Where the hedge impedes on the visibility requirements for the improved access the hedge is to be translocated. Existing hedge outside of visibility splay to remain.

Carriageway between site access and A508 to be widened to 6.0m minimum.

This part of the existing roadway is to be returned to highway verge as part of the junction improvement.

Tangential Visibility Splay
A508  Harborough  Road

Wormslade Farm

Kerb realigned to accommodate 16.5m max legal artic.

Visibility Splay 4.5m x 215m
Kerb realigned to accommodate two no. 16.5m max legal artics passing at junction.

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KEY

- Land Ownership Boundary
- Application boundary
- Proposed Native Species Tree
- Translocated Hedge in its Proposed Position
- Extent of Proposed Highway Improvement
- Area of Existing Carriageway to be Returned to Highway Verge and Seeded with Pollen and Nectar Grass Mix
- Existing Tree to be Removed
- Existing Tree to be Retained and Protected During Construction.

(The tree number relates to the reference number assigned to the tree in the "Arboricultural Assessment" May 2016 by Chris Seabridge & Associates Ltd)

T16
T17
T18
T19
T20
T21
T22
T23

Refer to "Soft Landscaping Scheme" Document for full details of Proposed Plantings.
APPENDIX 20

RELEVANT EXTRACT OF COMMITTEE REPORT JUNE 2016
DEVELOPMENT CONTROL COMMITTEE

28 JUNE 2016

REPORT BY ASSISTANT DIRECTOR ENVIRONMENT, PLANNING AND TRANSPORT

Subject: Installation and operation of an anaerobic digestion facility including the erection of silage clamps, digester tanks, technical building, gas flare and site office/welfare building, weighbridge and the installation of ancillary plant and equipment, alterations to the highway access and internal road, installation of lagoons and attenuation pond, highway improvements, landscaping and environmental enhancement measures at Wormslade Farm, Clipston Road, Kelmarsh, LE16 9RX.

Application: 15/00090/WASFUL

Applicant: Raw Biogas Ltd

Recommendations: That the application be approved subject to the conditions in Appendix B.

1. Purpose of Report

1.1 The purpose of this report is to provide the Committee with professional planning advice on any issues, Development Plan Policies and other material considerations relevant to the determination of a planning application.

2. How the decisions of this committee contribute to the Council Plan

The Council’s vision is to make Northamptonshire a great place to live and work. This is achieved through increasing the wellbeing of your county’s communities and/or safeguarding the county’s communities.

This initiative specifically delivers increased wellbeing and/or safeguarding by:

- Contributing to creating safer communities
- Contributing to creating healthy communities
- Contributing to creating prosperous communities
- Creating a Sense of Place

3. Background

3.1 The application site is located on agricultural land forming part of Wormslade Farm, Kelmarsh. The site is bounded by the A508 to the east and Clipston Road to the north, from which the main site access will be located. There are a number of agricultural buildings located on the farm site adjoining the application site.
3.2 Wormslade Farm is located approximately one mile to the east of Clipston village with the nearest property being the farmhouse at Kelmarsh Field Farm approximately 400 metres to the north west of the site.

3.3 A planning application for a 500kw, 78 metre high wind turbine at Wormslade Farm was submitted to Daventry District Council (DDC) in 2012. The application was refused by DDC on the grounds of harmful visual impact on the landscape and visual environment including the cumulative impact on the Kelmarsh Heritage assets. The applicant's appeal was dismissed and therefore the development was not granted permission.

4. Proposal

4.1 The application is for the development and operation of a farm- based anaerobic digestion plant principally to produce bio-methane for supply direct to the national gas grid. The development would have a 46,000 tonne per annum capacity to process farmyard manure and crops. The proposed development is therefore solely related to farm wastes and crops which are a biomass fuel and not a waste. The development will not take food wastes and therefore not the same as other anaerobic digestion plants permitted by the county council which already operate in the county. It is envisaged that 36,000 tonnes per annum of digestate would be produced for use as fertiliser on farmland in addition to bio-methane. The proposed development includes the following main features:

- Two digester tanks with gas domes, 8 metres in height with gas domes extending a further 4.94m high above. The floor of the domes will be set down 3.0m below the reduced ground level, which is equal to approximately 4.6-6.7m below the original sloping field ground levels. Given the difference in ground levels across the site the top gas dome is likely to be 2.1m lower than the ridge of the existing barn.
- Four silage clamps – 119 x 20 x 5.5 metres high with a 1 metre high safety barrier on top of the walls
- Three bagged digestate stores set in to earth banked lagoons – 50 x 25 metres
- Black water bagged system set in to earth banked lagoon and one white water attenuation pond
- Technical building to house feeders and Combined Heat and Power Unit – 37.2 x 14.28 x 4.4 metres to eaves, 5.5 metres maximum height
- Gas flare stack – 6.25 metres high
- Office/welfare building – 8 x 8 x 4.07 metres
- New altered farm entrance and visibility splays
- Hedge translocation and a 1:10 graded bund with landscape planting

4.2 It is anticipated that the construction period would last for approximately nine months. During that period construction vehicles and machinery would be active on site including excavators, dump trucks, cranes and haulage lorries.

