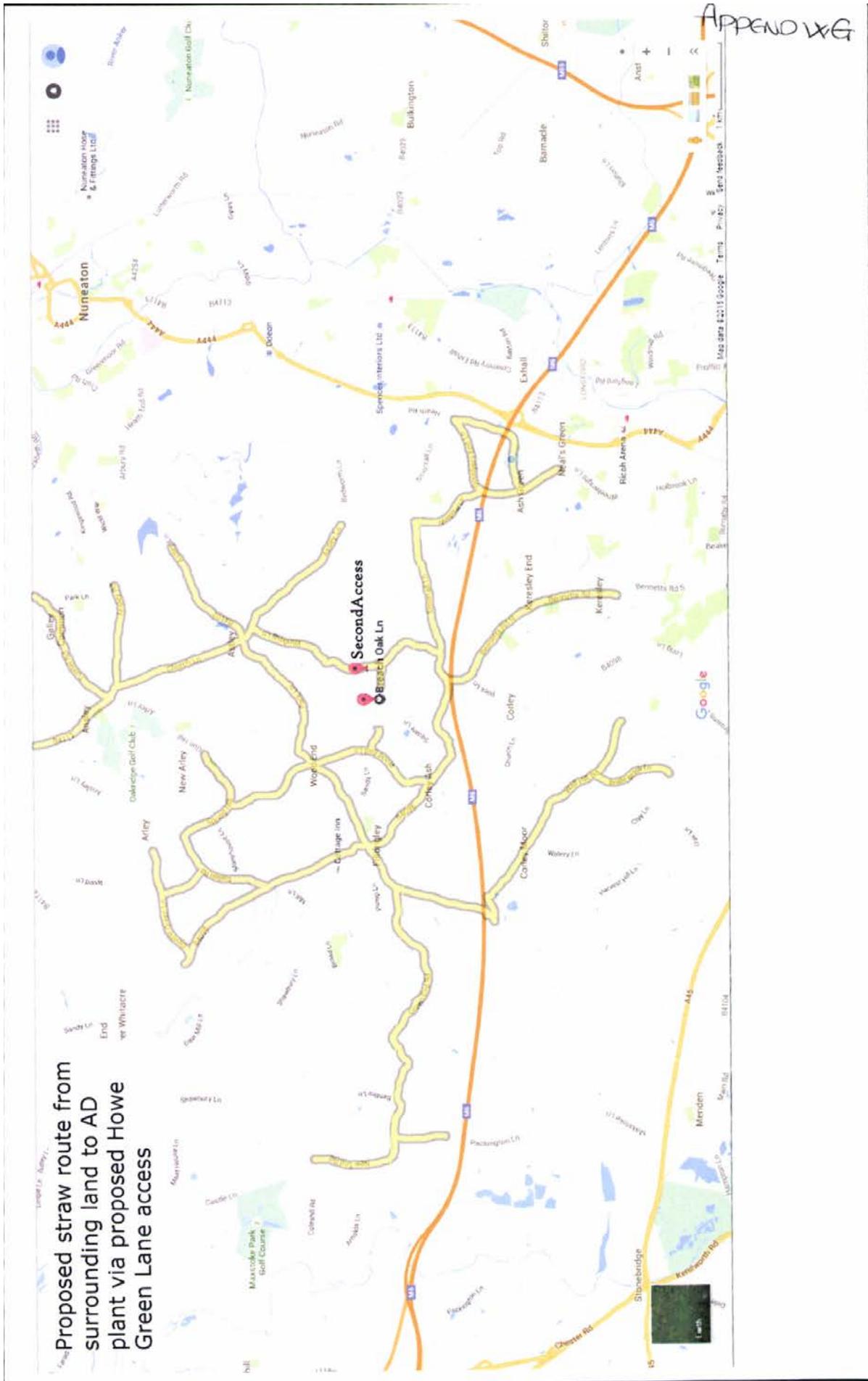
Company number: 01202852 Registered office and trading address:
The Old Estate Yard, Shrewsbury Road, Albrighton, Shrewsbury,
Shropshire, SY4 3AG Company registered in England.

Current silage route from surrounding land to Hollow Oak Farm via existing Breach Oak Lane access

