

APPLICATION NO PA/2018/606

APPLICANT Ms H Jones, Merlin Renewables Ltd

DEVELOPMENT Planning application to vary condition 23 of WD/2012/1336 to increase the processing tonnage from 35,000 tonnes to no more than 48,000 tonnes per annum of non-waste plant material

LOCATION Biomass Facility, Hibaldstow Airfield, Redbourne Road, Hibaldstow, DN20 9NN

PARISH Hibaldstow

WARD Ridge

CASE OFFICER Tanya Coggon

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objections from Kirton in Lindsey Town Council, and Redbourne and Hibaldstow Parish Councils

POLICIES

National Planning Policy Framework: Use of Planning Conditions

North Lincolnshire Local Plan: Policies DS1 (General Requirements) and DS11 (Polluting Activities)

CONSULTATIONS

Highways: No objection.

Environmental Health: No objection.

Environment Agency: Originally objected to the application as insufficient information was submitted in relation to the risk to the water environment. The original objection has now been withdrawn as the applicants have specified that there is adequate feedstock and digestate storage capacity on the site within the existing silage clamp and storage tanks and that SSAFO and NVZ Regulations will be complied with.

PARISH/TOWN COUNCILS

Hibaldstow Parish Council: Objection. Has concerns about existing traffic flows which are estimated and agrees that the B1206 is capable of accommodating the estimated increase. Experience shows that most of the site traffic enters/leaves the site via the B1206 from/towards Hibaldstow via the unclassified Mill Road. Mill Road is suffering from road edge and verge damage due to its restricted width. The deterioration is narrowing Mill Road causing difficulty and safety issues for all road users. Some drivers do not respect other drivers in terms of speed and space. The discharge of liquid fertiliser from the site would

alleviate some traffic. The parish council wishes to make North Lincolnshire Council's highways department aware of the highway issues on Mill Road.

Redbourne Parish Council: Objection. There would be a significant increase in vehicle movements which would impact on residents and increase traffic through the village. The parish council believes the additional vehicle movements would be 860 extra deliveries to the plant annually if by HGVs and 1720 if these movements are made by farm vehicles. There would also be an increase in tanker movements of the liquid and solid fertiliser. The existing irrigation system is not in operation so all liquid fertiliser from the plant is transported by road. A specific condition should be included in any approval to ensure that the daily operational use of the irrigation system is implemented and in fully working operation prior to the increase in tonnage delivered to the site. The applicants should also provide suitable evidence by way of an independent report as to the operational viability of the irrigation system. 20,000 tonnes of liquid fertiliser has been produced by the plant from the 35,000 tonnes of product. A further 7,000 tonnes of liquid fertiliser will be produced by the proposed increase in product deliveries. The original traffic movements for the plant did not include the movement associated with the 20,000 tonnes of liquid fertiliser to which has now to be added the new traffic movement for the additional 7,000 tonnes of liquid fertiliser. Based on each tanker load of 30 tonnes it is calculated that an additional 1800 tractor and tanker movements would take place on an annual basis. The method used by the applicants to detail traffic movements based on the daily average is misleading. Currently village residents have to endure periods of significant traffic movements daily in connection with deliveries to and from the plant. In addition, these traffic movements raise real concerns over noise and disturbance directly affecting village residents. The use by the plant vehicles on the main road through the village is substantially impacting on properties either side of the main road. The proposed increase in deliveries to and from the site would inevitably have a far greater impact in the medium term on residents, the fabric of the village and the ever increasing use of the main road through the village which was never originally designed for the movement of heavy traffic on a constant basis. The parish council is of the opinion that the plant has brought 'industrial development' into a rural area and believes the proposed increase in traffic movements would have a medium/long-term detrimental impact on the village. Odours are being experienced by the village and these would increase if output is increased. Vehicles are speeding on entering/leaving the site which is likely to cause an accident.

Kirton in Lindsey Town Council: Requests that the applicants submit a traffic management plan as part of the application and provide this to Kirton in Lindsey Town Council so that how this proposal would impact on the town can be understood and an appropriate comment submitted. Without a traffic management plan the town council is unable to agree to this proposal or comment further. In response to the applicant confirming that no related agricultural traffic goes through the town of Kirton and the proposal would not alter this position, the town council has no further comments to make.