4.3 Midlands based bio-methane experts EnviTec Biogas Uk Ltd of Rugeley will be suppliers and installers of the anaerobic digestion plant and equipment on behalf of Raw Biogas Ltd.

5. Consultation
5.1 The following is a summary of the responses received during consultation on this application. Full copies of responses can be made available to the committee members on request.

5.2 Daventry District Council (Planning) – Object to the proposals as the overall harm is not outweighed by the benefits. Harm identified includes the loss of open countryside and the impacts on landscape, smells, noise and traffic.

5.3 Daventry District Council (Environmental Health) – No objections to the principle of the development. Has requested the imposition of conditions requiring restricted construction hours, a full lighting scheme and a complaints procedure.

5.4 Clipston Parish Council – Object on the following grounds:

- The proposals constitute a major industrial development wholly inappropriate for an open countryside setting (particularly comprising unique features such as Kelmarsh Hall (Grade I listed) and the Brampton Valley Way). Development is not suitable in the existing landscape.
- Considerable volume of traffic will be generated from the development and the roads and village transport infrastructure could not cope with such an increase of heavy traffic. The A508 is a single carriageway road and not suitable for sure a development.
- Two residential properties, Kelmarsh Fields Farm and Station House, are situated close to the development and their quality of life would be badly affected.
- Loss of 5.33 acres of good quality agricultural land is unacceptable.
- Leaks from the development into the surrounding countryside could cause major environmental problems.
- The Northamptonshire Minerals and Waste Local Plan states that the type of processes intended by the development are already catered for and there is no need for the facility.

5.5 Great Oxendon Parish Council – Object on the following grounds:

- Development is an industrial process and does not sustain or enhance the heritage of landscape features contributing to the character of the area.
- Generation of additional, slow moving traffic on the busy A508 and junction can not be accommodated without adverse effect on both traffic and road safety.
- Proposals will adversely affect the amenities of the area through odour. Concerns also include pollution (including light pollution), safety and site security and carbon emissions.
- No evidence of a sound business case has been provided. There is existing capacity within the County and the site is therefore unlikely to be sustainable or viable.

5.6 Arthingworth Parish Council – Object on the following grounds:

- The proposal will completely change and destroy the rural landscape.
- The site will be lit 24 hours a day which is not appropriate in the location.
- Concerns raised regarding the environmental impact of the development – River Ise runs nearby and could be contaminated.
The number of vehicle movements is not accurate and would be far higher than stated and it will be dangerous travelling along the A508 and impact on local roads and neighbouring villages.

The crops will have to be grown away from the site as the maize cannot be grown locally and will have to be transported from even further afield.

The site will be odorous and affect neighbouring villages and particularly Kelmarsh Field Farm.

No benefit to the local communities and no justification for the development which has not been proven as viable or sustainable.

The Northamptonshire Minerals and Waste Local Plan shows sufficient capacity in the county until 2031 so need for the plant is questionable.

5.7 Braybrooke Parish Council – Object on the following grounds:

- The heavy traffic of large slow-moving vehicles will obstruct the local network of single-track roads and the busy, winding and fast moving A508. This will be dangerous as well as inconvenient.
- Absence of a detailed business case it is not clear where the feedstock will come from but is likely to involve traffic through the village of Clipston and Kelmarsh.
- Potential for odour pollution.
- Lack of benefits from the proposal to outweigh the benefits in terms of commercial viability or contribution to national energy policy.

5.8 Environment Agency – No objections to the proposals.

5.9 NCC Highways – Raised no objections after the submission of the following information: swept path analysis; full details of the realignment of Station Road to the A508 junction; visibility splays; routeing agreement; and a Construction Traffic Management Plan (CTMP). Require conditions and the applicant to enter into a Section 278 Agreement to secure the following: implementation of the CTMP; submission of a routeing agreement; and a highway condition survey.