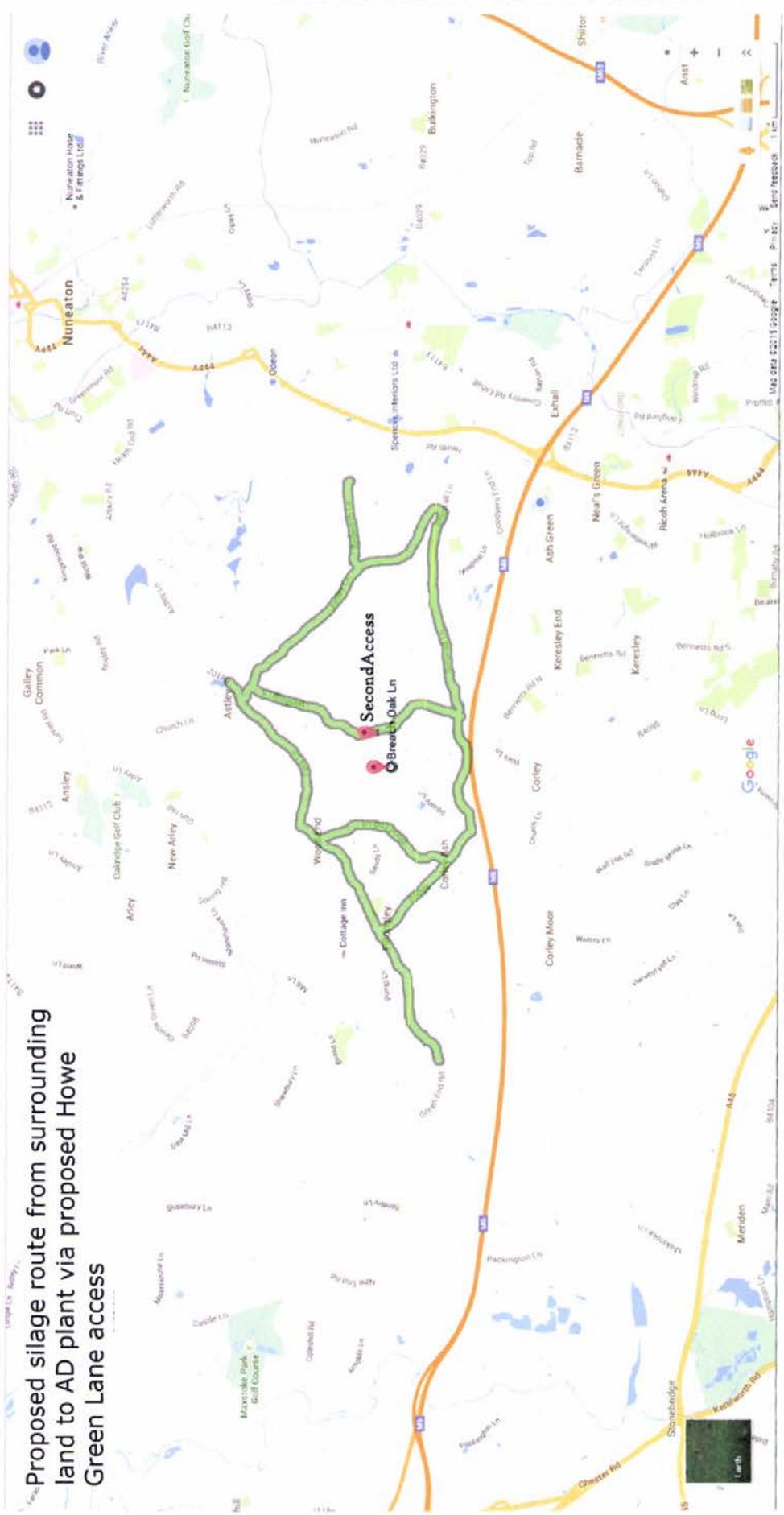


**Current straw route from
surrounding land to Hollow
Oak Farm via existing Breach
Oak Lane access**

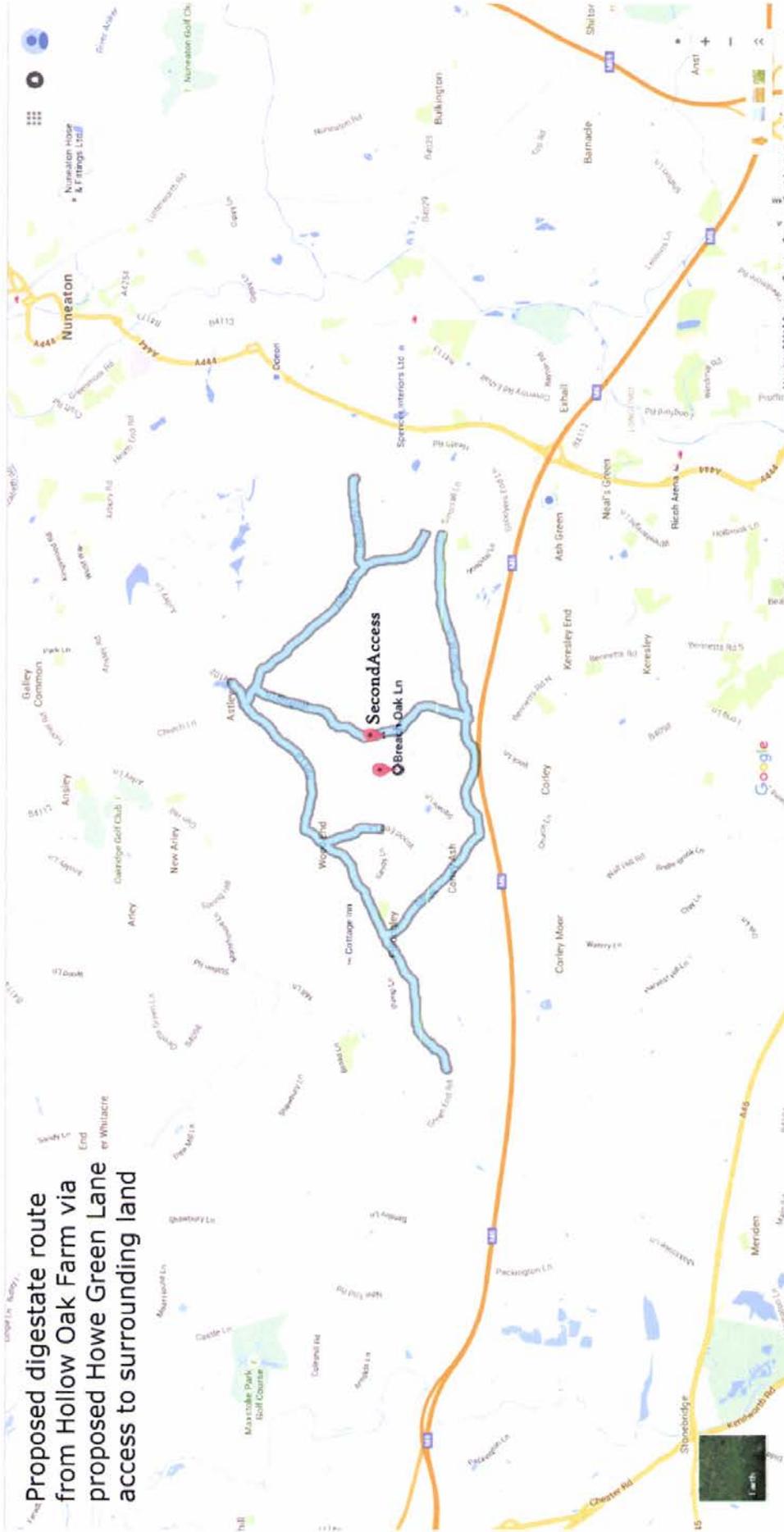




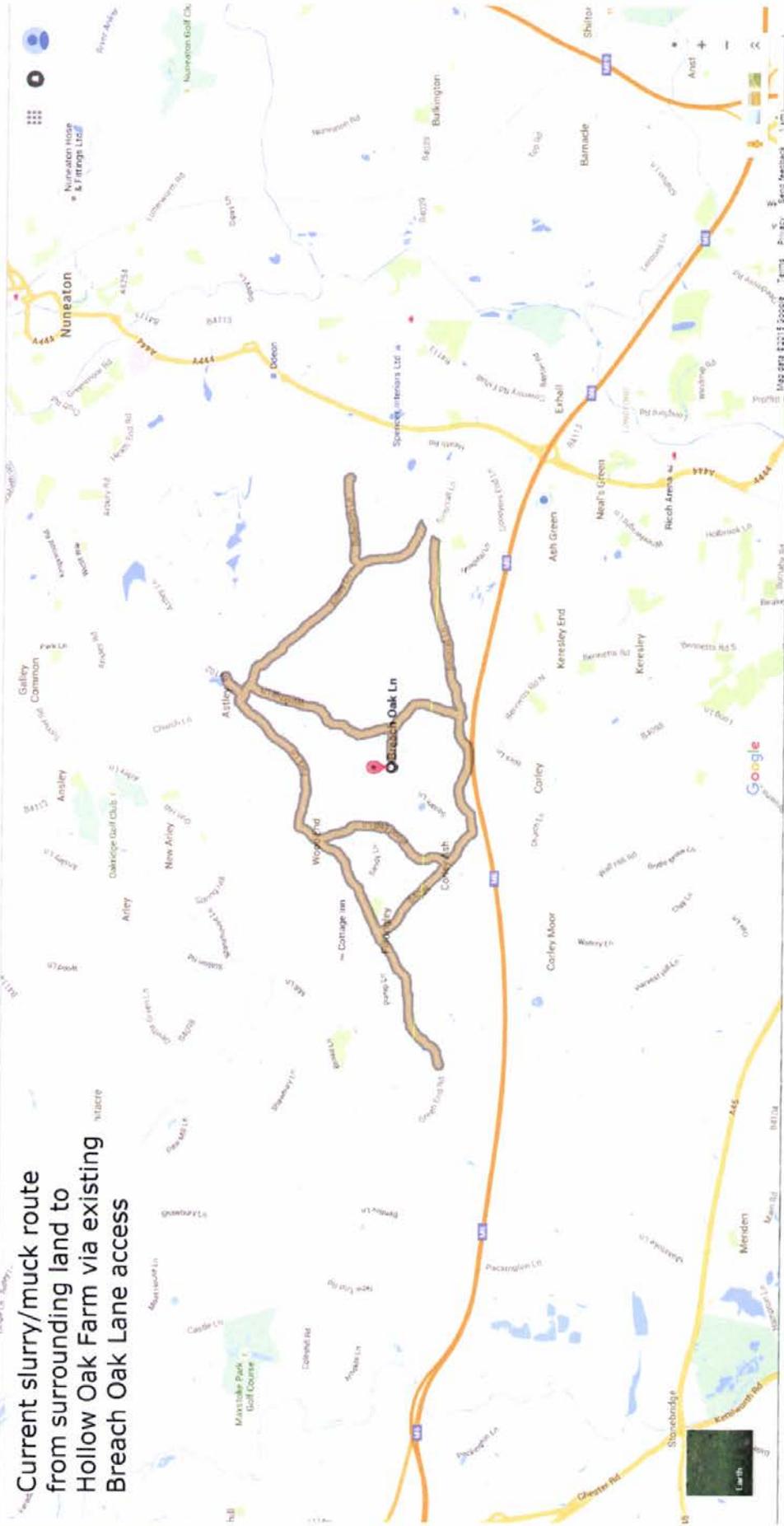
Proposed silage route from surrounding land to AD plant via proposed Howe Green Lane access



Proposed digestate route
from Hollow Oak Farm via
proposed Howe Green Lane
access to surrounding land



Current slurry/muck route
from surrounding land to
Hollow Oak Farm via existing
Breach Oak Lane access



Existing Operations at Hollow Oak Farm currently using Breach Oak Lane access

860 tonnes of Cattle Manure for spreading averaging 8.6 tonnes a load = **200 movements**

175 tonnes of Slurry onto fields averaging 8.75 cu.m a load = **40 movements**

Telehandler movements for loading and unloading straw = **764 movements**

2000 tonnes of Straw coming on to the farm using tractor and flat trailers averaging 9 tonnes a load = **444 total movements**

2000 tonnes of straw selling to merchants using HGV averaging 12.5 tonnes a load = **320 movement carried out normally from October to May**

Caravans Storage movements (including Caravans and Cars, and cars only) = **600 movement**

Proposed operations for AD Plant using proposed Howe Green Lane access only**Feedstock**

1300 tonnes Cattle Manure from Dairy Herd with 10t Trailers averaging 8.6 tonnes a load = **300 movements carried out from September to May**

700 tonnes Slurry from Dairy Herd with 10000 Litre Tanker averaging 8.75 cu.m a load = **160 movements carried out from January to October**

3500 tonnes Silage using 2 forage wagons averaging 17.5 tonnes a load = **400 movements carried out between May and October**

2000 tonnes of Straw using tractor and flat trailers averaging 9 tonnes a load = **444 movements carried out from July to October**

Digestate

9000 tonnes of Exported Digestate using 25 cu.m tanker = **720 total movements carried out from January to October**

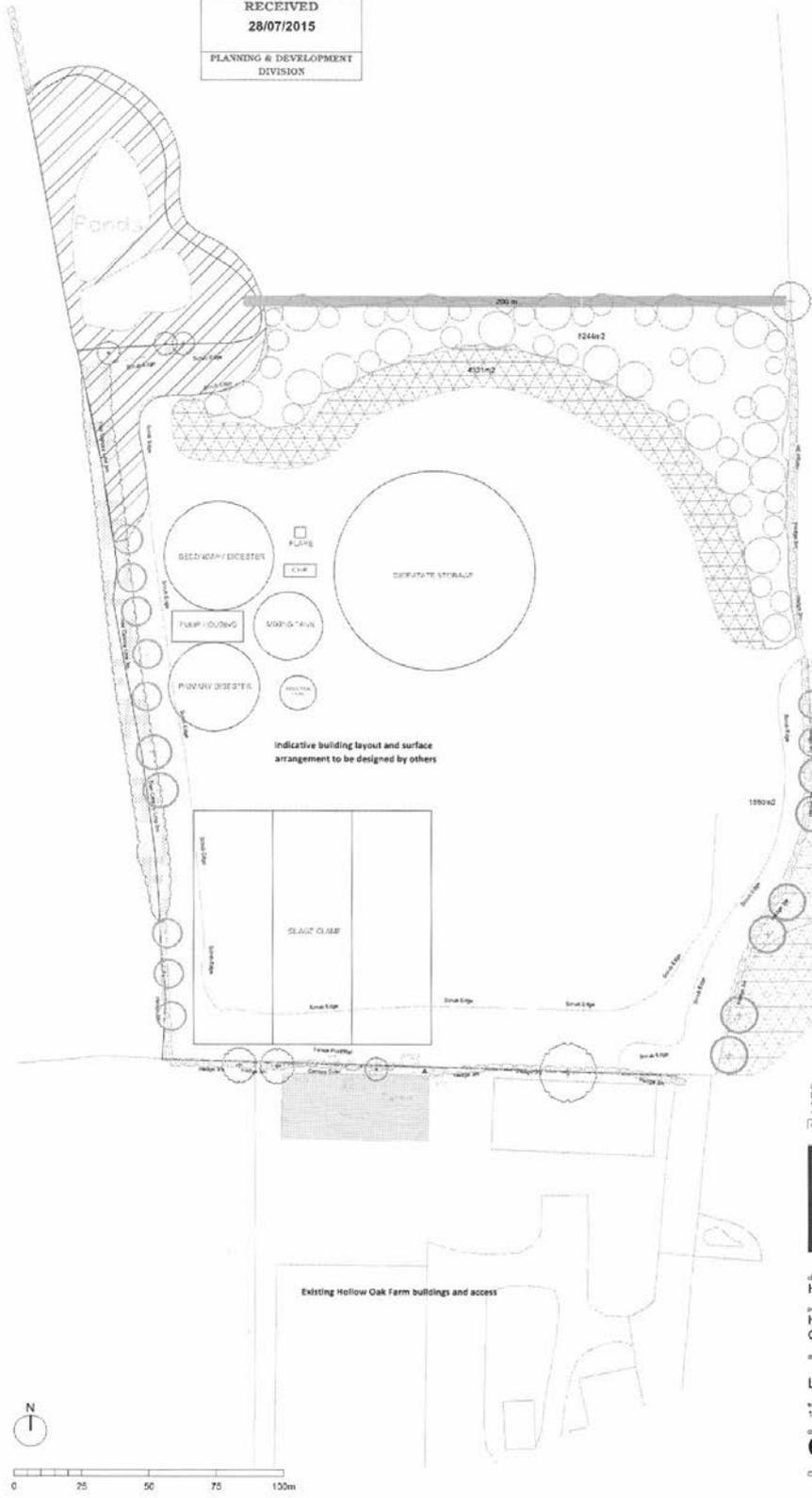
Existing farm traffic annual movements (not including the caravan traffic) = $200+40+764+444+320 = \mathbf{2368}$ movements (6.5 movements a day average)

Proposed AD Traffic annual movements = $300+160+400+444+720 = \mathbf{2024}$ movements (5.5 movements a day average)

SMITH PARTNERSHIP
HOLLOW OAK FARM
RECEIVED
28/07/2015
PLANNING & DEVELOPMENT
DIVISION

NOTES

- All dimensions to be verified on site. Do not scale this drawing. All discrepancies to be clarified with Contract Administration.
- This drawing is the property of FPCR Environment and Design Ltd and is loaned to the contractor. It is not to be reproduced, modified or distributed to any unauthorised person either wholly or in part without written consent of FPCR Environment and Design Ltd.
- Materials and workmanship shall generally be in accordance with the following documents - BS2000 Nursery Stock and BS4403 Recommendations for General Landscaping Operations. Plant material to be the sizes and dimensions as stated in the schedule and shall on delivery with good fibrous root systems.
- At least three plantings to be given planned to a size 8/3 larger than the size of the trees.
- New plantings to be protected with spiral guards or spiral shelters where appropriate.
- Standard tree planting to be obtained in tree pits suitable size to accommodate root ball size. All standard trees to be double barked and fast growing. All trees to be back filled with top soil and mulched organic material.
- Impervious to be obtained in rows not 300mm apart (equally to 0-7 plants per linear metre). Impervious to be protected by spiral guards and spiral shelters. Plant same species in groups of 5 and 7s.
- Armed grass seedling (TFC) to be sown into a prepared ground surface. Following establishment these areas would be close mown on a fortnightly regime (providing a neat and tidy appearance).
- Armed grass areas around the road area would be close mown 2-3 times per year providing a great opportunity for wildlife.
- The site is to be maintained for an agreed period following practical completion of the planting. During this period any trees, shrubs or other plants that die, fall or show leaf or any other condition for any reason shall be replaced. All replacement stock shall comply with the original specification and be obtained from a registered supplier.
- Maintenance to include watering of trees and shrubs, weeding and control of weeds, fungus and other diseases by means of spraying with an approved fungicide or fungicide, covering removal of garden refuse after 100 days. Site maintenance is to be put up with an approved contractor which will reduce the amount of litter on site to be removed including the any large sheet stones.
- Ongoing maintenance should include the above proposals as agreed with the land owner.



KEY

- Existing margins
- Existing vegetation retained through impervious
- Existing trees
- Existing evergreen hedges

Notes

Planting Details
Notes from the north and northwest could be partially obscured using north arrow and windward side facing. The standard risk could be altered to match the north arrow of the site, with additional impervious and standard tree planting to the site overall.