PUBLICITY

Advertised by site and press notice. Three letters of objection have been received raising the following issues:

- increase in vehicles
- increased noise and disturbance to residents

- detrimental impact on the wellbeing of residents
- already unacceptable level of HGVs through the village
- damage to listed buildings by vehicular movements
- noisy and polluting vehicles used
- pumping system is not operational so vehicles used instead
- traffic movements are not a true reflection on the actual numbers of movements.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

The site

The application site is located outside the development boundaries of both Hibaldstow and Redbourne, within the open countryside. The site is located on Hibaldstow Airfield, and is surrounded by agricultural land and adjacent to agricultural buildings. The area is rural and flat in character and the landscape comprises rolling arable fields. The application site is located less than 350 metres from the nearest residential properties, which are located adjacent to Hibaldstow Airfield. Properties in and around Redbourne are located just under 600 metres from the application site.

The original application (WD/2012/1336) involved the construction of a locally sourced biomass fuelled renewable energy facility. Locally sourced break crops/biomass is converted into biogas and biofertiliser. The biogas is injected into the National Grid gas network. The intention at this time was for the liquid biofertilisers to be spread on the surrounding fields via the existing irrigation system with the remainder of the liquid and all of the solid biofertiliser transported off the site. This facility was anticipated to supply gas for 2,500 homes in winter and 40,000 homes in summer. This development involved the building of a biomass plant comprising a number of buildings and structures including three tanks and a silage clamp of earth bund design. Access to the site is via the existing access on Redbourne Road. The biomass plant is currently in operation and has been since 2014.

The proposal

The application now submitted aims to vary condition 23 of the original consent (WD/2012/1336).

The original condition is worded as follows:

The anaerobic energy plant shall process no more than 35,000 tonnes/annum of non-waste plant material.

It is now proposed to vary this condition to:

The anaerobic energy plant shall process no more than 48,000 tonnes/annum of non-waste plant material.

Planning history

The planning history for the site is as follows:

WD/2012/1336: Planning permission to construct a biomass renewable energy facility, associated landscaping and vehicular access – approved 01/03/2013.

WD/2014/1291: Planning permission to vary condition 17 on previously approved application WD/2012/1336 dated 01/03/2013 to 'Unless otherwise agreed in writing with the local planning authority, material shall be imported to or exported from the site only between the hours of 7am and 7pm on any day.' – refused 11/02/2015.

WD/2015/977: Planning permission to vary condition 17 on previously approved application WD/2012/1336 dated 01/03/2013 to "Unless otherwise agreed in writing with the local planning authority, material shall be imported to or exported from the site only as follows: Monday to Saturday: between the hours of 7am and 7pm. The following Sundays between the hours of 7am and 7pm: first Sunday in July; penultimate and last Sundays in September; all Sundays in October; first Sunday in November. Not at all on Bank Holidays." – refused 21/10/2015, allowed at appeal 24/08/2016.

Planning assessment

Condition 23 of WD/2012/1336 was imposed on the planning permission to prevent adverse environmental impacts in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan. As such it must be considered whether the proposed condition still prevents adverse environmental impacts. It must also be considered whether the amended condition still passes the tests for conditions as outlined within the suite of documents which comprise National Planning Practice Guidance (NPPG). Condition 23 was recommended by the council's Environmental Health team.

Environmental Health have been consulted as part of this application and they have raised no objections to the proposed variation. It was confirmed that the condition was originally proposed in order to ensure any alterations to the tonnage of waste processes could be assessed via a variation to the condition which would allow the impact on residential amenity to be assessed.

This original application (WD/2012/1336) anticipated the majority use of maize as locally sourced biomass, but this has now been extended to the use of rye and sugar beet which allows for the spreading of traffic movements across the year rather than concentrating into a single, two month period for the harvesting and transporting of maize. This flexibility in feedstocks ensures the operator is not dependent upon one crop for the energy plant. A proportion of the biofertiliser (output) produce by the plant is in liquid form. The intention is for the majority of this biofertiliser to be utilised by an upgraded irrigation system onto the surrounding fields. At present the irrigation system is not in operation but the applicants intend to renovate and extend the mains of the irrigation system to facilitate the piped distribution of the liquid biofertiliser from the energy plant. This would reduce vehicle movements associated with the transportation of the liquid biofertiliser.

The applicants have submitted a Highways Statement with the application which outlines the details and implications of the traffic movements for the increased tonnage proposed (13,000 tonnes). The changes in feedstock, the type of vehicles used and arrangements for

'just in time' delivery to the plant would result in the traffic generated by the proposal, on average, being an additional two-way traffic flow of 3.2 movements per day.

