

Application Number: WNS/2022/0971/MAF

Location: Manor Farm Alderton Road Paulerspury NN12 7LS

Proposal: Development of three agricultural silage clamps, two covered 5,000 m3 lagoons and additional landscaping to the existing agricultural anaerobic digestion facility.

Applicant: Manor Farm Green Energy Limited

Agent: JMJ Planning Limited

Case Officer: Rebecca Smith

Ward: Deanshanger

Reason for Referral: Major development

Committee Date: 20/02/2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

This planning application seeks three additional agricultural silage clamps and two associated digestate and surface water lagoons at the agricultural Anaerobic Digestion (AD) facility at Manor Farm, Pury Road, Alderton. The proposed clamps are for Manor Farm feedstocks only and not feedstocks from other farms. New landscaping is proposed around the north eastern and north western boundaries of the site.

Consultations

The following consultees have raised **objections** to the application:

- Alderton Parish Council

The following consultees have **requested additional information**:

- Lead Local Flood Authority

The following consultees have raised **no objections** to the application:

- Paulerspury Parish Council
- Environment Agency
- Environmental Protection
- Highways England
- Local Highways Authority
- Agricultural Consultant
- Arboriculture
- Ecology
- Planning Archaeology WNC (NNC)
- Anglian Water

- Crime Prevention Design Advisor

25 letters of objection have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Character of the Area
- Heritage
- Noise, Odour and Lighting
- Highway Safety
- Flooding and Water Pollution
- Ecology.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and the submission of additional information to satisfy the Lead Local Flood Authority.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is located in the open countryside on arable land at Manor Farm. It is approximately 3.9ha (including the access road) and lies approximately 400m to the west of Alderton village. The Anaerobic Digestion facility has been implemented and operational since 2017. The AD facility at Manor Farm uses agricultural feedstocks to generate renewable energy (biomethane that is injected directly into the gas grid) for up to 3,000homes every year.
- 1.2 The wider Manor Farm complex comprises of existing farm buildings which are used for grain storage purposes and includes four large steel clad green buildings with large areas of surrounding hard-surfacing. The site is accessed from Pury Road to the south via an existing hard-paved access road approximately 800m in length.
- 1.3 The immediate surroundings of the site comprise of arable fields in a gently undulating landscape, with trees and hedgerows running along field boundaries. There are three ponds within 500m of the application boundary and a surface water ditch to the south. The River Tove is situated about 250m to the north. The nearest Listed Buildings are about 600m from the application boundary, Longcroft and Bekenpenn (Grade II) and the Church of St. Margaret Grade II*. Alderton Conservation Area is approximately 0.5km east. The Motte Schedule Ancient Monuments (SAMS) is to the north of the village, about 1km from the application site and Stoke Park, Grade II Registered Park and Garden is about 1.5km north east.

2. CONSTRAINTS

- 2.1. There are three Public Rights of Way near to the site:
 - SK/001 - runs west from the village to the south of the site, and is approximately 140m from the development at its closest point.
 - SK/006 - runs to the north west of the site and is approximately 230m from the development at its closest point.
 - SK/002 - runs along Spring Lane and continues to the north approximately 280m from the development at its closest point.
- 2.2. Within Flood Zone 1
- 2.3. Within an area of Low, Medium and High Risk of Surface Water Flooding
- 2.4. Within a Technical Site Safeguarding Map for Wind Turbine Developments
- 2.5. Within 2km buffer of Local Wildlife Sites:
 - Stoke Park Fishponds, Site ID: S537
 - Stoke Park Pavilions Woodland, Site ID: S586
 - Stoke Park Wood, Site ID: S588
- 2.6. Within a Mineral Safeguarding Area
- 2.7. Designated Neighbourhood Area: Paulerspury, Designated - 26/09/17

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This planning application seeks three additional agricultural silage clamps and two associated digestate and surface water lagoons at the agricultural Anaerobic Digestion (AD) facility at Manor Farm, Pury Road, Alderton. The proposed clamps are for Manor Farm feedstocks only and not feedstocks from other farms.
- 3.2. A new clamp of 1,207m² is proposed to the southwest of the existing clamp, and two new clamps each covering 2,972m² are located to the northeast. The two proposed covered lagoons are located to the northwest of the existing clamps. New landscaping is proposed around the north eastern and north western boundaries of the site.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
S/2023/0037/MAF	Variation of condition 1 (plans) and removal of condition 11 (highway improvement works) of S/2020/1505/MAF (Variation to conditions 1 (plans) and 18 (feeding regime) of S/2016/1727/MAF (Onfarm anaerobic digestion facility to accept energy crops to produce biogas, electricity and digestate) to increase throughput, allow additional feedstock to come from other farms, allow liquid digestate to be removed via the highway and to modify the cover to the	Pending

	surface water and digestate lagoon and timing of its installation) to remove condition 11 and update the 12th April 2021 transport statement with an addendum to the transport statement dated December 2022.	
S/2020/1505/MAF	Variation to conditions 1 (plans) and 18 (feeding regime) of S/2016/1727/MAF to increase throughout, allow additional feedstock to come from other farms, allow liquid digestate to be removed via the highway and to modify the cover to the surface water and digestate lagoon and timing of its installation.	Approval
S/2017/2020/MAF	Construction of a pond with associated engineering works.	Approval
S/2016/1727/MAF	Variation of condition 2 (plans) 6 (finished floor levels) 7 (landscaping) & 13 (materials) to planning permission S/2015/0717/MAF (On-farm anaerobic digestion facility to accept energy crops to produce biogas, electricity and digestate) To make changes to the condition wording to reflect newly submitted drawings /plans. To allow changes to layout and plant equipment and alterations to hard landscaping to clamps & plant compound area.	Approval
S/2015/2031/MAF	Variation of condition 2 (plans) to planning permission S/2015/0717/MAF (Anaerobic digestion facility) to permit a larger silage clamp and include enclosures for the solids feeding system	Refusal
S/2015/0717/MAF	On-farm anaerobic digestion facility to accept energy crops to produce biogas, electricity and digestate.	Approval
S/2014/1360/FUL	Vehicular access and farm track to serve Manor Farm	Approval
S/2011/0088/MAF	Replace existing grain store with a new building that will store grain in one half and house a biomass fuelled power plant in the other half.	Appeal (against refusal) Withdrawn
S/2008/0947/P	Biomass fuelled power plant and grain store	Withdrawn
S/2005/1285/P	Formation of four stock/irrigation ponds.	Refusal
S/2005/1087/AG	Formation of four irrigation/stock ponds	Withdrawn
S/2002/1393/P	Extension to grain dryer store and associated landscaping.	Approval
S/1999/0420/P	Proposed Lean-To Extension To Provide Implement Shed And Formation Of Hardstanding (Part Retrospective)	Approval
S/1999/0340/AG	Proposed Lean-To Implement Shed (For Information Only)	Withdrawn
S/1993/0259/P	Erection Of Grain Store With Lean To At Side	Approval