The following species for the **Planting Schedule** are to be used:

Species	Common N.	Plant Size	% Density
Quercus robur	100-200	40	1.00%
Crataegus monogyna	100-200	20	1.00%
Malus domestica	100-200	20	1.00%
Salix caprea	100-200	15	1.00%
Rosa rugosa	100-200	15	1.00%

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Salix caprea	100-200	15	1.00%
Rosa rugosa	100-200	15	1.00%

Rev	Date	Description	By	Check
C	17.07.2015	Additional Planting	DW	PHJ
B	13.07.2015	Additional Planting	CFD	PHJ
A	14.04.2015	Site Boundary Amendments	PHJ	PHJ
1	16.02.2015	Plan Issue	DW	PHJ

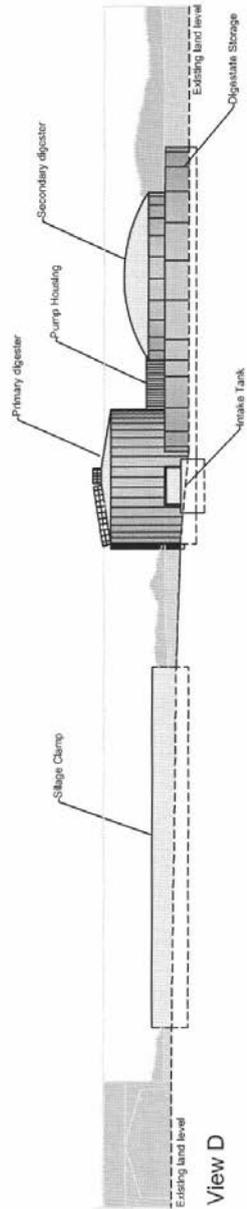
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E: info@fpcr.co.uk
www.fpcr.co.uk

Client: Hallmark Power Ltd
Project: Hollow Oak Farm Corley
Drawing title: LANDSCAPE PLANTING PROPOSALS PLAN
Scale: 1:1000 @ A2
Drawing number: 6697-L-01/C Figure 6
Date: 17 July 2015
Author: DW / PHJ
Check: PHJ
Date: 17 July 2015



PAP/2014/0665

NORTH WARWICKSHIRE
 DISTRICT COUNCIL
RECEIVED
28/07/2015
 PLANNING & DEVELOPMENT
 DIVISION



Orientation Plan

Mr J Brandreth
 Hollow Oak Farm
 Breach Oak Lane
 Conley
 CV7 8AW

Proposed AD plant
 cut into existing levels
 by 1meter

JOB NO	CLIENT	DATE	21/07/15
DRWN	DVD	CHKD	MS

Green Power
 Hallmark Power Limited
 Sandy Road, Aylesbury, Bucks HP21 3JF
 Tel: 01295 807044
 Fax: 01295 122275

SCALE: 1:500@A3

DRAWING NO: BRANDRETH_013

Location: SP 302 873
 HOLLOW OAK FARM
 BREACH OAK LANE
 CONLEY
 CV7 8AW

ACAD
 A3

**Standard rules**

Chapter 4, The Environmental Permitting
(England and Wales) Regulations 2012

Standard rules SR2012 No 10**On-farm anaerobic digestion facility using farm
wastes only, including use of the resultant biogas**

**Waste Recovery Operation – capacity less than 100 tonnes of
waste per day**

Introductory note

This introductory note does not form part of these standard rules

These rules are limited to premises used for agriculture and to wastes arising from on-farm activities, including dairies and are available to operators with an anaerobic digestion capacity of less than 100 tonnes of waste or a combination of waste and non-waste – both solid and liquid - on any one day. For anaerobic digesters operating above this threshold, standard rules for installation activities are available.

When referred to in an environmental permit, these rules will allow the operator to carry out the anaerobic digestion of wastes and the combustion of the resultant biogas in gas engines. The rules also allow use of gas turbines, boilers, fuel cells and treatment and/or upgrading the biogas to biomethane.

Permitted wastes do not include hazardous wastes.

Any wastes controlled by the Animal By-Products Regulations must be treated and handled in accordance with any requirements imposed by those Regulations.

These standard rules do not allow any emission into surface waters or groundwater except clean water from roofs and parts of the site not used for waste activity including storage of wastes. However, under the emissions of substances not controlled by emission limits rule, biogas condensate, treated digestate and waste waters may be discharged to a sewer subject to a consent issued by the local water company.

These rules do not apply to installations with more than one operator.

End of Introductory Note

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Rules

1 Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.
- 1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

- 1.2.1 The operator shall take appropriate measures to ensure that:
- (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and
 - (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
 - (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.

2 Operations

2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in table 2.1 below ("the activities").

Table 2.1 Activities	
Description of activities	Limits of activities
R13: Storage of wastes pending the operations numbered R1 and R3	All activities must be carried out on premises used for Agriculture.
R3: Recycling or reclamation of organic substances that are not used as solvents	Treatment of waste including shredding, sorting, screening, compaction, baling, mixing and maceration.
R1: Use principally as a fuel or other means to generate energy.	Digestion of wastes including pasteurisation and chemical addition
	Gas cleaning and upgrading to biomethane.
	Gas storage and drying
	Treatment of digestate including screening to remove plastic residues, centrifuge or pressing, addition of thickening agents (polymers) or drying.
	Composting and maturation of digestate
	The total quantity of waste or a combination of waste and non-waste including solids and liquids accepted at the site shall not exceed 100 tonnes in any one day.
	The use of combustible gases produced as a by-product of the anaerobic digestion process as fuel.
	Burning of biogas in gas engines, gas turbines, boilers and use in fuel cells.
	Use of an auxiliary flare required only for short periods of breakdown or maintenance of the facility.
	Use of pressure release valves to protect the integrity of the plant. Such systems should not be used routinely to vent unburnt biogas.

2.1.2 All process plant and equipment shall be commissioned, operated and maintained, and shall be fully documented and recorded, in accordance with the manufacturers recommendations.

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2.2 The site

- 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.
- 2.2.2 The permitted activities must not be carried out within:
- (a) 10 metres of any watercourse;
 - (b) a groundwater source protection zone 1, or if a source protection zone has not been defined then within 50 metres of any well, spring or borehole used for the supply of water for human consumption. This must include private water supplies;
 - (c) a specified Air Quality Management Area;
- 2.2.3 The gas engine stack must be a minimum of 3 metres in height and must not be located within:
- (a) 200 metres of a European Site or a Site of Special Scientific Interest (excluding any site designated solely for geological features);
 - (b) 200 metres from the nearest sensitive receptor in cases where the stack does not have an "effective" stack height of 3 metres or more, or the stack is less than 7 metres in height.

2.3 Waste acceptance

- 2.3.1 Waste shall only be accepted if:
- (a) it is of a type and quantity listed in tables 2.1 and 2.3 of these rules;
 - (b) it conforms to the description in the documentation supplied by the producer and holder;
 - (c) the waste is biodegradable; and
 - (d) wastes that are animal by-products or contain animal by-products must be handled and processed in accordance with any requirements and restrictions imposed by the animal by-products legislation
- 2.3.2 Records demonstrating compliance with rule 2.3.1 shall be maintained.

Table 2.3 Waste Types	
Waste Codes	Description
02	WASTES FROM AGRICULTURE, HORTICULTURE, AQUACULTURE, FORESTRY, AND HUNTING, FISHING, FOOD PREPARATION AND PROCESSING
02 01	wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
02 01 01	sludge from washing and cleaning – vegetables, fruit and other crops
02 01 03	plant tissue waste - husks, cereal dust, waste animal feeds, off-cuts from vegetable and fruit and other vegetation waste
02 01 06	animal faeces, urine, manure including spoiled straw
02 05	Wastes from the dairy products industry
02 05 01	biodegradable materials unsuitable for consumption or processing (other than those containing dangerous substances) – solid and liquid dairy products, milk, food processing wastes, yoghurt, whey from dairies
02 05 02	sludge from dairies effluent treatment

2.4 Operating techniques

2.4.1 The activities shall be operated using the techniques and in the manner described in Table 2.4 below.

Table 2.4 Operating Techniques	
Measures	
1)	All waste solids, liquids and sludges shall be securely stored. In the event of a leak, spill or failure, material can be contained and recovered.
2)	All storage and process tanks shall be fit for purpose and shall be regularly inspected and maintained in accordance with paragraph 2.1.2. In the event of a leak, spill or failure, material can be contained and recovered.
3)	Digestate shall be stored within containers or lagoons and should be of a design and capacity fit for purpose. The lagoon shall have a free board of 750mm.
4)	Gas engine stack height shall be no less than 3 metres.
5)	All biogas condensate shall be discharged into a sealed drainage system or recirculated back to the digester.
6)	Emissions of unburned biogas and the operation of the auxiliary flare shall be minimised. Any significant emissions of unburned biogas (including the operation of the pressure relief valves and the operation of the auxiliary flare shall be recorded.

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3 Emissions and monitoring

3.1 Emissions to air, water or land

3.1.1 There shall be no point source emissions to air, water or land, except from the sources and emission points listed in table 3.1

3.1.2 The limits given in table 3.1 shall not be exceeded.

Table 3.1 Point source emissions to air - emission limits and monitoring requirements			
Emission Point and Source	Parameter	Limit (including units)	Monitoring Frequency and Standard or Method
Stacks on engines	Oxides of Nitrogen	500 mg/m ³	Annual monitoring Monitoring equipment, techniques, personnel and organisations employed for the engine stack emissions monitoring programme (including the measurement of exhaust gas temperature) shall have either MCERTS certification or MCERTS accreditation (as appropriate).
	Carbon monoxide	1400 mg/m ³	
	Sulphur dioxide	350 mg/m ³	
	Total volatile organic compounds including methane	1000 mg/m ³	
		Emission levels at Normal Temperature and Pressure and 5%O ₂ , unless otherwise agreed in writing by the Environment Agency	
		Uncertainty allowance as stated in EA guidance LFTGN08 v2 2010.	
		To ensure effective plume breakaway, minimum stack gas exit velocity shall be no less than 15 m/s or 12 m/s where stack volume flow is less than 0.5 m ³ /s; OR The gas exit temperature shall be no less than 200°C	
Stacks on boilers burning biogas	Oxides of Nitrogen	No limit set	None specified
Auxiliary flare	Oxides of Nitrogen	No limit set	Record of operating hours.
Pressure relief valves	Biogas	No limit set	Weekly visual or remote monitoring to ensure valves are correctly seated.

3.2 Emissions of substances not controlled by emission limits

3.2.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

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- 3.2.2 The operator shall:
- (a) if notified by the Environment Agency that the activities are giving rise to pollution, submit to the Environment Agency for approval within the period specified, an emissions management plan;
 - (b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.
- 3.2.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise leakage and spillage from the primary container.

3.3 Odour

- 3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.
- 3.3.2 The operator shall:
- (a) maintain and implement an odour management plan;
 - (b) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the specified period, a revised odour management plan;
 - (c) implement any approved revised odour management plan from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.4 Noise and vibration

- 3.4.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration.
- 3.4.2 The operator shall:
- (a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Agency for approval within the period specified, a noise and vibration management plan;
 - (b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.5 Monitoring

- 3.5.1 The operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in table 3.1.
- 3.5.2 The operator shall maintain records of all monitoring required by these standard rules including records of the taking and analysis of samples, instrument measurements (periodic and continual), calibrations, examinations, test and surveys and any assessment or evaluation made on the basis of such data.

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4 Information

4.1 Records

- 4.1.1 All records required to be made by these standard rules shall:
- (a) be legible;
 - (b) be made as soon as reasonably practicable;
 - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and
 - (d) be retained, unless otherwise agreed by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:
 - (i) off-site environmental effects; and
 - (ii) matters which affect the condition of land and groundwater
- 4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by the Environment Agency.