This figure is based on the increase of 13,000 tonnes being harvested at farms in the vicinity of the site, stored at these farms then delivered to the energy plant when required, which would be **outside** the three-month harvesting period. This increase in vehicle movements is calculated as follows:

The material would be transported from farms using HGVs carrying 30 tonne loads resulting in 433 vehicles accessing the site during the non-harvesting period. In a nine month non-harvesting period this would give an average of 48 deliveries per month and, assuming a 30 day working month, would be 1.6 deliveries per day. The additional deliveries of the increase in material tonnage would therefore generate an average two-way traffic flow of 3.2 movements per day during the non-harvesting period (nine months of the year).

In addition, it has been calculated that the transport of liquid fertiliser equates to 1.7 (two-way) vehicle movements per day during the non-harvesting period and the transport of solid fertiliser equates to 1.0 (two-way) vehicle movements per day during the non-harvesting period. The highway statement concludes that the proposal will generate on average around 6 (two-way) vehicle movements per day during the nine-month non-harvesting period. These movements will be equally distributed on Redbourne Road to the north and south of the access, with the B1206 Redbourne Road currently carrying 2,800 vehicles per day. As a result, the proposal would have a minimal impact on the highway network.

Highways have raised no objection to the proposal as the additional traffic movements generated would be minimal. As a result, although concerns have been raised by town and parish councils, and by neighbours, in relation to traffic, the proposal is considered to be acceptable on the highway network and is therefore supported in planning terms.

In terms of impact on neighbours, the small increase in traffic movements associated with the proposal would be minimal and would not result in any demonstrable harm being caused to the amenity of local residents. Environmental Health have raised no objections to the proposal. It therefore accords with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Concerns in relation to damage being caused to listed buildings are noted, but there is no evidence to suggest the vehicles directly associated with this energy plant are responsible for this damage. Issues raised in terms of speed of vehicles and dangerous driving is a matter for the police. Comments made in relation to damage to Mill Road are also noted and will be reported to Highways. Comments made that the traffic figures are misleading is noted. However, the applicants have provided a Highway Statement in relation to traffic movements and the council has no reason to dispute these figures. In response to Kirton Town Council's comments, the applicants have confirmed that farmers grow a small percentage of feedstock around Kirton Lindsey, but no related agricultural traffic goes through the town of Kirton and the proposal would not alter this position.

Finally, it is considered that the proposed condition meets the tests outlined within the NPPG. The timescales are suitably precise and enforceable and the reason for the condition continues to be relevant to the development permitted and to planning, necessary and reasonable.

Conclusion

It is not considered that the proposed variation would result in an unacceptable impact upon the amenity of local residents. The condition proposed continues to comply with the tests outlined within the NPPG.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: 17229/SK102 Rev D, 17229/804 Rev B, 17229/004 Rev M, 17229/803 Rev A, 17229/010 Rev B and 17229/011 Rev C.

Reason

For the avoidance of doubt and in the interests of proper planning.

2.

Before development commences on site details of a landscaping scheme which incorporates the landscaping proposed and the landscaping maintenance regime specified in the submitted Landscape and Visual Impact Assessment dated November 2012 shall be submitted to and approved in writing by the local planning authority. The approved landscape and maintenance scheme shall be implemented on site to the satisfaction of the local planning authority and there shall be no deviation therefrom, without the prior approval in writing of the local planning authority.

Reason

To enhance the appearance of the development in the interests of amenity.

3.

All the approved landscaping shall be carried out within 12 months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

4.

The height of the tree boundary around the development shall not exceed 15 metres from ground level at any time.

Reason

In the interests of the safety of users of Skydive Hibaldstow in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

No development shall take place until a landscape and biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- details of bat boxes and nest boxes to be installed;
- proposed timings for the installation of the above features in relation to the completion of each building;
- details for the creation and ongoing management of the balancing pond and areas of pollen and nectar mix and neutral grassland rich in wildflowers;
- details of the planting and aftercare of native trees and hedgerows as described on page 68 of the submitted Landscape and Visual Impact Assessment dated November 2012;
- details of the landscaping features to maintain and enhance the value of the site for wildlife generally and for bats and farmland birds in particular;
- details of measures to be taken during the construction phase of the proposal to avoid harm to nesting birds and other protected species or priority species.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

6.