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- S11 – Renewable Energy
- R2 – Rural Economy
- BN2 – Biodiversity
- BN5 – The Historic Environment and Landscape
- BN7A – Water Supply, Quality and Wastewater Infrastructure
- BN7 – Flood Risk

South Northamptonshire Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS2 – General Development And Design Principles
- EMP2 – Existing Commercial Sites
- EMP6 – Farm Diversification
- HE1 – Significance Of Heritage Assets
- HE5 – Listed Buildings
- HE6 – Conservation Areas

Material Considerations

- 5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Documents - Energy Efficiency (Part 1) and Low Carbon and Renewable Energy (Part 2)

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
Alderton Parish Council	Objection	<ul style="list-style-type: none"> • Again a proposal has been made for an extension and changes to the development that were initially stated would not be allowed. • Requirements have been breached previously with no recourse of penalty. • Continual issues with increased traffic, noise, water pollution are never properly considered or rectified. These will only get worse. • It impacts a special local community, a village with significant historical importance, for one company's commercial gain. • It's entirely unjustifiable that such nuisance would be permitted.
Paulerspury Parish Council	No objections	No objections to this application.
Environment Agency	No objection	The applicant contacted the EA and provided (via a telephone call) further information direct from the company currently running the AD plant. The information largely details about the companies and products that will be used within the construction of the clamps and lagoons. While there are no specific plans and drawings for the site the EA recognise the products that are to be supplied and methods of construction would be appropriate for the site and would ensure that there is no risk to the environment. Accordingly, they withdraw their previous objection and would like to reinforce the section from The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (SAFFO).
Environmental Protection	Comments and requests conditions	<p>Following submission of additional information comments as follows:</p> <ul style="list-style-type: none"> • The clamps and lagoons will be SAFFO compliant and the EA will be notified prior to construction as required by the SAFFO regulations. • EA permit is not required as the site will only receive energy crops. Therefore noise and odour issues need full consideration. • Noise – It is accepted that a further Noise condition is not required as the Noise Impact

		<p>Assessment (dated 4th May 2022) was completed relative to the 30dB absolute noise criteria limit prescribed by the Anaerobic Digester (AD) planning permission S/2020/1505/MAF (which amended S/2016/1727/MAF).</p> <p>The applicants Noise consultant states there is no need to re-do any background noise surveys as any relative limit derived from this would be over-riden by the existing 30dB limit.</p> <ul style="list-style-type: none"> • Odour – Reviewed the Odour Assessment Ref: 3611-3r2 dated 9 May 2022. The report is broadly accepted. The Odour Management plan Ref: 3611-2r4 dated 9 May 2022 is a critical document and compliance should be secured by condition. Necessary to update the Odour Management periodically to reflect best practice, therefore the following should be added to the report at point 3.11.1: ‘ The Odour Management Plan will be reviewed annually and submitted to the LPA for approval’. In addition the report should: <ul style="list-style-type: none"> ○ Specify name and contact details of main point of contact for complaints from the public ○ State that daily checks, maintenance and training shall be documented and made available to the regulator when requested. ○ Include documented odour boundary checks, specifically when delivery of energy crops occur and when spreading occurs. ○ Document wind direction when receiving deliveries and spreading and during any emission event. • Land quality - Phase 1 Desk top Study (land contamination) dated October 2022 by Grange Geo provides an overview of past and present uses of the land, the geology and concludes the overall risk from land contamination at the site is low. Whilst no further works are necessary precautionary recommendations have been made should the proposed development go ahead. The conclusions of the report are accepted.
Highways England	No objection	Updated swept path drawings have been submitted which satisfy previous concerns. National Highways therefore has no objection to this application.

Local Highways Authority	No objections	Following receipt of the requested detailed Construction Traffic Management Plan (CTMP) confirms no observations. Not affected by a Public Right of Way.
Agricultural Consultant	No objections	Only been able to comment on the storage needs based on land area and crops. No objections from an agricultural point of view.
Arboriculture	No objection	Confirmed that the landscaping scheme within the Landscaping and Biodiversity Enhancement Plan Dwg No. JMJ/MAN/009 Rev A is sufficient and no condition is required for a new scheme.
Ecology	Comments requests conditions	The Preliminary Ecological Appraisal, by Scales Consultancy Ltd, dated 20th May 2022, Great Crested Newt Survey Report by Scales Consultancy dated 3rd August 2022 and Bat Survey report by Scales Consultancy dated 3rd August 2022 are appropriate and fit for purpose. Based on the findings of the report it is unlikely that the development proposed will have a significant impact on protected species or habitats if the recommendations and mitigation identified in section 4 of the Preliminary Ecological Appraisal (PEA), by Scales Consultancy Ltd, dated 20th May 2022, are followed fully and successfully. Recommends conditions as follows: <ul style="list-style-type: none"> • Carry out in accordance with the PEA • Revised Protected species survey if not commenced by 20 May 2024. • Native species in planting proposals.
Planning Archaeology WNC (NNC)	Comment	The site is located c.400m northwest of the Medieval manorial earthworks of Alderton. An Archaeological Strip Map and Sample (SMS) programme was undertaken in 2015 in connection with an earlier phase of development similar to the present application (S/2015/0717/MAF). This archaeological work did not identify any sub-surface archaeological remains. Given the proximity and scope of the present application, the previous archaeological works to demonstrate that sub-surface archaeological remains are unlikely to be disturbed as a result of the current proposals. There are therefore no grounds to comment further on the proposed development.
Anglian Water	No objection	There is no connection to the Anglian Water sewers, we therefore have no comments.
Crime Prevention Design Advisor	No objection	The site has no crime history and increasing the size of this development is unlikely to impact on crime or disorder.
Lead Local Flood Authority	Requires additional information	Having reviewed the applicant's submitted details located within the Flood Risk and Drainage Assessment, report reference: BLI.2022.18 revision

		02 prepared by BLI Consultant Engineers in April 2022, we would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development. We cannot support the application until adequate surface water drainage information has been submitted.
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7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.1. There have been 25 number of objections raising the following comments:

- Against the original agreement made that “no additional product or transport will be required” and the site would not be expanded.
- This industrial development is in open countryside.
- Visual impact - Spoiling countryside views/rural landscape.
- Impact on historic assets - conservation village/listed properties.
- Site very close to houses in the village.
- Smell
- Noise
- Highway safety
- Flood risk
- Pollution to local stream/ditches
- Air quality
- Removal of healthy trees and vegetation.
- Ecology
- Agricultural land should be used for food production to cut down the need for imports.
- Concerns over the excessive spreading of slurry.