5.10 Lead Local Flood Authority – Consider that the impacts of surface water drainage have been adequately addressed subject to the imposition of a condition requiring a detailed scheme for the drainage and its subsequent maintenance to be submitted for approval.

5.11 Councillor C Irving-Swift - Objects on the following grounds:

- The size, height and lighting would industrialise the area.
- The site is near the Ise River.
- Transport assessment is misleading as maize does not grow well in the soil types in the area therefore making the proposals unsustainable on transportation grounds.
- Proposals are against national and local policy.

6. Public Advertisement and Neighbour Notification

6.1 The application was advertised by way of site notices and advertisement in the Northamptonshire Telegraph on 21 January 2016. In addition direct notifications were sent to 6 properties in the vicinity of the development. A total of 351 representations were
received in opposition to the development, the main points of which have been summarised below.

Transport
- High volumes of traffic on small country lanes would be dangerous.
- Impact on the A508 which is a designated ‘red route’.
- Junction with A508 is not suitable for large vehicles.
- Mud on the road will be an issue as crops will be transported straight from fields.
- Road maintenance issues resulting from additional HGV traffic.
- Site is too far from a trunk road.
- Will the council be responsible for the future maintenance of the highway which will be subject to additional wear from the proposed development’s generated traffic.
- The parking provision on the site does not seem adequate to operate the size of facility, particularly at peak times of movements.

Pollution, Health and Safety and Amenity Impacts
- Detrimental effect on local environment and health of residents.
- Odour, noise and light pollution and air quality.
- Potential for contamination of local water resources and flooding of surrounding land.
- Risk of fires or explosions at the plant causing hazardous emissions for locals.
- Impact on the activities which take place at Kelmarsh Hall (Grade I listed) and users of the Brampton Valley Way.
- Proximity to Kelmarsh Field Farm is not acceptable.

Visual Impact
- Industrialisation of rural landscape.
- Landscaping proposals will not screen the site as it is on low lying land.
- Gas flare burning 24/7.

Planning Policy and Sustainability
- Transporting purposely grown crops long distances to produce energy is not sustainable.
- Does not accord with Policies 12 and 13 of the Northamptonshire Waste Local Plan.
- This is not a proposal for sustainable waste recycling but industrial gas generation.

Biodiversity and Heritage assets
- Detrimental impact on local wildlife from increased traffic, odour and lighting.
- Impact on Kelmarsh Hall and Naseby Battlefield.

Alternative sites
- Industrialised brownfield areas would be more suitable.

Need and Viability
- Northamptonshire Minerals and Waste Local Plan states that there is already an excess capacity in the county therefore another facility is not needed.
- The business plan for the proposals are not viable.
- The applicant has not demonstrated where the feedstocks will be grown, therefore it is not possible to assess the sustainability and viability of the site.

Loss of Agricultural Land
- Loss of arable land on the application site is unacceptable.
- Using agricultural land to grow crops to feed the plant rather than people does not make sense.
- Damage to soil caused by maize crops.
**Employment**
- Only 2.5 jobs will be created but hundreds disadvantaged.

*If permission is granted*
- Lighting should be switched off during the hours of darkness when the site is not occupied.
- Transportation routes should exclude villages.

7. **Development Plan Policies**

7.1 The following provide the policy context considered to be most relevant to the proposed development:

**National Planning Policy Documents**

7.2 The National Planning Policy Framework (NPPF) sets the Government’s planning policies for England and how these are expected to be applied. National policy statements form part of the overall framework of national planning policy, and are a material planning consideration in decisions on planning applications. While the NPPF does not contain specific waste policies local authorities are required to have regard to the relevant policies in the framework. The NPPF establishes a presumption in favour of sustainable development. For decision taking, this means that proposed development that accords with an up-to-date development plan shall be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

7.3 National Planning Policy for Waste (NPPW) was issued in October 2014 replacing Planning Policy Statement 10 (PPS10 – Planning for Sustainable Waste Management). The NPPW sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. This includes the delivery of sustainable development and helping to secure the re-use, recovery or disposal of waste in line with the principles of the waste hierarchy without endangering human health or harming the environment. The NPPW forms part of the overall national planning policy, and is a material planning consideration in decisions on waste related planning applications.