The landscape and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

7.

The development permitted by this planning permission shall on be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A (November 2012) and the revised Appendix A (January 2013). Specifically, surface water run-off generated by the development shall be limited so that it will not exceed the run-off from the undeveloped site nor increase the risk of flooding off-site. The mitigation measures shall be fully implemented prior to occupation of the site.

Reason

To prevent flooding by ensuring the satisfactory storage and/or disposal of surface water from the site in accordance with policy CS19 of the North Lincolnshire Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

8.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

9.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T1 9 of the North Lincolnshire Local Plan.

10.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

11.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the of the make, type, colour and finish of all external materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

No external lighting shall be installed on the site without the prior approval in writing of the local planning authority.

Reason

In order to safeguard the amenity of the locality in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

The energy facility hereby permitted shall only accept non waste plant material as a feedstock.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

14.

Prior to construction of the energy plant hereby permitted, there shall be submitted for written approval to the local planning authority the detailed specification of plant and supporting technical air quality and noise data as detailed below:

Where proposed process conditions differ from those specified in Table of the submitted "Air Quality Assessment dated 9 October 2012 produced by REC Ltd prepared on behalf of Merlin Renewables Ltd Report Ref: 33044p1r2 Revision 2" full technical justification shall be provided for the proposed final choice of chimney height, which shall not exceed the approved height of 10 metres and where proposed plant attenuated noise levels differ from those specified in "Noise Impact Assessment dated 10 October 2012 produced by REC Ltd prepared on behalf of Merlin Renewables Ltd Report Ref: 90122 Revision 1 Final Issue" the impact of plant noise levels shall be reassessed with respect to existing background noise levels (in accordance with BS4142:1997) in order to ensure that attenuation is sufficient to protect local residents.

The approved plant and all attenuation measures shall be implemented in full and retained thereafter.

Reason

To prevent adverse environmental impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

15.

The approved dry feeder and separator plant shall not operate between the hours of 11 pm to 7am Monday to Sunday inclusive.

Reason

To prevent adverse environmental impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

16.

Material shall only be imported to or exported from the site between the hours of 0700 and 1900 on Mondays to Saturdays and the following Sundays: first Sunday in July; penultimate and last Sundays in September; all Sundays in October and the first Sunday in November; and at no time on Bank Holidays.

Reason

To prevent adverse environmental impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

17.

The approved biogas engine shall be installed, operated and maintained in accordance with the manufacturing and servicing company's instructions.

Reason

To prevent adverse environmental impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

18.

Prior to the biogas engine being brought into use, a written proposal for sampling of emissions from the engine shall be submitted for approval to the local planning authority. In designing the sampling strategy regard shall be had to the air quality advice contained in the Environment Agency Standard Rules Permit SR2010 No 16. The proposal shall include expected parameters for operating conditions during sampling.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

19.

Sampling of emission parameters as identified in the approved sampling proposal required by condition 18 above shall be implemented at a timescale agreed in writing with the local planning authority and shall be no more than six months later than the date the gas engine is brought into use. A written report detailing the results, sampling and operating conditions shall be submitted to the local planning authority for written approval no less than eight weeks following sampling and shall demonstrate that emissions from the engine meet the standard specified in Table 3.1 of SR2010 No 16.

Reason

To prevent adverse environmental impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

20.

All liquid and solid digestate derived from the energy facility hereby permitted shall not be subsequently mixed with any additives or waste materials prior to being spread to land.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

21.

Prior to the operation of the energy facility hereby permitted, there shall be submitted for written approval to the local planning authority an odour management plan which shall be drafted in accordance with the advice contained in 1. Environment Agency H4 Odour Guidance Appendix 4 and 2. Environment Agency Odour Management Plans for Waste Handling Facilities Version 1.0 15/11/10 and shall include a detailed process description from material intake and storage through to digestate storage and removal from site with an accompanying reference to a process flow diagram. The approved odour management plan shall be implemented in full and retained thereafter. Any amendments to the odour management plan shall be approved in writing with the local planning authority prior to implementation.

Reason

To prevent adverse environmental impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

22.

The anaerobic energy plant hereby permitted shall process no more than 48,000 tonnes/annum of non-waste plant material.

Reason

To prevent adverse environmental impact in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

23.

The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime.

Reason

In order to safeguard safety and security in accordance with policy DS3 of the North Lincolnshire Local Plan.