Additional comments have been made in relation to the operation of the existing AD plant which is not the subject of this application.

8. APPRAISAL

Principle of Development

Policy Context

8.1. The NPPF advises that local planning authorities should support the delivery of renewable and low carbon energy towards a move to a low carbon future. Local planning authorities should also encourage the development of renewable energy schemes through positively expressed policies in local development documents. Whilst there are no specific policies relating to renewable energy in the current Local Plan Part 2 (LLP2), the West Northamptonshire Joint Core Strategy (JCS) reflects government direction on the issue and recognises the significant contribution such schemes can make towards more sustainable development.

- 8.2. Policy SA of the JCS supports the presumption in favour of sustainable development within the NPPF, and Policy S10 focusses on Sustainable development principles. Amongst these criteria are the need for development to maximise the generation of its energy needs from decentralised and renewable or low carbon sources (g), whilst also promoting sustainable drainage (h); protecting, conserving and enhancing the natural and built environment and heritage assets and their settings (i); enhancing biodiversity (j); and minimising pollution from noise, air and run off (k). Policy S11 deals more with low carbon and renewable energy requirements and states that *'proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution'*.
- 8.3. Whilst the LLP2 does not have any policies expressly referring to renewable energy developments it does have policies considering all relevant land-use impacts to allow the proper assessment of an AD facility such as this (for example, visual impact, residential amenity and cultural heritage contained within Policy SS2).
- 8.4. Turning to the business aspects, Policy R2 of the JCS states that *'proposals which sustain and enhance the rural economy by creating or safeguarding jobs and businesses will be supported where they are of an appropriate scale for their location, respect the environmental quality and character of the rural area and protect the best and most versatile agricultural land'*. One of the types of development that are considered to be acceptable are: *'e) the expansion of businesses in their existing locations, dependent upon the nature of the activities involved, the character of the site and its accessibility'*. In the LLP2 Policy EMP2 at point 3 states *'On existing employment, retail or commercial sites, employment generating development including intensification will normally be permitted within the existing curtilage or through appropriate extensions subject to compliance with other policies in the plan and other material considerations'*.
- 8.5. Policy EMP6 of the LLP2 deals with farm diversification and states that *'Development that relates to the diversification of an existing farm, agricultural estate, or other land-based rural business will be acceptable in principle provided that:*
- a. The proposal would not prejudice the continued viable operation of the existing use; and;*
 - b. The character, scale and type of proposal is compatible with its location and landscape setting; and*
 - c. Existing buildings are reused wherever possible; and*
 - d. Where new or replacement buildings are required, the proposal is in scale with the surroundings and well related to any existing buildings on the site'.*

Appraisal

- 8.6. The principle of an Anaerobic Digestion (AD) development on the site was established under planning permission reference S/2015/0717/MAF. This has been implemented and operational since 2017.
- 8.7. The AD facility at Manor Farm uses agricultural feedstocks to generate renewable energy (biomethane that is injected directly into the gas grid) for up to 3,000 homes every year.
- 8.8. The layout of some of the site's plant was varied in 2016 (planning reference S/2016/1727/MAF) and planning permission was granted in 2022 to increase feedstocks and to import these feedstocks from farms other than Manor Farm in order to enable the

AD to meet its designed renewable energy output (planning reference S/2020/1505/MAF).

- 8.9. The current application seeks permission for additional agricultural silage clamps and associated digestate and surface water lagoons. These are required to improve the management of feedstocks generated by Manor Farm that supply the AD facility. The applicant has confirmed that the proposed extension to the existing clamps is for Manor Farm feedstocks only, and not feedstocks from other farms.
- 8.10. As advised above the proposed clamps and lagoons are required as there was a deficit in clamp storage sought when the original approval was given. This can be evidenced in the history of the site which shows that a planning application to extend the clamps was made in 2015 (planning reference S/2015/2031/MAF). The application sought to extend the capacity of the approved clamps from 4,800m² to 10,800m², noting the clamp requirements had been miscalculated at the time of the application and this needed to be remedied. Whilst the Committee Report had Officer support the application was refused at Committee in November 2015 on the following grounds *'By reason of its excessive scale and expansive industrial & incongruous appearance, the proposal is considered to be detrimental to the visual amenities of the area, the character and appearance of the countryside, the rural setting of Alderton and the visual & leisure amenities of those using the surrounding public rights of way network.'*
- 8.11. Following the above refusal of permission there has been an ongoing shortage in capacity at the site. When no capacity is available the farm have had to manage feedstocks by a variety of temporary methods, including using agbags¹ and temporary clamps around the farm yard. The applicants have stated that *'this is not ideal from a farm management perspective, it is inefficient and not cost effective, and in addition agbags have been found to degrade crop quality and energy output'*.
- 8.12. The current proposals differ from those submitted in 2015 which proposed one single large clamp on the site. The AD plant is now in operation and as such the proposed clamps are lined up alongside the existing clamp on site. A new clamp of 1,207m² is proposed to the southwest of the existing clamp, and two new clamps each covering 2,792m² are located to the northeast. This results in an increase of 6791m². The existing clamps area is 4,631m² bringing the total clamp area at the farm to 11,422m² (capacity 32,709m³).
- 8.13. The two proposed covered lagoons are located to the northwest of the existing clamps. These are required to capture liquid digestate, being a by-product of the AD plant, and surface water runoff. New landscaping is proposed around the north eastern and north western boundaries of the site.
- 8.14. In order to establish whether the application was necessary the Council sought an agricultural consultants input. The agricultural consultant had no concerns with regard to use. They confirmed that AD facilities are highly reliant on crops and therefore it is not unusual for them to be located in close proximity to the land where the crops are being grown to fuel the AD plant; also maize is harvested in autumn when weather conditions are often poor and it is necessary to provide suitable storage as opposed to temporary field heaps. In terms of design and siting they confirmed that the clamps are typical and fit for purpose, they are also sensibly located being in close proximity to the existing clamps and AD facility. Turning to the main issue of size and storage need/justification they concluded that the expectation to store close to 27,000 tonnes of harvested crops from the farm is realistic. The agricultural consultant has raised no concerns with the size
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of silage clamps being proposed and are satisfied that the proposed storage clamps are reasonably necessary to meet the productive capability of the wider agricultural holding. They have no objections from an agricultural point of view.