4.2 Reporting

- 4.2.1 The operator shall send all reports and notifications required by these standard rules to the Environment Agency using the contact details supplied in writing by the Environment Agency.
- 4.2.2 Within one month of the end of each quarter, the operator shall submit to the Environment Agency using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

4.3 Notifications

- 4.3.1 The Environment Agency shall be notified without delay following the detection of:
- (a) any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;
 - (b) the breach of a limit specified in these standard rules; or
 - (c) any significant adverse environmental effects.
- 4.3.2 Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.
- 4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.
- 4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters except where such disclosure is prohibited by Stock Exchange rules:
- (a) Where the operator is a registered company:
 - any change in the operator's trading name, registered name or registered office address; and
 - any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.
 - (b) Where the operator is a corporate body other than a registered company:
 - any change in the operator's name or address; and

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- any steps taken with a view to the dissolution of the operator.
- (c) In any other case:
- the death of any of the named operators (where the operator consists of more than one named individual);
 - any change in the operator's name(s) or address(es); and
 - any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.

4.4 Interpretation

4.4.1 In these standard rules the expressions listed below shall have the meaning given.

4.4.2 In these standard rules references to reports and notifications mean written reports and notifications, except when reference is being made to notification being made "without delay", in which case it may be provided by telephone.

"*accident*" means an accident that may result in pollution.

"*anaerobic digestion*" means a process of controlled decomposition of biodegradable materials under managed conditions where free oxygen is absent, at temperatures suitable for naturally occurring mesophilic or thermophilic anaerobe and facultative anaerobe bacteria species, which convert the inputs to a methane-rich biogas and whole digestate.

"*agriculture*" means as defined in The Agriculture Act 1947 including: "horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of the land for other agricultural purposes, and 'agriculture' shall be constructed accordingly"

"*animal by-products legislation*" refers to animal by-products which are subject to the requirements and controls in Regulation (EC) 1069/2009 (as amended) and its corresponding implementing Regulation (EC) 142/2011 (as amended). These are enforced through The Animal By-Products (Enforcement) (England) Regulations 2011 and The Animal By-Products (Enforcement) (No2) (Wales) Regulations 2011. You will need to add NI and Scot legislation if QP covers the UK.

"*animal by-products*" are defined in Article 3 of Regulation (EC) 1069/2009 as "entire bodies or parts of animals, products of animal origin or other products obtained from animals that are not intended for human consumption". This includes catering waste, used cooking oil, former foodstuffs, butcher and slaughterhouse waste, blood, feathers, wool, hides and skins, fallen stock, pet animals, zoo and circus animals, hunt trophies, manure, ova, embryos and semen not intended for breeding purposes.

"*animal waste*" means any waste consisting of animal matter that has not been processed into food for human consumption

"*authorised officer*" means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in Section 108(4) of that Act.

"*D*" means a disposal operation provided for in Annex IIA to Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on Waste.

"*digestate*" means material resulting from an anaerobic digestion process

"*domestic purposes*" has the same meaning as in section 218 of the Water Industry Act 1991.

"*emissions of substances not controlled by emission limits*" means emissions of substances to air, water or land from the activities, either from the emission points specified in these standard rules or from other localised or diffuse sources, which are not controlled by an emission limit.

"*European Site*" means candidate or Special Area of Conservation and proposed or Special Protection Area in England and Wales, within the meaning of Council Directives 79/409/EEC on the conservation of wild birds and 92/43/EEC on the conservation of natural habitats and of wild flora and fauna and the Conservation of Habitats and Species Regulations 2010. Internationally designated Ramsar sites are dealt with in the same way as European sites as a matter of government policy and for the purpose of these rules will be considered as a European Site.

"*food production purposes*" means the manufacturing, processing, preserving or marketing purposes with respect to food or drink for which water supplied to food production premises may be used, and for the purposes of this definition "food production purposes" means premises used for the purposes of a business of preparing food or drink for consumption otherwise than on the premises.

"Gas engine effective stack height" means:

- a) If away from buildings actual stack height is no less than 3 meters.
- b) If attached to or on top of a building the stack tip must be no less than 3 meters above roof ridge.
- c) If there are other buildings within a distance of 5L from the point of discharge, the top of the stack must be no less than 3 meters above the roof ridge of the highest building. L is the lesser of the two measurements of building height and maximum width of the building.

Good habitat means rough (especially tussocky) grassland, scrub and woodland.

"groundwater" means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

"groundwater source protection zone" has the meaning given in the document titled "Groundwater Protection: Principles and practice" published by the Environment Agency in 2012.

"impermeable surface" means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the pavement surface, and should be read in conjunction with the term "sealed drainage system" (below).

"MCERTS" means the Environment Agency's Monitoring Certification Scheme.

"nearest sensitive receptor" means the nearest place to the permitted activities where people are likely to be for prolonged periods. This term would therefore apply to dwellings and associated gardens (including farmhouses) and to many types of workplaces. We would not normally regard a place where people are likely to be present for less than 6 hours at one time as being a sensitive receptor. The term does not apply to the operators of the permitted facility, their staff when they are at work or to visitors to the facility, as their health is covered by Health and Safety at Work legislation.

"pollution" means emissions as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities and other legitimate uses of the environment.

"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"R" means a recovery operation provided for in Annex IIB to Directive 200812/EC of the European Parliament and of the Council of 5 April 2006 on Waste.

"sealed drainage system" in relation to an impermeable surface, means a drainage system with impermeable components which does not leak and which will ensure that:

- (a) no liquid will run off the surface otherwise than via the system,
- (b) except where they may lawfully be discharged to foul sewer, all liquids entering the system are collected in a sealed sump.

"secure storage" means storage where waste cannot escape and members of the public do not have access to it.

"site" means the location where waste storage and treatment activities can take place.

"specified AQMA" means an air quality management area within the meaning of the Environment Act 1995 which has been designated due to concerns about oxides of nitrogen.

"SSSI" means Site of Special Scientific Interest within the meaning of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

"year" means calendar year commencing on 1st January.

End of standard rules

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perm-agency.gov.uk/epr/internet/Search/Details.aspx?ty=Myg:EPDgvo:DMkxkpr=V017a



In: HomePage > Search > Summary > Detail
led Public Register Information

Exemptions by PostCode Search: "1 km" "CV78aw"

F0508MVA001--Mr Jos Brandreth

EPRI: F0508MVA001

EPRI Name: Mr Jos Brandreth

EPRI Code: N/A

EPRI Other Id: N/A

EPRI Telephone: 07968818944

Address: Hollow Oak Farm, Beaulieu, Gosport, HANTS, CV7 8AW

EPRI Code: CV7 8AW

EPRI Code: EP/Waste

EPRI Code: EP/Waste

EPRI Code: Completed

EPRI Code: N/A

EPRI Code: Effective

EPRI Code: Central

EPRI Code: Midlands

EPRI Code: 26/01/2015

EPRI Code: 26/01/2015

EPRI Code: 26/01/2015

EPRI Code: 25/01/2018

EPRI Code: 430241

EPRI Code: 287437

EPRI Numbers:

(T24 - Anaerobic digestion of premises used for agriculture and burning of residual bogas (Agricultural Waste only))
(U10 - Spreading waste on Agricultural Land to confer Benefit (Agricultural Waste only))

Construction Traffic

Construction traffic would utilise the Breach Oak Lane access. The construction of the AD plant will take up to 4-5 months to build. There would be no abnormal loads associated with the construction of the AD plant. Hallmark Power have provided the following information including a breakdown of the loads and duration outlined below.

Excavation:

1no. digger would be used to excavate material and would be onsite for a duration of one week. No material would be removed from the site and the material could be used for bunding if this is required.

Foundations:

The foundations for the AD plant will require 17no. concrete trucks delivered to the site over a period of two weeks.

Intake Tank, Mix Tank, Primary Digester and Secondary Digester:

Structures are pre-cast elements that will be erected on-site. This will require a telehandler, 9no. HGVs and 30 tonne crane. The deliveries would occur over a period of 4 weeks after the foundations have cured.

CHP:

Delivered on a regular HGV flat bed and will be offloaded within 1 day by the 30 tonne crane.

Control buildings:

These are pre-fabricated elements and will be off loaded with the telehandler and will be delivered by a maximum 2no. HGVs.

Misc.:

Crew would arrive in 2-3no. 4x4 and transit vans over the whole period of construction. In addition, 2no. HGVs will deliver cabling, control systems and piping.

In summary, there will be an increase of traffic associated with the construction and delivery of the AD plant however this would be a temporary increase over a short-period of time. It is suggested that a Construction Traffic Management Plan is conditioned so that the more detailed management during the construction period can be approved by the Local Planning Authority before the commencement of development.

Ref: NWBC Planning Application - PAP/2014/0665 500 KWe Anaerobic Digester Installation at Hollow Oak Farm Breach Oak Lane		RECEIVED 25 SEP 2015
I wish to express my concerns regarding the above Planning Application, these are detailed below:		
1	I am not convinced that the proposed in/out vehicle movements will reflect reality when the plant is up and running. My reason for stating this is that there is insufficient data in the Application to allow me to verify the quoted movements - type of vehicles used, capacities, laden weights etc.	North Warwickshire Borough Council
2	I have concerns with the Noise and Odour assessments: a) they are now over 5 months old and may no longer be relevant b) they are based on theory, as I understand this is the first AD of its kind to be installed in the UK. c) additional equipment has been added to the proposal since the assessments were carried out d) additional land has been acquired by the Applicant since the assessments were carried out, this will increase the traffic movements and routes taken to the AD	
3	the Plant will be unmanned outside working hours, we are told it will be monitored remotely but are not given any information relating to incident reaction times nor emergency services response times.	

26th September 2015

Dear Mr. Brown,

I am writing to you again to lodge my further objection to the above proposal.

Before I proceed I wish to point out that the letter from Hallmark Power Ltd, 14th August 2015 and the letter from Pegasus Group 15th September 2015 are both signed by the same person, Marie Stacey. (marie@hallmarkwind.co.uk & marie.stacey@pegasuspg.co.uk). As the letter from Pegasus Group, 15th September 2015, is in support of Hallmark power Ltd I have to state that this seems to be a conflict of interest. In her role for Pegasus Ltd, Ms Stacey writes:

"Other Matters – I have reviewed the Odour and Noise Assessments have assessed the relevant matters associated with the AD plant and both reports are reflective of the most up-to-date layout for the proposals."

As Ms Stacey clearly works for both companies in no way would she give anything but a supportive review. How can one then believe and trust that the information is reliable and independent? This is typical of the twists, turns, and deceptions this application has thrown up. How can the same person act for the two different companies and be independent and without bias? With her Pegasus hat on she is supporting a document that, with her Hallmark Green Power hat on, she commissioned?

1. Hallmark Green Power letter - 20/07/2015

Mr. Sharples is referred to throughout the letter and I wish to make it clear that he was nominated by a group of unhappy local residents to represent them at the planning meeting of 13th July at Atherstone Therefore he was the voice of many and not acting as a sole objector.

2. Pegasus letter 15/09/2015 - Feedstock

"If straw was not utilised as part of the feedstock within the AD plant, another crop or more grass silage would need to be imported into the site to replace the straw as part of the feedstock mix."

I do not understand this sentence as straw is being imported into the site?

3. Pegasus letter 15/09/2015 - Feedstock

"A smaller AD plant that would just be fed with the current tonnage of grass silage and cattle manure would not be a financially viable option due to the cost of the plant."

This paragraph therefore confirms that this application is NOT for a small, on farm AD plant to deal with the farmer's natural waste, but is being built as a LARGE industrial/commercial operation purely for financial gain. The impact upon the local community and roads would take the brunt of this operation because of the extra tonnage needed to feed the plant and this is unacceptable on Green Belt land.

4. Pegasus letter 15/09/2015 - Feedstock

The land supply issues raised by residents was that we believed the plant to be too large for the land available even when Astley Hall Fsmr was included. These concerns have proven justified but rather than reducing the size of the plant the Applicant has rented more land to supply the oversized plant. I also question why the applicant had originally included elements of the land at Astley Lane in his original application, even though he must have known that an application for housing on that land was pending. It must also be noted that the recent land acreage acquisitions,

made recently by the applicant, has massively increased the capacity for straw and therefore transportation journeys and impact to the environment.