24.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the approved facility is brought into use and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policy DS1 of the North Lincolnshire Local Plan.

25.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the Lincolnshire Local Plan.

Informative 1

The applicants' attention is drawn to the comments made by the Environment Agency.

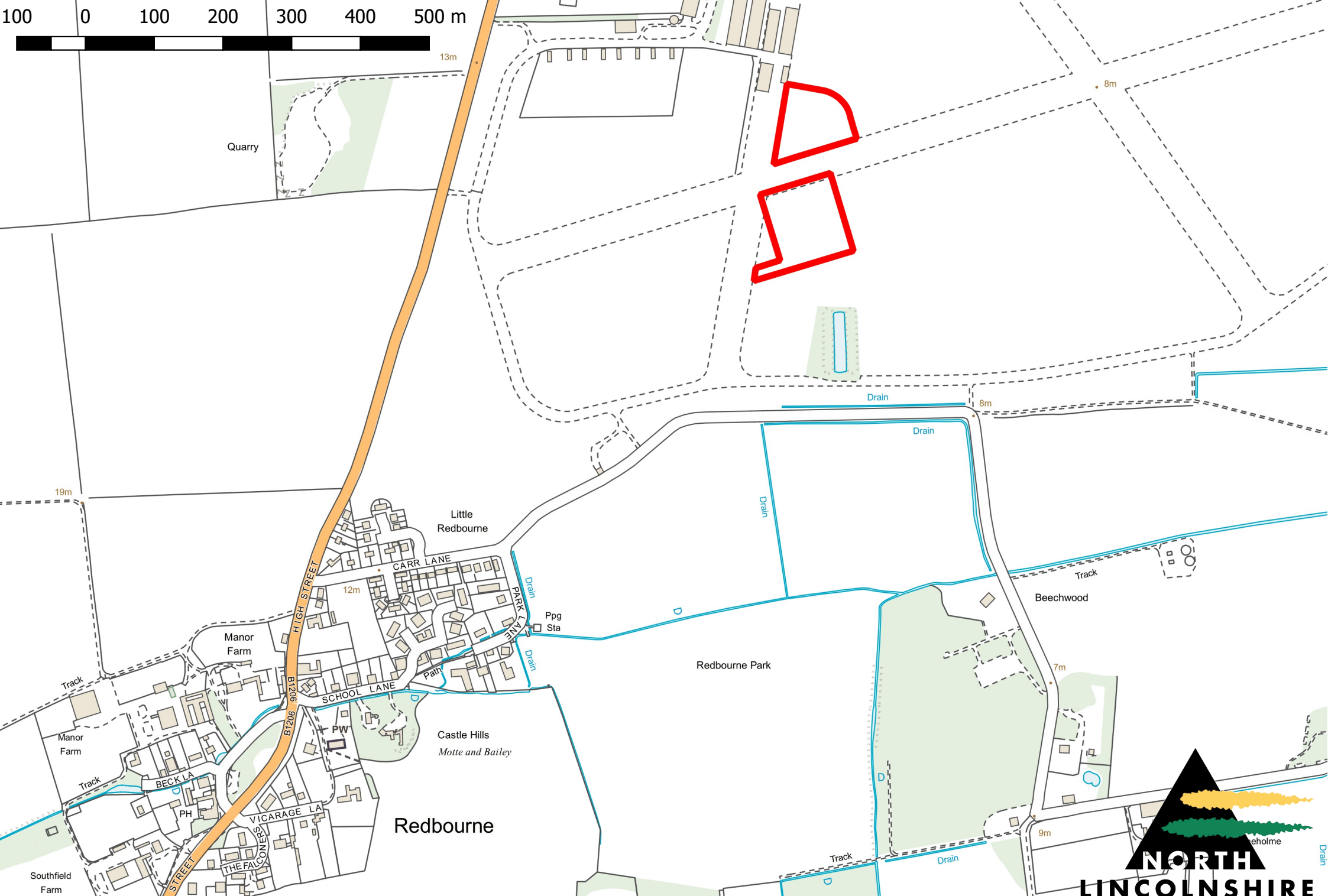
Informative 2

Please note that those planning conditions which have been formally discharged against planning permission WD/2012/1336 (the original application) are also considered to be formally discharged as part of this planning permission. The conditions are replicated for continuity and to allow changes to be made to those details previously approved.

Informative 3

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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