- 8.15. Turning to the siting of the development within the open countryside Policies R2 of the JCS and EMP2 of the LLP2 support proposals which sustain and enhance the rural economy. In this instance the proposal seeks an extension to the clamps and lagoons associated with an existing AD plant to improve the management and running of the site thereby safeguarding the business and protecting jobs. As outlined above, the nature of an AD facility is such that it is normal for them to be located in rural areas and in close proximity to where the fuel crops are grown. The siting of the proposed clamps and lagoons is sensible in the context of the site and only slightly encroaches outside of the red line of the originally approved AD facility. The proposal would not prejudice the continued viable operation of the existing farm use; and the character, scale and type of proposal is compatible with its location and landscape setting in accordance with Policy EMP6 of the LLP2 on Farm Diversification.

Conclusion

- 8.16. The principle of AD development at this site was established through the grant of the original permission and the site has been operational since 2017. The proposed clamps and lagoons are required to improve the management of feedstocks generated by Manor Farm due to insufficient storage within the existing site. The principle of development is considered to be in accordance with National Guidance in the NPPF and Policies SA, S10, S11 and R2 of the JCS, and Policies EMP2 and EMP6 of the LPP2.

Character of the Area

Policy Context

- 8.17. Policy S10 of the JCS requires new development to protect, conserve and enhance the natural environment. Policy BN1 covers Green Infrastructure Connection and
- 8.18. Policy SS2 of the LPP2 requires development to (amongst others): a) maintain the individual identity of towns and villages and their distinct parts, not result in physical coalescence that would harm this identity and not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement; and b) use a design-led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details; and d) incorporate suitable landscape treatment as an integral part of the planning of the development.
- 8.19. Policy NE4 of the LLP2 seeks to integrate existing trees, woodland and hedgerows into new development. However where their loss is unavoidable suitable replacement planting, using native or similar species, will be required.
- 8.20. Chapter 12 of the NPPF sets out the objectives for achieving well designed places. Paragraph 130 seeks developments that (amongst others) function well and add to the overall quality of the area (a); are visually attractive as a result of good architecture, layout and effective landscaping (b); are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (c).
- 8.21. Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment, paragraph 174 concerns all developments and explains that decisions

should recognise the intrinsic character and beauty of the countryside, and seeks the protection and enhancement of landscapes/countryside.

Appraisal

- 8.22. The application was supported by a Landscape and Visual Impact Assessment (LVIA).
- 8.23. The site is located in the open countryside to the north west of Alderton village. It forms part of Manor Farm and is positioned within a large arable field. Mature native woodland runs along the northern and western boundaries of the field within which the development is situated, but views are more open across towards footpath SK/002 the east. A mature mixed species native hedgerow extends from the farmstead to the north east of the application site along the field boundary. Two small copses, featuring mature native tree group planting, are contained within the surrounding field to the north east, one of which is located on the site's eastern boundary.
- 8.24. The southern edge of the application site abuts the existing AD facility and wraps around an existing Clamp and Surface Water / Digestate Lagoon. Two cylindrical tanks measuring 12.9m (h) x 24m (dia) and a smaller tank also measuring 12.9m in height but only 8m in diameter are located to the south of the existing clamp and lagoon. As part of the approved AD development, a 3m high earth bund, planted with native woodland and a dense understorey field layer, is now established alongside the southern edge of the existing lagoon.
- 8.25. The farmyard is characterised by several large barn structures accessed by hard standing tracks and surrounded by further large areas of hardstanding for general access and vehicle / plant movement, typical of a working farm.
- 8.26. The current application seeks permission for new clamps and covered lagoons in association with the existing AD facilities at the site. A new clamp of 1,207m² is proposed to the southwest of the existing clamp, and two new clamps (each covering 2,792m²) are located to the northeast. The two proposed covered lagoons are located to the northwest of the existing clamps. New landscaping is proposed around the north eastern and north western boundaries of the site of which 0.42Ha is new woodland planting and 0.79Ha grassland (including the outer clamp walls and bunds to the lagoons). The clamps will have a perimeter soil bund of 2.75m height and the lagoons a perimeter soil bund of 3m height.
- 8.27. The LVIA confirms that *'the proposals will not result in any significant loss to key vegetation, which will be limited to a short section of established plantation woodland planting within the site's south western corner and a small woodland copse with the remainder of the development area consisting of low quality arable farmland that can be readily replaced by higher quality landscape mitigation'*. The Arboricultural officer has confirmed that the trees to the southwest of the site appear to be part of a larger group of young trees and their removal should have a limited or no impact on the amenity of the area. The group to the north of the site, four mature lime trees, appear to be of moderate quality and will be visible from the footpaths that surround the site, but are some distance away. Due to the distant public views of the trees on/surrounding the development area, any removal should have a limited impact on the overall amenity of the site.
- 8.28. Objections have been received in relation to the visual impact of the proposal on the rural landscape and it is appreciated that the current development is visible from surrounding public rights of way, with more limited views from within the village. It is acknowledged that the proposals would cause harm to the rural character of the area by extending the site further into the open countryside. However, in this instance the development is

required in connection with an existing AD facility that is being run from an existing farm, and is necessary to store feedstocks produced on the farm and deal with the liquid digestate and surface water runoff from the existing facility. The nature of AD facility is such that it is normal for them to be located in rural areas and in close proximity to where the crops are grown to fuel the AD plant. The clamps and lagoons have been designed to be fit for purpose and are in keeping with the agricultural nature of the site. They are located close to the existing development, are set down into the surrounding landscape, and incorporate landscaped bunding where possible along their edges to soften their appearance within wider views. The landscaping scheme submitted shows the introduction of native woodland wrapping around the northern and eastern boundaries of the site, which are currently open to views from the wider landscape. The proposed landscaping to the edges of the site will help to screen not only the proposed development but also the existing clamps and digestate lagoon, thereby improving views of the site when taken from footpath SK/002. Views of the AD facility from within Alderton Village are very limited, with the main element visible being the tops of the existing green domed tanks. The proposed development is located to the rear of the existing AD facility when viewed from Alderton village and will not change the relationship between the existing agricultural site and the historic village.

- 8.29. The removal of woodland planting within the south western corner of the site is not considered to have a significant impact within the landscape as the established planting to the south west of this will remain. The view of this area will be altered given the introduction of the new clamp, however the small section visible and its backdrop against the existing development is such that it is not considered to cause significant harm to the character or appearance of this rural landscape or views from public footpath SK/001.
- 8.30. The LVIA concludes that *'in reviewing the effects on landscape character, it is noted that the site does not form part of any qualitative landscape designation at either a national or local level and is not a valued landscape in relation to paragraph 174a of the NPPF... The proposed development can be accommodated without any significant adverse immediate or long term harm to the receiving landscape resource or identified SLA designation... It is considered that the application site and receiving environment have the capacity to accommodate the proposals. The proposals will not result in significant harm to the landscape character or visual environment and represent some beneficial enhancement to the landscape character of the site itself and localised setting, as such, it is considered that the proposed development can be successfully integrated in this location and is supportable from a landscape and visual perspective'*.