5. Pegasus letter 15/09/2015 – Highways

Clearly from the new routes now posted for straw transportation it can be seen to have a far reaching effect to many neighbouring villages. Again this demonstrates the massive scale that this AD plant is proposing to operate under. Have the residents along these new routes been made aware of this proposal, been given the opportunity to consider them and the impact they may have, and register their views?

"In addition, some of the proposed AD traffic movements can be further reduced by utilising a larger slurry tanker" "The size of the new digestate tanker will be appropriate to legislation at the time of purchase. Any adjustment in size will be more than compensated from the above traffic movement savings" I have previously expressed my concerns about the infrastructure of the roads and their inability to take the proposed increase in traffic movements, please see below photographs taken on 26/09/2015, further demonstrating the pot holes and splitting and cracking Tarmacadem. How will proposing larger and heavier tankers alleviate these problems? Who will pay for the maintenance and repair of these roads? Who will pay for the claims from motorists whose cars will be damaged by pot holes and splits?

6. Hallmark Green Power letter - 20/07/2015 – Traffic and Highway Concerns

"Mr. Sharples raised concerns regarding the use of the unpaved and unlit Brach Oak Lane by walkers and the potential conflict with traffic associated with the proposed AD plant. He also referred to the thousands of HGV's associated with the AD plant harming the tranquillity and the potential for serious accidents"

Please see the photographs below. One of the applicants' tractors demolished part of the boundary wall at Yew Tree Farm, corner of Breach Oak Lane and Wood End Lane, approximately 18th September 2015. These photographs substantiate the fears of local residents that there will be a serious or fatal road traffic accident relating to the vehicles, not only with the proposed AD plant, but that are being used in relation to the applicants current straw storage and distribution operation. Would the council be held liable for any serious untowards incidents as they have been warned of the potential for these to happen should planning permission for the AD plant be authorised?

7. Pegasus letter 15/09/2015 – Bund

“The Environment Agency permit for this particular AD plant does not require a bund around the AD plant”.

I refer you back to two incidents at Harper Adams University as reported in the Shropshire Star. Firstly in February 2013

“the storage tank which leaked in February 2013 was not sealed off until 36 hours later, by which time tonnes of farm waste had leaked sparking a pollution scare around the site. Then, thousands of litres of processed farm waste spilt out over farmland and entered the local watercourse which feeds into the rivers Strine and Tern. A bund built to contain any leaks failed and the digestate – a by-product from the renewable energy process – flowed in to a nearby field, the Environment Agency said at the time. The first drama saw thousands of litres of waste flood farmland and entered nearby rivers, prompting a major clean-up operation.”

Secondly in May 2014

“A power plant using farm waste today exploded at Harper Adams University, spilling tonnes of slurry. A 200-metre exclusion zone was today put in place by police, who described it as a “chemical incident”. The spillage has left land next to the plant waterlogged and brown slime has poured out over a farm track.”

Please see following photographs. You can see the devastation caused by such incidents and I would strongly argue the case for a protective bund to be included as a condition of any planning consent to protect the green belt land from harm.

<http://www.shropshirestar.com/news/2014/05/30/shropshire-sludge-power-plant-collapses/digestionplant&ae30/>



The Anaerobic Digestion Plant at Harper Adams College



Today – The clear up starts at the anaerobic digestion plant at Harper Adams

There remain, from my perspective, many unanswered but important questions....

Why did the applicant include the circa 12 acres of land in his original proposal of January 2015 when he must have known that there was an application going forward for housing upon this land?

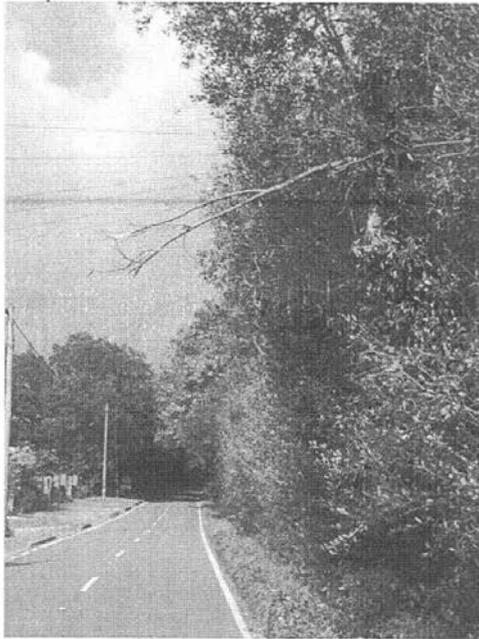
Was the applicant bought out of his "life time Tenancy" from Arbury Estates (Landlords) for this circa 12 acres, yes/no? If yes what is to stop this happening again and the source of the feedstock drying up from Astley Hall Farm?

Many local residents have noticed a massive increase with straw being delivered to Hollow Oak Farm within the past few weeks. What are the actual figures of movements both in and out, for each route both prior to the newly acquired land being available and currently? Many residents are reporting unprecedented numbers of tractor movements over recent weeks and it needs to be made clear which figures the Applicant is using as his current state. He should be using the figures as they were in 2014 as the starting point for any comparison.

The surrounding roads to Hollow Oak Farm are still littered with straw that is causing drainage issues, particularly at the Breach Oak Lane/ Smorral Lane area. Who is responsible for clearing this away and cleaning the roads?



The surrounding hedges to Hollow Oak Farm, particularly down Breach Oak Lane, are still having branches being torn off them by the fully laden straw lorries. Who is responsible for properly cutting back the hedges and low branches so that damaged branches will not end up falling through the windscreen of a passing car?



When the Applicant obtained permission for the enormous barn in 2012 it was stated that all the traffic to and from it would go via an access on to Park Lane. He has since admitted no such access exists which is why he is bringing 2,000 tonnes of straw per year (his figures) in and out via Breach Oak Lane. What can we believe regarding the current proposal?

The applicants earlier paper said that the straw lorries leaving Hollow Oak Farm would stop if the AD plant went ahead as the straw would be used in the plant. The Pegasus letter refers to the straw business as an "existing and continuing use at Hollow Oak Farm." Which is correct?

If the straw business is continuing why are there no traffic movements for it shown in the latest figures? If this is carrying on in the future then total traffic to and from the farm is grossly understated. Are we being misled deliberately? Is this why no traffic figures for the Breach Oak Lane entrance are quoted in the latest numbers?

When the applicant applied for the large barn did he state that this was to support a straw wholesale business, rather than farming activity? Did the Council know that he would transporting thousands of tonnes of straw in and out down single track roads, or was this "overlooked"?

Has the make and model of the proposed AD plant ever actually been built in the UK before, yes/no?

Exactly where has this plant actually been built before?

Was the noise assessment based on an identical plant to the proposal above, including data from the the external choppers and grinders that have only recently been disclosed yes/no?

If the noise assessment was not based on an identical plant to the proposal above, including data from the external choppers and grinders that have only recently been disclosed, when will a new independent assessment be carried out?

Has the Applicant committed to carry out the noise mitigation measures set out in the Noise Assessment that are needed to meet the noise target criteria? I have seen no mention of this other than in the Noise Assessment.

As the proposal is for the AD plant to run 24 hours per day, 7 days a week, 365 days a year what guarantee will there be that there will be no nuisance noise?

The Noise assessment assumed no night time movements of vehicles to or from the plant and no loading of digestate. How would this be controlled/enforced?

Who will monitor noise output?

What will happen if there is nuisance noise?

Who is responsible to take remedial action to rectify nuisance noise?

Was the odour assessment based on an identical plant to the proposal above, yes/no?

If the odour assessment was not based on an identical plant to the proposal above, when will a new independent assessment be carried out?

Was the noise and odour assessment carried out by an independent group who have no connection or financial association with the applicant, yes/no?

The Department of Environment guidelines say that feedstock should be delivered into enclosed buildings to stop dust and odour being released into the air? I can't see any provision for this in the plans, if that is so why not?

As the proposal is for the AD plant to run 24 hours per day, 7 days a week, 365 days a year what guarantee will there be that there will be no offensive odours?

Who will monitor offensive odours?

What will happen if there are offensive odours?

Who is responsible to take remedial action to rectify offensive odours?

Have the Highways Department been informed, and had an opportunity to complete a site visit, of all of the new routes with regard to straw, slurry, silage and digestate movements, including the new land acquired by the applicant?

There are no figures showing how much traffic will use each route (e.g. the Astley and Fillongley crossroads, both are accident blackspots) why not? How can Highways have assessed the new routes without this information?

Have the Highways Department been informed, and had an opportunity to complete a site visit, of the new access points to the applicant's farm at Hollow Oak Farm?

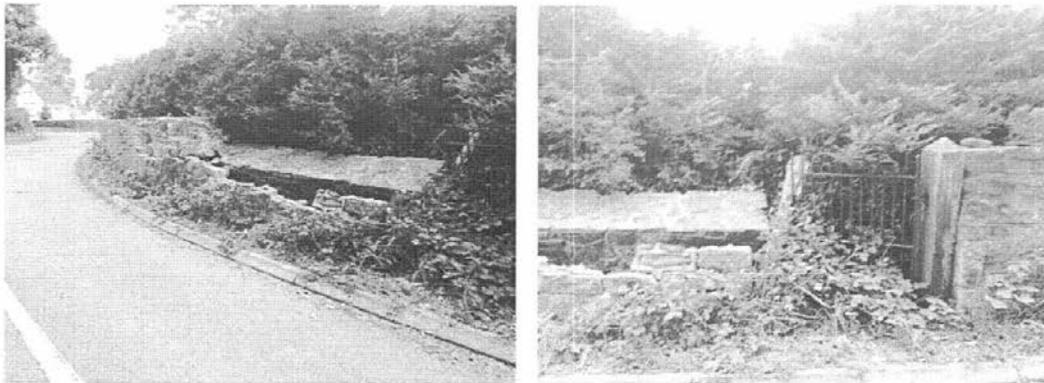
Who is responsible for checking and monitoring that the applicant abides by the proposed routes and entrances?

Why are some of the straw lorries leaving Hollow Oak Farm illegally driving through the barriers at Corley Service Station?

The figures for the amount to be carried on each trip are huge, is this not illegal?

If the weights are overstated then surely the amount of traffic will be need to be higher?

The Pegasus letter mentions using larger vehicles to reduce the amount of traffic. The existing vehicles are already too large for our local lanes. Last weekend an agricultural vehicle going to Hollow Oak Farm collided with a wall on Breach Oak Lane (see photos below).



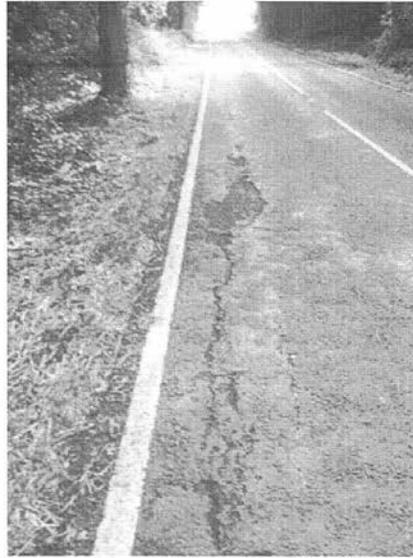
The Pegasus letter talks of "back-loading" the digester movements with slurry" to reduce traffic movements. Surely he would then need to clean out the tanker before re-loading with digestate to avoid it being contaminated. Where will it be cleaned? Where will the water to clean it come from and where will the dirty water go?

There is no provision in the plans for cleaning the wheels of vehicles leaving Hollow Oak Farm to ensure that dirt and debris is not carried on to the public road, why not?

Hallmark Green Power letter 20/07/2015 - *"The ecologist recommended a pre construction badger survey taking place"* Has this survey taken place and what are the results?

Who will pay for the maintenance and repair of the local roads?

Who will pay for the claims from motorists whose cars will be damaged by pot holes and splits in the roads?