Conclusion

- 8.31. The siting of the development within the open countryside is necessary in conjunction with the existing AD facility and is in compliance with policies R2 of the JCS, and EMP2 and EMP6 of the LLP2 as outlined in the 'principle of development' section above. The proposed development is located adjacent to the existing AD facility and has been designed to be both fit for purpose and mindful of its rural setting. It incorporates a suitable landscape treatment, including suitable replacement planting of native species, as an integral part of the planning of the development. The proposal is therefore considered to be in compliance with Policies S10 and R2 of the JCS; SS2, EMP2, EMP6 and NE4 of the LPP2 and the guidance within paragraphs 130 and 174 of the NPPF.

Heritage

Legislative and policy context

- 8.32. Alderton village contains a Conservation Area, Grade II listed buildings and Scheduled Ancient Monuments.

- 8.33. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.34. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 8.35. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 of the NPPF states that: *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*. Policy BN5 of the JCS echoes this guidance.
- 8.36. Policy HE1 of the LPP2 requires the applicant to submit a heritage assessment, whilst policies HE2, HE5 and HE6 guide development affecting designated and non-designated heritage assets and their settings including Scheduled Ancient Monuments, conservation areas, listed buildings and archaeology.

Appraisal

- 8.37. The Built Heritage Statement submitted with the application confirms that the site does not contain any built heritage assets itself but identifies nine listed buildings and two scheduled monuments within Alderton village, with the nearest more than 500m from the site. It confirms that the vast majority of these lack any direct visual, functional or historical connection with the site, and the site does not form any substantial or meaningful part of their setting. The three heritage assets considered further in the report are The Mount ringwork at Alderton (Scheduled Ancient Monument), Grade II* listed Church of St Margaret, and Alderton Conservation Area, all of which are designated heritage assets of high significance.
- 8.38. In terms of The Mount and the Church of St Margaret the report finds that their significance is primarily related to the special archaeological and historic interest embedded in their form and fabric/materials, with further primary contribution being their immediate settings of the village and the further assets within, being of significant group value. The application site was considered to only make a negligible contribution to their significance as a very small part of their wider rural landscape settings, however there was no legibility of The Mount's significance and only some legibility of the Church's significance from the application site. The report concludes that proposed development will cause no harm to the significance of these assets.
- 8.39. The report identifies that the character and appearance of Alderton Conservation Area is derived from the village's largely unchanged medieval morphology, the architectural and historic special interest of most of the buildings within it, combined with the well treed and enclosed character of the village. The application site was considered to make only a negligible contribution to the significance of Alderton Conservation Area as a very small part of its wider rural landscape setting identifying that there is some legibility of the asset's character and appearance, principally its well-treed and enclosed character, from parts the application site. The report concludes that the proposed development will extend the area of the farmsteads current use however the small change in the asset's

wider setting will cause no meaningful impact to the character and appearance of the conservation area, and cause no harm to the significance of Alderton Conservation Area.

- 8.40. In terms of Archaeology the Council's Archaeological Advisor has confirmed that the site is located c.400m northwest of the Medieval manorial earthworks of Alderton. An Archaeological Strip Map and Sample (SMS) programme was undertaken in 2015 in connection with an earlier phase of development similar to the present application (S/2015/0717/MAF) and this archaeological work did not identify any sub-surface archaeological remains. Given the proximity and scope of the present application they consider the previous archaeological works to demonstrate that sub-surface archaeological remains are unlikely to be disturbed as a result of the current proposals.

Conclusion

- 8.41. The Built Heritage Statement concludes that the proposed development will not cause any degree of harm to the historic built environment and there have been no objections raised by the Council's Archaeological Advisor. Officers have assessed the proposals on heritage grounds and are in agreement with the findings. As described in the preceding sections of the report, the proposed development is necessary, fit for purpose, and appropriate in this agricultural setting. It is low level with clamps and lagoons set into the ground and is located to the rear of the existing AD facility when viewed from Alderton village. When looking at the wider setting it will be viewed as part of the existing AD facility and wider farmstead. The proposal is not considered to cause harm to the character, appearance or setting of the Alderton Conservation Area or other designated assets within it in compliance with Policies BN5 of the JCS; HE2, HE5 and HE6 of the LLP2; and paragraph 199 of the NPPF.

Noise, Odour and Lighting

Policy Context

- 8.42. Policy S10 of the LPP1 sets out a number of sustainable development principles and that development will [inter alia] minimise pollution from noise, air and run off. Policy BN9 deals with Planning for Pollution Control states that 'Development that is likely to cause pollution, either Individually or cumulatively, will only be permitted if measures can be implemented to minimise pollution to a level which provides a high standard of protection for health and environmental quality'.
- 8.43. Policy S11 of the LPP1 states that proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity, historic assets and should mitigate pollution.
- 8.44. Policy SS2 of the LPP2 requires development to (e) incorporate sensitive lighting schemes that respects the surrounding area and reduce harmful impacts on wildlife and neighbours; (f) not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight daylight or outlook, unless adequate mitigation measures are proposed and secured; and (g) have appropriate regard to its effect on air quality and the effects of air quality on its future occupiers.
- 8.45. Paragraph 185 of the NPPF states that '*planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development*'.

- 8.46. NPPF at Paragraph 188 continues *'the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'*
- 8.47. The Government's Planning Practice Guidance (PPG) states that LPA's plan making and decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
 - whether or not an adverse effect is occurring or likely to occur; and
 - whether or not a good standard of amenity can be achieved.
- 8.48. In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