Yours sincerely,

Helen Sharples
Astley Lodge, Breach Oak Lane, Corley, CV7 8AU

29th September 2015

Dear Mr. Brown,

PLANNING APPLICATION PAP/2014/0665 – HOLLOW OAK FARM

I writing, once again, to supplement my objections to the proposal to construct and operate a 500KWh Anaerobic Digester (AD Plant) at Hollow Oak Farm following the release of further papers by the Applicant since the Planning Board meeting on 13 July, the last of which were published on the N.W.B.C. Planning Portal on 15 September. The comments herein are intended to supplement by previous comments and not replace them.

Previously the Applicant has stated, both in the documents provided and at public meetings, that he could support the 500KWh AD Plant from "the farming partnerships existing activities" and that it was not over-sized relative to them. I, and many other residents, have continued to challenge this assertion despite the comments attributed to the Land Agent supporting the Applicant's position. The letter dated 15 September from Pegasus Group to yourself states that "a smaller AD plant, that would be fed with the current tonnage of grass silage and cattle manure, would not be a financially viable option due to the cost of the plant."

Given that the Applicant's farming activities are limited to a dairy herd and silage it is clear that this is not a scheme that can be categorized as a small, on farm AD Plant. This is, and always has been intended to be a commercial operation requiring large quantities of material (feedstock) to be brought in from near and far. This proposition is further supported by the confirmation by the applicant that since submitting the application he has rented an additional 150 acres (c.30%) of land which will be used to support the AD Plant.

The Department of the Environment's Draft Supplement to Planning Policy Statement 18 (PPS18) dated June 2013, defines on-farm AD plants as "where the feedstock is comprised entirely of organic residues or energy crops produced within the farm." It goes on to state that "proposals for large scale Commercial AD plants to process agricultural residues and which are operated on a commercial (or merchant) basis and intended to accept material from a wide area will not generally be suitable for farm based locations." This proposed development clearly falls under the Commercial AD plant definition provided by the D. of E.

If, as I assert, this is determined to be a commercial project primarily for financial gain requiring the purchase and importation of material from beyond the Farming Partnerships existing farming activities (as they existed at the time of the original application), then The Council needs to consider whether or not it is empowered to consider this application or whether it needs to be put before the County Council.

When this application was previously put before the Planning Board (meeting on 13th July) it was recommended that it be refused. Various grounds were stated as the justification for the recommendation and in my view, despite the applicant having a further two months to address those concerns very little has changed that could justify changing that recommendation and some of the new information only serves to reinforce the concerns.

INAPPROPRIATE DEVELOPMENT

The previous report to the Board expressed the view that "the proposed development is considered to be an inappropriate development in the Green Belt causing significant harm to the openness of the Green Belt hereabouts. Additionally other harm is caused as a consequence of the impact of the development on the landscape character and visual amenity." Neither of the two documents submitted by Hallmark Green Power nor the letter from Pegasus have changed the size, design or location of the project in any way and therefore the level of impact, and harm it would cause, remains as it did at the time of the previous report.

The Department of the Environment's Draft Supplement to Planning Policy Statement 18 (PPS18) dated June 2013, states in paragraph 6.3 "an AD plant requires buildings and structures of an industrial character.... Where CHP plant is proposed new electricity lines to transfer electricity to the National Grid may also be required and will have a visual impact both on and off the site.

The construction of buildings of an industrial character across a footprint that is over 100m wide (longer than the pitch at Wembley Stadium) and up to 11.8m high, in a hilltop location within the Green Belt is totally inappropriate.

It is difficult to comprehend why, despite adding the feedstock from the extra 150 acres, the total feedstock going into the AD Plant has not increased it is still 7,500 tonnes and the number of traffic movements has not increased. There are two possibilities either:

1. The amount of material and traffic are now understated by the impact arising from the additional land

Or

2. The Applicant knew from the outset that he needed to bring in more material than could be sourced from his existing farming activities and factored in the assumption that he needed to source more feedstock.

That leads to the conclusion that residents and the planners were either being deliberately misled throughout the protracted consultation phase until now, or current information is flawed. Whichever of the scenarios is correct calls into question the credibility of all the statements and information that has been put forward.

What is the true scale of the material and traffic that would arise from the proposal how do we know whether the latest information is any more accurate than that provided previously?

The Pegasus letter dated 15 September refers to the availability of additional land (originally included in the Hallmark letter dated 20 July 2015) as demonstrating that there is no land supply issue with regard to feedstock availability. The fact that the AD Plant, for which the capacity has remained unchanged, requires the material from an additional 150 acres to work efficiently is a clear indicator that this AD Plant was too large from the outset. The need for material from more than 600 acres to support a plant located on a farm of only 140 acres clearly indicates the commercial scale of the development and calls into question the validity of all the statements made by the Applicant with regard to his intentions and commitments in relation to the development.

The statements provided regarding the digestate produced and where it will be utilised follow a similar pattern to the feedstock. Residents have consistently queried the Applicant's assertions that all the digestate would be utilised only at Hollow Oak Farm or Astley Hall Farm. They have been met with denials and statements from The Applicant that "it is extremely unlikely that there would be any surplus." The routing for digestate provided with the latest papers clearly shows the digestate being distributed in all directions from Hollow Oak Farm. This is either because a surplus is anticipated and/or the plan is to sell the digestate to further increase the income from this commercial project. Either way residents' concerns regarding the integrity/accuracy of the original information have proven to be well-founded.

HIGHWAYS AND TRAFFIC

The second ground for refusal raised in the recommendation section of the report to the Planning Board meeting of 13th July was "the development will lead to a material increase in traffic movements but the full highway impact of the development has not been thoroughly assessed therefore adding further harm."

Previously the Applicant has stated that outbound straw movements associated with his straw wholesaling business will cease as the straw will be used in the AD Plant. This cessation has been reflected in previous traffic projections. However the letter from Pegasus dated 15 September states "the straw business is an established and continuing use at Hollow Oak Farm." This indicates that the Applicant now intends to continue with his straw wholesale business so the previously claimed traffic reduction benefit of using the straw in the AD Plant is no longer true.

In the traffic projections that accompany the Pegasus letter there are no traffic movement projections any continuing straw wholesaling activity although the existing operations scenario includes the incoming movements associated with this business.

If the straw distribution business is to continue then, either the incoming movements of straw need to be discounted from the existing operations figures, or the outgoing movements must added into the proposed movement figures.

One of the merits of the proposed development as put forward by the Applicant is the cessation of telehandler movements between Hollow Oak and Astley Hall Farms as it would remain at Hollow Oak Farm for the purposes of putting the feedstock into the AD plant. What is not clear is how the work previously carried out using the telehandler at Astley Hall Farm will be done without the telehandler present. Also if the straw business is to continue how the needs of this operation be done? Could this mean that a second telehandler is required to be shared between the straw business at Hollow Oak Farm and the needs of Astley Hall Farm so the movements shown as ceasing continue? This needs to be investigated.

There are further considerations when comparing the existing and proposed movement figures.

1. The Applicant treats a car or car/caravan movement as being equivalent to tractor/trailer movements. Clearly these are in no way comparable in terms their size, impact on the environment, other road users and residents.

2. The proposed loads that have been used to calculate the number of traffic movements required to support material going in and out of Hollow Oak Farm are in the case of the silage coming in and digestate going out grossly in excess of what is legally permitted for trailers/tanker on UK roads. The current maximum permitted laden weight for a trailer or tanker pulled by a farm tractor is 18.29 tonnes (Dept. for Transport Press Release 9 March 2015). The applicant's assumptions for the average loads of silage and digestate are 17.5 tonnes and 25 tonnes respectively. Clearly when you factor in the unladen weight of the trailer/tanker such loads are not possible, therefore the number of movements required will need to increase proportionately. In the case of digestate this will at least double the quoted number of movements and in the case of silage in increase the movements by at least 50%.
3. The Department of the Environment's Draft Supplement to Planning Policy Statement 18 (PPS18) dated June 2013, states in paragraph 6.10 "there is a need to ensure that the local road network is capable of accommodating the type and number of vehicle movement that the proposal is expected to generate. ... Where the road network cannot accommodate the predicted number of vehicle movements without adverse traffic or road safety impacts, it is likely that planning permission will not be granted."

Using the Applicant's figures for the amount of material and applying reasonable estimates for the unladen weight of the trailer/tanker I estimate the proposed number of movements, excluding any movements for a continuing straw wholesaling business to be as follows:

Material	Two-way Trips	One-way movements	Comments
Cattle manure in	150	300	As per Applicant
Slurry in	80	160	As per Applicant
Silage in	291	582	Assumes load = 12 tonnes, forage wagon = 6.25 tonnes
Straw in	222	222	As per Applicant
Digestate out	750	1,500	Assumes load = 11 tonnes Tanker = 7.25 tonnes
TOTAL PROPOSED	1,493	2,986	Excludes any straw wholesaling related traffic
Existing	1,184	2,368	Per Applicant including 300/600 car & car/caravans
% change		+26%	
% change (Heavy Vehicles Only)		+69%	Current excludes 600 car/caravan

Attached with the letter from Pegasus, in addition to the traffic movement forecasts, are route maps. The routes for the inbound straw extend out as far as Ansley, Galley Common, Maxstoke, Keresley and Neal's Green and the silage is also being brought in from across the area. Previously (Hallmark letter dated 27 May 2015) it was stated that the digestate would be used on land rented by the applicant. At this point the applicant inferred that this land was either at Hollow Oak Farm or Astley Hall Farm as at that point there was no mention of further land being rented to support the AD Plant. The map provided for the transportation of digestate shows it being transported in all directions.

Residents living or travelling on many of the previously undisclosed routes will be unaware of the potential increases in traffic arising from these journeys, which are associated with the AD Plant, as previously the only routes being identified were between Astley Hall Farm and Hollow Oak Farm. In the absence of their being a full re-consultation, for the benefit of all parties potentially now affected by the development, they will have had no notification/opportunity to comment on the AD Plant impact from their perspective.

The routes shown now include the Fillongley and Astley crossroad junctions both of which are notorious accident black-spots. As these routes have only just been disclosed did the Highways Agency report consider the issues associated with much increased farm traffic using them if the AD Plant were to go ahead? This needs to be verified as this would be an important consideration for them.

The latest traffic movement projections have no information regarding future traffic movements via the Breach Oak Lane entrance. This absence of this information, together with the identification of new routes, the flawed assumptions used to calculate the proposed number of movements and the lack of clarity regarding the future of the straw wholesaling operation means that it is still not possible to make a full and through assessment of the highway impact, i.e. the same situation as was set out in the July report to The Board.

CONSULTATION

Given the much wider impact that has now been recognized with the latest information, is N.W.B.C satisfied that all relevant parties have been properly consulted in accordance with their own principles and procedures and would it stand up to scrutiny if challenged?

VERY SPECIAL CIRCUMSTANCES

The previous report to the Planning Board concluded that the considerations put forward by the Applicant to justify this development "are not sufficient to amount to the very special circumstances needed to override the harm caused by the development's inappropriateness and the other harm caused."

Since that report to the Planning Board there have been three further commentaries provided by the Applicant. There are no new circumstances within those 3 documents that could be considered as being targeted at addressing the absence of very special circumstances identified previously. Therefore this issue remains as a reason to recommend refusal.

ORGANIC STATUS

The Applicant continues to refer to his "organic" status however, despite repeated requests via Development Control, this has yet to be evidenced. I note that in the Hallmark letter dated 20 July there is reference to the Soil Association being interested in the project to undertake trial work on the health of soil on organic farms which use digestate. This would suggest that the impact is currently unclear yet the Applicant repeatedly puts forward the merits of digestate versus other fertilisers, as one of the benefits from the development.

VISUAL IMPACT

The previous report to the Planning Board refers to the development as comprising of "large buildings in an exposed setting." No attempt has been made in the intervening period to reduce the size or visual impact of the development, so this remain a major source of harm resulting from the proposed development.