Appraisal

- 8.49. The closest residential properties to the site are approximately 400m to the west within Alderton village. Whilst private views are not a planning consideration it is important to assess the potential for loss of amenity due to noise and smell arising from the development, which have been raised as serious concerns by neighbours.
- 8.50. In relation to Environmental Permits, the Environmental Health Officer has confirmed that an Environment Agency permit is not required in this instance as the site will only receive energy crops. Therefore noise and odour issues need full consideration.
- 8.51. It is important in this instance to address that the proposal is for additional clamps and lagoons and cannot control the existing AD plant, which is subject to its own planning conditions in terms of noise and odour control.
- 8.52. The likely noise generated through the proposed development will be during the construction period and also through the movement of crops and digestate to and from the clamps and lagoons. A Construction Traffic Management Plan has been submitted as part of the application which has been assessed and approved by both Environmental Protection and the Local Highways Authority. This follows best practice limiting construction hours to between 08:00-18:00 Monday – Saturday with no construction on Sundays and Bank Holidays. Site deliveries are limited to between 10:00-16:00. All traffic is to be routed via the A5 and will not enter or exit the site via Alderton village.
- 8.53. A Noise Impact Assessment (NIA) dated 4 May 2022 was submitted with the application. This Assessment was undertaken to identify the key sources of noise associated with operation of the proposed silage clamps and to determine the cumulative level of noise impact from their operation, in conjunction with the operation of the existing AD Facility, at the closest residential dwelling. The report advises that *'the combined rated level of noise from the Development and the Site does not exceed the noise criteria level and as such, noise mitigation measures are not warranted'*. They summarise that *'the predicted level of noise from the Site and the Development will be sufficiently low enough at the closest residential dwelling to accord with the 'No Observed Adverse Effect Level' as detailed in the PPG and noise should not be deemed a determining factor in the granting of planning permission for this Development'*.

- 8.54. The lack of an updated background noise survey was initially queried by Environmental Protection however this concern has since been removed in more recent comments. It is now accepted by Environmental Protection that a further condition requiring the submission of a new NIA is not required as the submitted NIA was completed relative to the 30dB absolute noise criteria limit prescribed by the original AD planning permission. Any relative limit derived from additional background noise surveys would be over ridden by the existing 30dB limit. There are therefore no objections from Environmental Protection in relation to the noise survey and no requirement for further noise conditions in this regard.
- 8.55. Noise from reversing vehicles has also been raised as an issue by third parties. The applicant has confirmed that directional/broadband-white noise type reversing alarms will be fitted to the mobile telehandler, feedstock delivery vehicles and digestate removal vehicles. This will be secured by condition.
- 8.56. With regard to the concerns raised about odour from the site the application has been accompanied by an Odour Assessment and an Odour Management Plan (OMP). The OMP confirms that feedstock stored within the clamps is compacted and covered using protective sheeting which forms an airtight layer to minimise emissions and also preserve the feedstock. The clamp cover is open slightly at one end to allow access to the feedstock for transportation by a loader. Training is provided in the use of the loader and in how to maintain a tight clamp face which reduces silage losses for the business and minimises odour. Feedstocks are quickly covered once deposited in the clamps and any spillages are to be cleared up within 1 hour.
- 8.57. The two proposed digestate lagoons feature bag storage for the material and are therefore covered. Run-off from the new clamps will drain to the existing AD surface water run-off/digestate lagoon, as it does currently with the existing clamps. To maintain capacity in the existing lagoon the equivalent liquid amount generated by run-off from the new clamps will be pumped to the new lagoons via underground pipes. The new lagoons will be covered and digestate is expected to be removed via a sealed umbilical system for use on Manor Farm. In the event that it is not removed umbilically the digestate will be drained back to the existing AD lagoon and removed via its tanker/tractor and bowser facility or removed via a separate tanker/tractor bowser facility proposed to the north east of the proposed new clamps. When digestate is moved from the lagoons via tanker/ tractor and bowser, air is expelled from the tanker/bowser to create a vacuum for movement of material. This emission only occurs during filling. The odour assessment assumes this takes place for 10 hours over a day but under normal circumstances the umbilical system will be used. The AD is permitted to remove an average of 3 tanker loads of liquid digestate per day from the AD facility to other farms, with each taking approximately 20-minutes to fill. The proposed development does not require this to be increased.
- 8.58. The facility currently operates in accordance with an OMP produced by Redmore Environmental in 2021. This was reviewed and the relevant areas amended to reflect changes in operational practices, as well as updated best practice guidance. These updated documents have been assessed by Environmental Protection who have confirmed that compliance with the Odour Management Plan should be secured by condition. They have also advised that it will be necessary to update the Odour Management Plan periodically to reflect best practice, and also request that certain elements be added to the report. No objections have been raised subject to these additions. A condition is proposed to ensure that the requested amendments are made to the Odour Management Plan prior to use of the proposed development, and that the development is carried out in accordance with that approved Plan.

- 8.59. No lighting is currently shown on the proposed plans. A condition is proposed to require details of any external lighting/security lighting/floodlighting to be submitted to and approved by the Local Planning Authority thereby ensuring that it is appropriate to the rural nature of the site and does not cause harm to the wider area.

Conclusion

- 8.60. The nature of the current application, coupled with the safeguarding conditions proposed and lack of objection from Environmental Protection are such that the application is not considered to cause significant harm to the amenities of neighbouring properties through noise, odour or light pollution. The proposal is therefore in accordance with policies S10 and S11 of the JCS, policy SS2 of the LPP2, Paragraphs 185 and 188 of the NPPF, the Government's Planning Practice Guidance and Noise Policy Statement for England.

Highway Safety

Policy Context

- 8.61. Policy SS2 of the LPP2 requires development to have a satisfactory means of access and provide adequate parking, servicing and turning facilities including for the disabled.
- 8.62. Paragraph 111 of the NPPF explains that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

Appraisal

- 8.63. The current application seeks permission for additional agricultural silage clamps and associated digestate and surface water lagoons at the existing site. These are required to improve the management of feedstocks generated by Manor Farm that supply the AD facility. The applicant has confirmed that the proposed extension to the existing clamps is for Manor Farm feedstocks only, and not feedstocks from other farms².
- 8.64. The application includes a Construction Traffic Management Plan (CTMP) which states that all construction traffic will access the site via the A5 only and will not pass through the village of Alderton. The CTMP has been assessed by the Local Highways Authority and National Highways who, following the submission of additional information, have raised no objections on highway safety grounds.
- 8.65. Objections have been received from third parties about highway safety in Alderton due to lorries accessing the site through the village rather than the approved A5 route. This has been relayed to Enforcement who will look into this as part of the previous approvals for the AD plant on the site. The application seeks consent for additional clamps and lagoons to support management of feedstocks and digestate/surface water at the site. The use of these will not result in any additional journeys to the site.

Conclusion

- 8.66. The development itself will not result in any additional journeys to the site. The traffic matters involved during the construction stage have been adequately addressed within the Construction Traffic Management Plan and there are no objections from statutory
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consultees on highways grounds. The application is therefore considered to comply with Policy SS2 of the LPP2 and paragraph 111 of the NPPF.

Flooding and water pollution

Policy Context

- 8.67. Policy BN7 of the LPP1 and Policy SS2 of the LPP2 requires development to provide satisfactory surface water drainage and incorporate mitigation identified through an assessment of flood risk.
- 8.68. Paragraph 167 of the NPPF states that *'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'*
- 8.69. Paragraph 174 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution.

Appraisal

- 8.70. The proposed clamps will generate run-off when it rains and this water needs to be managed. The Flood Risk and Drainage Assessment confirms 5,879m³ plus 1,846.6m³ (to allow for 1:100 storm event at +20%) is required, this equals 7,725,60m³. The proposed lagoons will provide 10,000m³ additional capacity. The existing AD lagoon receives both surface water run-off and liquid digestate from the existing AD and existing clamps and does not have sufficient capacity to manage any run-off from the proposed clamps. The capacity of the existing lagoon takes into consideration the export of 20,000 tpa to other farms and remains unaffected by the current proposals. There is a potential 2,000m³ buffer capacity in the proposed lagoons should it be needed.
- 8.71. The Environment Agency has confirmed that the finished silage clamps and digestate lagoons would have to conform to the conditions laid out in:-
1. Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations)
 2. that the preparation and construction would follow the guidelines within CIRIA Livestock manure and silage storage infrastructure for agriculture (C759F).
- 8.72. There is a requirement within the SSAFO regulations that *'a person who proposes to have custody or control of silage, slurry or fuel oil that is to be kept or stored on a farm in a silo, slurry storage system or fuel storage area constructed, substantially enlarged or substantially reconstructed on or after the date these Regulations come into force must give the Agency notice specifying the type of structure to be used and its location at least 14 days before the structure is to be used for such keeping or storage.'* The notice should provide sufficient details and plans that shows the construction meets the standards laid out in the above regulations.
- 8.73. Following an initial objection on the grounds of insufficient information the Environment Agency has since confirmed that the applicant provided (via a telephone call) further information direct from the company currently running the AD plant. They state that the information largely details about the companies and products that will be used within the construction of the clamps and lagoons. While there are no specific plans and drawings for the site they recognise the products that are to be supplied and methods of construction would be appropriate for the site and would ensure that there is no risk to

the environment. The Environment Agency have subsequently withdrawn their objection but reinforced the section from the SSAFO Regulations which has been included as an informative in the recommendation at the end of this report.

- 8.74. Due to capacity issues within the team the Lead Local Flood Authority was only able to respond on this application on the 31st January 2022. Their response states that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development, and that they cannot support the application until adequate surface water drainage information has been submitted. Due to the late receipt of the consultation response the applicant has been unable to address the concerns raised or provide the information detailed in the LLFA response prior to this committee report being finalised. It should however be noted that the LLFA has not raised an objection to the proposal and it is considered that the information requested could be addressed by the applicant in due course.

Conclusion

- 8.75. The proposed surface water/digestate lagoons have been designed to provide enough capacity to manage the run-off from the proposed clamps. The Flood Risk and Drainage Assessment confirms 5,879m³ plus 1,846.6m³ (to allow for 1:100 storm event at +20%) is required, this equals 7,725,60m³. The proposed lagoons will provide 10,000m³ additional capacity thereby including a potential 2,000m³ buffer capacity should it be needed.
- 8.76. The EA have confirmed no objections as the silage clamps and digestate lagoons would have to conform to the conditions laid out in the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations) and CIRIA Livestock manure and silage storage infrastructure for agriculture (C759F).
- 8.77. The Lead Local Flood Authority has requested additional information which relates more to the practical implementation of the surface water drainage. The applicant has been unable to provide this prior to the committee meeting due to timescales, however this is a matter that can be addressed by the applicant prior to the formal decision being issued. It is therefore recommended that committee delegates this matter to officers to resolve prior to the decision being issued.

Ecology

Legislative context

- 8.78. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.79. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 8.80. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 180 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.81. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 8.82. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.83. Policy NE3 of the LPP2 seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.84. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 8.85. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. , The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of mainly arable farmland, with hardstanding, buildings, bare ground, plantation woodland, tall ruderal, trees and hedgerow. The site is surrounded by arable farmland with hedgerows and woodland blocks and therefore has the potential to be suitable habitat for a variety of species including EPS; such as bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 8.86. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.87. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.88. The application is supported by a Preliminary Ecological Appraisal, by Scales Consultancy Ltd dated 20th May 2022, Great Crested Newt Survey Report by Scales Consultancy dated 3rd August 2022, and Bat Survey report by Scales Consultancy dated 3rd August 2022. No statutory or non-statutory designated sites fall within the site or within the zone of influence and the site is not identified as a priority habitat/habitat of principal importance. The loss of arable farmland and the new plantation woodland was detailed as being overall minor ecological significance.
- 8.89. The reports found no evidence of roosting bats during the surveys but there is a likelihood of foraging and commuting bats in the surrounding habitats. There is also potential for birds to be nesting within the trees, woodland and hedgerow found on site. Tree T1 and parts of the Woodland Copse will be lost to developments and mitigation measures are detailed to address this.
- 8.90. No evidence of reptiles was found during the surveys, but some habitats on site have the potential to support reptiles. A precautionary approach to site clearance is recommended within the report, and mitigation measures are detailed.
- 8.91. There are a number of ponds in the surrounds, two were assessed by the HSI survey as good and excellent. These ponds tested negative for Great Crested Newts under the eDNA surveys. It can reasonably be concluded that the ponds do not support Great Crested Newts, therefore an impact on Great Crested Newts by the proposals is unlikely.
- 8.92. No evidence of badgers was found within the application site, badgers are likely to be active in the wider environment. There is potential for impacts on Badgers during the construction phase of the development. General construction site safeguards should be followed to avoid impacts.