NOISE AND ODOUR

In my previous comments I have repeatedly questioned whether the noise and odour assessments included with the application relate to the development as it is currently proposed including the all the proposed plant and equipment. Once again in the letter from Pegasus dated 15 September the response to this concern is vague, "I have reviewed the noise and odour assessments have assessed the relevant matters associated with the AD plant and both reports are reflective of the most up to date layout for the proposal." There is no confirmation that the reports are based on the current equipment. The wording they have used fails to rule out that the assessments were made on different equipment to that currently proposed. **This needs to be clarified and if necessary the assessments re-performed based on the latest proposals.**

The Summary section within the Noise Assessment report states "initial calculations suggest an exceedance of the target criteria with the current plant proposals. In order to meet the criteria items of the plant as detailed are **required to be mitigated by at least 5dB.** This will require either selection of quieter plant units, attenuation to any ducted terminations by use of silencers, or enclosure/screening.

Nothing has been indicated, in any of the subsequent papers submitted by the Applicant of any plans to address expected failure of the proposed development to meet noise target criteria.

The Assessment assumes that material movements between the silage clamp and the intake tank only take place within daylight hours and have been excluded for night-time noise projections. It also assumes that there will be no expected vehicle movements during night time hours. These limitations of hours would need to be made a condition if the development were to be approved otherwise the noise assessment assumptions would be invalidated and the harm to residents and the environment would be well beyond acceptable levels.

In the Noise Assessment report reference is made to the noise sources considered which were:

Arrival and departure of vehicles

Noise generating equipment such as CHP units

There is no reference to external pumps or grinders which would suggest that they were not considered. This needs to be clarified and if they were not considered then the noise assessment would need to be re-performed to take account of their impact.

BUND/SPILLAGE CONTAINMENT/WASTE WATER MANAGEMENT

With regard to the need for a bund to contain any spillages the Applicant continues to maintain that this is not a requirement of the Environment Agency Permit in this case. However the Department of the Environment's Draft Supplement to Planning Policy Statement 18 (PPS18) dated June 2013, states in paragraph 6.33 "all storage and handling of feedstock and digestate should be undertaken on impermeable surfaces and within areas with an engineered site containment and drainage system designed to contain all contaminated run off.

The draft supplement to PPS 18 also contains other guidance which appears to have been ignored in the Applicant's proposal:

1. (para 6.19) Standard good practice measures should be adopted to reduce the potential for odour and dust release. These include ensuring that the **delivery and storage of solid feedstock takes place within buildings with appropriate negative ventilation systems and where appropriate bio-filters.**
2. (para 6.37) To allow for a full assessment of the water quality impacts of the proposed development the following will normally submitted as part of an application for full planning permission or reserved matters:

A site drainage plan showing arrangements for the management of dirty water arising from the development (this plan should show how drainage of the contaminated areas is separated from uncontaminated site drainage);
Detail on the storage arrangements for feedstock prior to input to the digester;
Full details of how the resultant digestate will be stored and disposed of (if disposed of by land spreading, farm maps showing the location and extent of that land;
A map or block plan indicating the position of the proposal in relation to any nearby waterways
Details of the arrangements for containing spillages.

In the proposal at Hollow Oak Farm the delivery to storage will take place in the open air and not within a negative pressure building designed to contain dust and odour.

Only limited details (a route map) has been provided to show how the resultant digestate will be disposed of. Farm maps showing the location and extent of the land, and its position relative to nearby water courses is absent.

The applicant has not provided a site drainage plan or a spillage containment plan.

It is clear that, not only has the Applicant failed to address the concerns that led to the previous recommendation for refusal, but that the application fails, on multiple counts, to achieve the best practice criteria in a number of key areas as set out Department of Environment Guidelines for Planning Guidance in respect of Anaerobic Digesters (PPS 18 draft supplement – June 2013).

The recommendations of the Noise Assessment with regard to the need for numerous and significant mitigation measures to meet the target criteria appear to have been ignored by the Applicant.

Everything about this proposal suggest that corners are being cut, recommendations and best practice ignored, information withheld and the interests of the environment, residents and the wider community alike disregarded in order to maximize the profit to be made by the Applicant.

This remains a wholly inappropriate, harmful, commercial/industrial development, which would result in significant and unjustified development of the Green Belt. I reaffirm my objection to the proposed development in the strongest possible terms.

DAVID SHARPLES
ASTLEY LODGE, BREACH OAK LANE
CORLEY, CV7 8AU



Mr Nick Russell
Paddock Farm
Breach Oak Lane
Corley
Warks

28th September 2015

Dear Sir

I wish to once again object to planning application ref PAP/2014/0665, Hollow Oak Farm, Breach Oak Lane, Corley.

After reading the latest set of documents I remain unchanged in my views which I have expressed in my other objection letters. **Little has really changed and I believe there is still no justification to build such a large plant on green belt and operate a 24x7x365 industrial processing plant.**

With the latest documents published on the website in mind I would like to make the following points. These should be taken in addition to previous points made since Jan 2015.

1. It is of interest that the Agents letter is now headed Pegasus Group, yet the agents name remains the same. Previous correspondence showed no reference to Pegasus.
This is of interest as the Pegasus Group specialise in fighting tough cases, why has this been hidden until now? This another example of a trickle approach to the facts on this submission which has been demonstrated consistently. **I would look for reassurance that the council would not be influenced by pressures of this specialist company.**
2. The agents statement tries to justify the size of the plant and yet in their own words the plant can function technically at a smaller size/scale. There is nothing to stop this plant being smaller except the desire to commercially generate profit. **Is profit a special planning consideration?**
3. Was the wholesale straw / distribution business ever given planning permission with application ref PAP/2012/0064-68. This sought to store straw & hay. And yet now we are faced with HGV and Heavy Farm machinery taking and fetching straw round the year at all times and days of week in what is now a warehouse distribution site in the green belt on lanes.

"Erection of second hand portal frame building for agricultural use to store hay, straw and produce"

"Extension to crop store with secondhand portal frame building and new cladding"

<http://planning.northwarks.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=247071>

Also from the approval for this application in 2012, In the councils own words....

"It is considered that any further future agricultural buildings on the site will have to be carefully considered given the existing buildings on the site and the use for the storage of caravans, and also given the Green Belt site location"

4. There are no details to the Organic Credentials as referenced so many times yet after repeated questions not details have been forthcoming? Why?
5. Where is the evidence to support claims of AD efficiency using straw. I have an experts email countering the claims in the agents letter. Again where is the detail with reference rather than vague informal claims in a letter from an Agent?
6. The agent's statement talks about the mix of feedstock / crops to give best efficiency. However this does not justify the size of the plant. Indeed by halving the size would solve many of the issues raised. i.e. Less traffic, noise etc
7. From the agents statement "AD plant can only process a certain amount of material there is a finite amount of feedstock" This is another example of vagueness and lacking detail. **What is the capacity of the plant? Something Mr Brown asked in January and still no answer? Why?**
8. The additional land the applicant has gained equates to circa 120 Acres extra. This means more crops/straw/silage will be generated etc. This extra has not been considered in any of the reports on traffic/noise/odour. **This means that there is a potential massive under estimation of these aspects of the submission. Surely these details need to be considered fully to make a considered view.**
9. All Route maps make no reference of the Proposed **NON AD Traffic**? Why have these not been shown? What exactly will still use the single track BREACH OAK LANE? Will any STRAW be brought along to and from Breach Oak Lane? Will any straw leave this way? No mention of the circa 2000 tonnes of remaining capacity of the barn has been mentioned? Why not just full detail the ins and outs and routes rather than drip feed the information and even now withholding parts?

From the design and access statement

"As we will be using the straw ourselves it means HGV 's will not be needed to move straw off farm which is the case at the moment. This means that only farm vehicles will be used to move feedstock and digestate."

10. The proposed straw route STILL shows using the single track part of the BREACH OAK LANE? I suspect this is an error on the diagram as the Title on the diagram talks about HOWE GREEN LANE ACCESS. But can this confirmed and updated?
It is another example of inaccuracy and attention to detail.
11. The existing numbers for Muck/Slurry/Silage movements are disputed.. Again where is the IMPARTIAL evidence? Just look at google maps/earth to see April of this year.

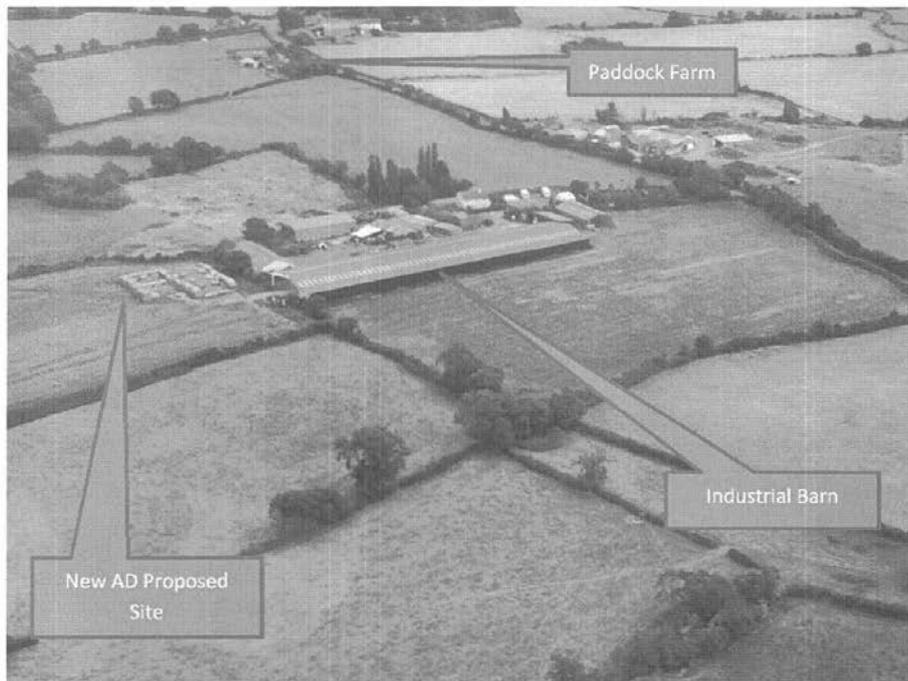
12. How will any movements be enforced / policed / regulated? If permission is granted the applicant can then choose their own routes to suit with no risk of issues? How would times of operation be controlled?
13. A possible Larger Tanker, Possible Larger Bailer are vague references again, **where is the detail and the commitment?** If this is intended to help the case then why not specify the plant, weights, loads etc. Surely this would help everybody including the highways to assess the proposal. **What is exactly is the proposal?**

Also the law states a farm trailer cannot be more than 18.28 tonnes. This means the figures quoted do not add up? It also means adding a larger tanker would not be legal?

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364559/government-response-tractor-weights-speeds.pdf

14. Traffic Weights and Speeds are still not addressed. If a larger tanker does not comply with road law then this would mean more journeys. Indeed the proposed number of movements is based on what loads? In detail what tonnage are we talking about here both unladen and laden to and from where. A more granular breakdown is required to see the picture as it is. **The figures still do not add up? Other applications show breakdown to field level to aid the proposal/detail.**
15. "No Hazardous Material" Is mentioned yet the environment agency insist on you having a licenses for waste and then regulate this. As the agent has no accountability/consequence they can make this sweeping statement.
16. Monitoring would be continuous, but WHO WILL BE ON SITE? No details and no commitment has been made. **"any leak would be detected and attended to as soon as possible"** Again a statement which means nothing.
17. Digging something into the ground by a small amount (1m<10%) is NOT an effective 2ndry containment. It only helps a bit. Why is there still no bund proposed. Many other AD submissions propose bunds upfront?
18. What qualifies the Agent to assess the validness of the Noise/Odour/Traffic reports? Surely it is the council's prerogative to decide this? Why would you not seek these to be updated to reflect the current known position as things have changed significantly since these reports were done. Why does the planning department not seek these rather than seek the views of the agent?