Conclusion

- 8.93. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue

and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged. The proposal is in compliance with Policies BN2 of the JCS; NE3, NE4 and NE5 of the LPP2; Paragraphs 174, 180 and 185 of the NPPF and the National Planning Practice Guidance.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The current application seeks permission for additional agricultural silage clamps and associated digestate and surface water lagoons to improve the management of feedstocks and digestate/surface water generated by the existing AD plant at Manor Farm.
- 9.2. The siting of the development within the open countryside is necessary in conjunction with the existing AD facility. The proposed development will not cause any degree of harm to the historic built environment and will not result in significant harm to the landscape character or visual environment. It will represent some beneficial enhancement to the landscape character of the site itself and localised setting, as such, it is considered that the proposed development can be successfully integrated in this location. The proposed development is necessary, fit for purpose, and appropriate in this agricultural setting, it incorporates a suitable landscape treatment, including suitable replacement planting of native species, as an integral part of the planning of the development.
- 9.3. The nature of the current application, coupled with the safeguarding conditions proposed and lack of objection from Environmental Protection are such that the application is not considered to cause significant harm to the amenities of neighbouring properties through noise, odour or light pollution.
- 9.4. The traffic matters involved during the construction stage have been adequately addressed within the Construction Traffic Management Plan and there are no objections from statutory consultees on highways grounds.
- 9.5. There are no objections from the Environment Agency as the development would have to conform to the conditions laid out in the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations) and CIRIA Livestock manure and silage storage infrastructure for agriculture (C759F). The Lead Local Flood Authority (LLFA) has raised objections on insufficient information but not to the proposal as a whole. It is considered that the information requested by the LLFA could be addressed by the applicant and it is recommended that committee delegates this matter to officers to resolve prior to the decision being issued.
- 9.6. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.7. It is therefore considered in the planning balance that the proposal is acceptable, with the safeguarding conditions proposed, and accords with Policies S10, S11, BN2, BN5 and R2 of the JCS; SS2, EMP2, EMP6, HE2, HE5, HE6, NE3, NE4 and NE5 of the LPP2 and the guidance within paragraphs 111, 130, 167, 174, 180, 185, 188 and 199 of the NPPF; the National Planning Practice Guidance and Noise Policy Statement for England.

10. RECOMMENDATION / CONDITIONS AND REASONS

RECOMMENDATION – DELEGATE TO THE TO GRANT PERMISSION SUBJECT TO THE HEAD OF PLANNING DELIVERY FOR PLANNING AND ENVIRONMENT

- 1. ADEQUATE SURFACE WATER DRAINAGE INFORMATION BEING SUBMITTED TO ADDRESS THE COMMENTS OF THE LEAD LOCAL FLOOD AUTHORITY AND**
- 2. SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Site Location Plan Dwg No. JMJ/MAN/004 Rev C
 - Proposed Site Layout Dwg No. JMJ/MAN/002 Rev A
 - Cross Sections Dwg No. JMJ/MAN/006 Rev A
 - Landscaping and Biodiversity Enhancement Plan Dwg No. JMJ/MAN/009 Rev A
 - Tree Removal Plan Dwg No. JMJ/MAN/007 Rev A
 - Flood Risk and Drainage Assessment Ref: BLI.2022.18 Rev 02 by bli Consultant Engineers dated April 2022
 - Manor Farm Clamps and Lagoons Odour Assessment Ref: 3611-3r2 by Redmore Environmental dated 9 May 2022
 - Manor Farm Clamps and Lagoons Odour Management Plan Ref: 3611-2r4 by Redmore Environmental dated 9 May 2022
 - Manor Farm Clamps and Lagoons Noise Impact Assessment Ref: 21.144.1.R1 by Professional Consult Future Environments dated 4 May 2022
 - Manor Farm Clamps and Lagoons Landscape and Visual Impact Assessment Ref: 7765.LVIA.002 by Aspect Landscape Planning dated May 2022
 - Manor Farm Clamps and Lagoons Arboricultural Report Version 1.1 by BH Trees and Woodland dated 17 March 2022 and revised 3 May 2022
 - Built Heritage Statement Ref: JCH01571 V.1 by RPS dated 26 May 2022
 - Planning Design and Access Statement by JMJ Planning dated May 2022
 - Manor Farm Clamps and Lagoons Preliminary Ecological Appraisal by Scales Consultancy LTD dated 20 May 2022

- Manor Farm Great Crested Newt Survey Report by Scales Consultancy LTD dated 3 August 2022
- Manor Farm Bat Survey by Scales Consultancy dated 3 August 2022
- Construction Traffic Management Plan by DTA Transport Planning Consultants Ref: SJT/NS 22143-02a CTMP dated 7 October 2022
- Manor Farm Phase 1 Desk Study Ref: R22131 by Grange Geo dated 10 October 2022

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Protected Species

3. The development hereby permitted shall be carried out in accordance with the mitigation and recommendation in section 4 of the Preliminary Ecological Appraisal, by Scales Consultancy Ltd, dated 20th May 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Finished Floor Levels

4. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Directional/broadband-white noise type reversing alarms

5. The mobile telehandler, feedstock delivery vehicles and digestate removal vehicles shall be fitted only with directional/broadband-white noise type reversing alarms.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy SS2 of the South Northamptonshire Local Plan Part 2.

Revised protected species survey

6. If the development hereby approved does not commence by 20th May 2024. A revised protected species survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species including great crested newts, reptiles, badgers, bats and breeding birds. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning

Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Planting species

7. All species used in the planting proposals associated within the development shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

Odour Management

8. The Odour Management Plan Ref: 3611-2r4 dated 9 May 2022 shall be updated to include the following information:
 - Specify name and contact details of main point of contact for complaints from the public
 - State that daily checks, maintenance and training shall be documented and made available to the regulator when requested.
 - Include documented odour boundary checks, specifically when delivery of energy crops occur and when spreading occurs.
 - Document wind direction when receiving deliveries and spreading and during any emission event.
 - Include at point 3.11.1 'The Odour Management Plan will be reviewed annually and submitted to the LPA for approval'.

The revised Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Unexpected contamination

9. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the

South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

Maintenance of Planting

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons after the development is brought into use and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

Lighting

11. Details of any external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

Reinstate agricultural land

12. The clamps, lagoons and all their associated infrastructure approved in this permission shall be removed from site and the land returned to its original state (agricultural land) in accordance with the submission of a method statement, which shall be submitted to and approved in writing by the Local Planning Authority (to include a timescale for those works) in the event that the AD facility ceases to export to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the open countryside in accordance with policy SS2 of the South Northamptonshire Local Plan Part 2.

Link to Manor Farm

13. The clamps hereby approved shall only be used for the storage of energy crops originating from within Manor Farm farm-holding (768ha) as set out in the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development represents a sustainable proposal that would not have significant adverse environmental impacts, including those on the local traffic network without a full assessment of the implications having first been undertaken in accordance with policy SS2 of the Local Plan Part 2 and the NPPF.

INFORMATIVES

1. There is a requirement within The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010(SSAFO) regulations that 'a person who proposes to have custody or control of silage, slurry or fuel oil that is to be kept or stored on a farm in a silo, slurry storage system or fuel storage area constructed, substantially enlarged or substantially reconstructed on or after the date these Regulations come into force must give the Agency notice specifying the type of structure to be used and its location at least 14 days before the structure is to be used for such keeping or storage.' The notice should provide sufficient details and plans that shows the construction meets the standards laid out in the above regulations. This information should be sent directly to Alan Jones, Land and Water Team, Environment Agency, Bromholme Lane, Brampton, PE28 4NE.