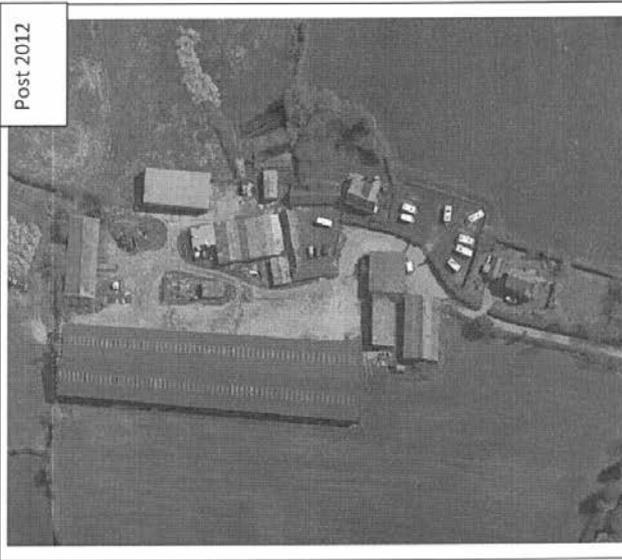
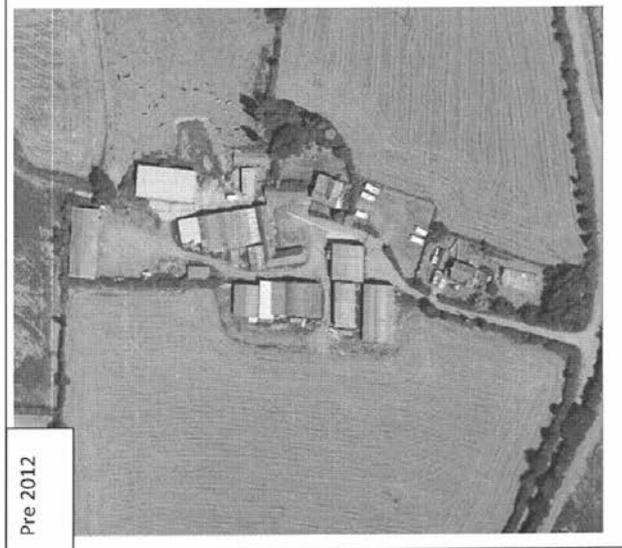
Considering the site as is in context to my home...



- Note the size of the new Industrial Barn (**3893 SQM**)
- Note the new Industrial Barn increased the size of the farm buildings already (see next page).
The AD will grow the footprint more by another **5000 SQM 20% Bigger & Taller** than the Barn footprint. How much green belt needs to be lost.
- Note the proximity to my address. No Noise/Odour/Visual assessment has ever considered Paddock Farm or mentioned it? Why is this the case?
- Note the access from Breach Oak Lane for HGV types of vehicles



AD Plant will grow the site and lose more green belt land.
The Barn has taken some green belt already. See Below



The site has already grown significantly.

Given that there are so many questions have gone unanswered I wanted to summarise the key topics to show there are so many areas not covered, incorrect or lacking in detail to allow a fair decision to be made.

These are:

1. Not knowing the capacity of the plant, this drives much of the detail that should be stated.
2. Not knowing the detail of traffic routes, with weights, dates, locations, equipment including next 5 years as crops increase in yield. And having no assessment made of the facts.
3. No new employment is proposed, as per application details. As such this does not meet any special reasons for the application.
4. Classifying as On Farm and Green. How can this be classed as on farm when you look at the travel and routes required to feed this plant? How can the CO2 / emissions/ traffic be considered a green proposal?
5. What is the operations model proposed. No details exist. The plant in the application words operates 24x7. Does this means plant/machinery/loaders/pumps/grinders etc. will be operational at all hours? Harvest is only at certain times in year yet this will be industrial processing 24x7 in the green belt? If approved how would this be managed and enforced?
6. Sustainability is not proven. What happens when land prices rise as per previous letters with references. Markets may change. What happens if government policy changes significantly?
7. The Location proposed is not special and does not justify breaking the green belt.
8. Diversification has already been allowed on multiple occasions nothing has been said to justify more industrialisation at the cost of the green belt?
9. ECON8 has not been proven as per previous letter. Existing Traffic has been inflated to favour the application yet weights / tonnes have been underestimated to again favour the application. (see previous letter as 25th Aug 2015)
10. ENV2 is still relevant and a case has not been justified to ignore these points. (see previous letter as 25th Aug 2015)
11. NPPF (National Planning Policy Framework) and Core Policy 10 (NW Local Plan 2006) have not been proven (see previous letter as 25th August 2015)
12. NW9(Employment) has not been shown. (see previous letter as 25th August 2015)
13. NW17 (NW Core Strat 2014, Economic Regeneration) has not been shown. (see previous letter as 25th August 2015)
14. Visual Impact is still an issue.

15. There is no Manure Management Plan and Nutrient Management Plan. This would help show the breakdown of what would be used where by what. As there are limits to what can be used.

<https://www.gov.uk/guidance/waste-exemption-u10-spreading-waste-to-benefit-agricultural-land>

You can't:

- spread waste that does not benefit the land
- spread waste on non-agricultural land - see related exemptions
- spread waste that is not listed even if they would provide benefits
- dispose of waste under this exemption eg applying waste that will not benefit the land, or applying more than is needed to provide benefit

190604 Digestate produced only from the limited range of waste and conditions allowed under T24 and T25 exemptions only 50 200 A

i.e. 50tonnes per hectare limit.

The figures in the application don't seem to add up when you apply these rules?

How can your experts assess the proposal without these key documents?

16. Breach Oak Lane single track specific traffic movements (both Ad and NON Ad) still not defined despite repeated asking.

17. The Bore Hole licensing has not been shown or assessed by council. No evidence has been provided.

18. Connection to grid details have not been updated as per request (25th August 2015)

19. Tenancies have not been validated as per points in previous letter 25th August.

20. Not knowing the organic credentials and standards to be adhered to. What is the applicants registration details and who with? The agents response has quoted general EU regulations, numbers 384/2007 and 889/2008. This is a general vague answer again. This is not evidence of the applicant's organic status. Despite constantly asking for this information it is still outstanding.

21. Noise and Odour assessments being out of date and not being carried out with a defined set plant/criteria/process/model. Still not details on plant equipment/pumps/grinders.

22. No independent impartial validation of latest details supplied for all reports/discussions. All source data has come from the applicant, where is the impartiality?

23. No clear "one truth" of the proposal. There are so many conflicting documents on portal what is the one set of facts to use? How can this be used in the future to assess and decision made?

24. Process has not considered all relevant people for comment. Even the web site is misleading on dates and gives impression the matter is closed. Still shows this as 25/9

25. When you consider other AD Planning Applications this one is very light on substance. It has holes and is vague to the point of allowing a wide range of interpretations. For example would you let me build a house with not defining where doors/windows are located? Or not specify in detail how/what materials etc.? This does not seem to be a level playing field when you consider this application.

Based on so many outstanding items I reiterate...

If Hallmark gets things wrong they will not be held accountable who will enforce and breaches or will it be left for the local community to pay the price.

If granted there will be no second chances. With vagueness comes little chance to enforcement and regulation.

To conclude, this whole process has now gone through a number of iterations. Each time the objections seem to drive the need to get more information written/published. This pattern has repeated again as this consultation comes to a close. The applicant has had a number of chances to submit a credible scheme and yet the latest documents still fall short of detail and accuracy.

This all adds weight to the view you cannot assess and approve the proposal. **The setting in the green belt is inappropriate.** And the lack of detail gives rise to concerns and gives a low confidence that this is a well thought out safe proposal. The government /economic and legislative position is changing and is unstable. This does not make sense from a number of perspectives.

I keep coming back to Question Number 1 asked by Geoff Brown in January 2015, What is the capacity of the plant? Why so big? To date there is still no answer? **Things have a habit of changing at this site and even in this application process.**

I would ask you to consider my points raised to date and to reject this application

Yours sincerely

Nick Russell

For the Attention of Mr. Jeff Brown
Head of Development Control
North Warwickshire Borough Council
Council House
Atherstone
29 September 2015

Dear Mr. Brown,

RE: PLANNING APPLICATION NUMBER PAP/2014/0665

As you are aware this application has changed significantly since it was first submitted and the full public consultation closed. Whilst the more recent information made available by the Applicant has, in the main, been published on the Council's planning portal, many residents who believed themselves outside the sphere of impact from the proposal are now potentially impacted as a result of the much wider geographical area that has been identified, as being the source of the feedstock and the location where the digestate will be spread.

Unfortunately when speaking with residents across the wider area of impact it became clear that whilst many had awareness of the original proposal, awareness of the proposal's extended impact was very low/nonexistent.

As a result a number of residents have spent many hours talking with neighbours and other residents to explain the scheme in its current form, using the route maps taken from the Applicant's latest submission. The weight of local opinion against this proposal is demonstrated in the enclosed petition which has been signed by 310 local residents who wish to record their opposition to the proposal.

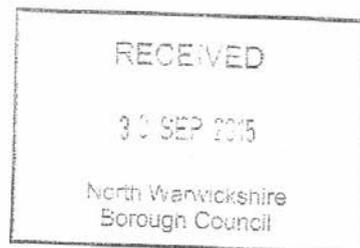
Whilst it is understood that petitions carry less weight than individual comments, you need to offset this by the limited amount of time available to inform residents of the changes to the proposal given that the Council only sent notice of the new information to those who had objected previously. When you take account of the rural nature of the area concerned and the relative low population to get a response on this scale is nothing short of remarkable and should be recognised when the application is being considered.

Yours sincerely,



DAVID SHARPLES

On Behalf of Concerned Residents



WE SAY NO TO INDUSTRIALISING THE NORTH WARWICKSHIRE GREEN BELT

We the undersigned, residents of North Warwickshire, object to the plans to construct an Anaerobic Digester Plant at Hollow Oak Farm, Fillongley, (Application reference PAP/2015/0665), on the following grounds:

- The proposal consumes Green Belt farmland for the creation of an energy factory.
- This is a Commercial rather than Agricultural project that is grossly oversized for a small (49 hectare) farm.
- The size and look of the buildings, with for example a flare stack and roof mounted air handling units, is what you would expect for factory, not a farm.
- These buildings, that are up to 11m (36ft) tall and over 100m wide, will be a blot on the rural landscape.
- The plant will run 24 hours a day, 365 days per year creating noise, light and odour pollution.
- The plant uses an external propeller and chopping pumps that will be a constant source of noise.
- The technology involved is untried in the UK and its impact on the local environment and residents is unclear.
- The vast majority of the material to be used at the plant will need to be transported in, and out by road resulting in a huge increase in heavy vehicle movements on narrow local roads.
- The plant will be unmanned, which is a safety concern.
- No new employment would result from the project.

30 SEP 2015

North Warwickshire
Council

This proposal is wholly inappropriate and unjustifiable for its Green Belt location and we urge North Warwickshire Council Planning Board to REFUSE THE APPLICATION.

	Name (please print)	Address	Signature
1	DAVID SHARPLES	ASTLEY LODGE, CV7 8AU	
2	HELEN SHARPLES	ASTLEY LODGE CV7 8AU	H. Sharples
3	LYDIA SHARPLES	ASTLEY LODGE, CV7 8AU	L. Sharples
4	SAM SHARPLES	ASTLEY LODGE CV7 8AU	
5	RICHARD GANE	ASTLEY CLOSE, CV7 8AU	R.D. Gane
6	DIANE GANE	ASTLEY CLOSE CV7 8AU	D. Gane
7	WARRING HARRING	WOODLANDS BARNHURST OAK LANE	C. H. Reading
8	Roy Reading	WOODLANDS BARNHURST OAK LANE COVENTRY	R. Reading
9	CRAIG DAVIES	WOODLANDS BLEACH OAK LANE COLONY	
10	MATASHA NORCROFT	WOODLANDS BLEACH OAK LANE COLONY	