**Northamptonshire Minerals and Waste Local Plan – October 2014**

Policy 11 – Northamptonshire’s waste management capacity  
Policy 12 – Spatial strategy for waste management  
Policy 13 – Development criteria for waste management facilities (non-inert and hazardous)  
Policy 22 – Addressing the impact of proposed minerals and waste development  
Policy 23 – Encouraging sustainable transport  
Policy 24 – Natural assets and resources  
Policy 25 – Landscape character

**West Northamptonshire Joint Core Strategy Local Plan – December 2014**

Policy S10 – Sustainable Development Principles  
Policy S11 – Low Carbon and Renewable Energy  
Policy C2 – New Developments
8. Assessment

8.1 The main issues to consider in determining this application are:

i. Whether the proposal accords with the planning policies in Development Plan, National Planning Policy Framework and National Planning Policy for Waste;

ii. Whether the impacts of the development are (or can be made) acceptable or would be significant enough to justify refusing the application. In particular the impacts on: landscape, visual amenities including design and appearance; access and highway safety, amenity (noise dust, odour, lighting); biodiversity; agricultural land: heritage and archaeology.

Principle of the Development

8.2 The development proposal involves the utilisation of a combination of waste and non-waste materials as feedstock for the anaerobic digestion plant. Assessing the acceptability of the principle of the development therefore requires consideration of the national and local planning policies.

National Planning Policy

8.3 The National Planning Policy Framework (NPPF) supports the move to a low carbon future and seeks to increase the supply of renewable and low carbon energy (NPPF paragraphs 97 and 98). Local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources, and have positive strategy to promote this and design policies to maximise renewable and low carbon development, whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. NPPF paragraph 98 states that local planning authorities should not require applicants to demonstrate the overall need for renewable and low carbon energy and approve the application if its impacts are (or can be made) acceptable, unless material considerations indicate otherwise. The NPPF therefore has strong support for the principle of the development and this carries significant weight in support of the application.

The National Planning Policy for Waste states that waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up to date Local
Plan. The main local plan documents relevant to the assessment are the Minerals and Waste Local Plan (adopted October 2014), and the West Northamptonshire Joint Core Strategy Local Plan (adopted December 2014) and these are both up to date. The other Local Plan considered in the assessment is the Daventry Local Plan (adopted 1997) which is not up to date but has some saved policies which have to be taken into account.

Minerals and Waste Local Plan (October 2014)

8.4 Policy 11 of the Minerals and Waste Local Plan (MWLP) establishes Northamptonshire’s waste management capacity and identifies indicative waste management capacity gaps. The waste feedstock element for the proposed facility would contribute up to 5,000 tonnes (0.05 Mt) per annum toward the recovery of energy and fertiliser from farm animal waste. The MWLP estimated that composting and anaerobic digestion required a capacity provision of 0.17Mt per annum and that currently the permissions issued for such facilities would, if all implemented and operated to full capacity, result in this capacity requirement being exceeded. Table 7 in the MWLP indicates that there is a current 0.4Mt of permitted capacity giving a surplus of permitted facilities of 0.23Mt. However, a number of the permitted facilities are not operational or working to full capacity. The figures are also based on estimates for self-sufficiency for Northamptonshire when it is known that most of the facilities have catchment areas which allow imports from both inside and outside of the county and that there are facilities outside the county which take waste from Northamptonshire. The amount of waste to be processed in this application is also a very small amount and would be insignificant in relation to adding to the existing permitted capacity. Having regard to these factors and that overprovision is not contrary to Policy 11, the development is considered to be acceptable under this policy.

8.5 Policy 12 of the MWLP establishes the spatial strategy for waste management. It is recognised that the majority of waste facilities should be sited within the central spine, with most development concentrated in Northampton, Wellingborough, Kettering, Corby and Daventry. The proposed facility is located outside of the central spine in the rural hinterlands to the south of Market Harborough, and Policy 12 statement states that ‘In the rural hinterlands only facilities with a local or neighbourhood catchment providing for preliminary treatment, or that are incompatible with urban development, should be provided’. In this case the use of an anaerobic digestion operation seeking to process crops and farm waste is more compatible with a rural hinterland location, and would be less suited to an urban location. Paragraph 5.46 of the MWLP refers to anaerobic digestion as having operational requirements which are not complementary to urban development. This is particularly through the link to agriculture through the use of digestate as a fertiliser and the use of agricultural feedstocks strengthens the operational links with the rural hinterland. Overall it is considered that the development would satisfy the spatial strategy and Policy 12 of the MWLP.

8.6 Policy 13 of the MWLP establishes the criteria under which proposals for waste management facilities on non-allocated sites will be assessed. The application demonstrates compliance with Policy 13 through: being acceptable in relation to the spatial strategy; contributing to a sustainable waste network; and contributing to Northamptonshire’s waste management capacity requirements. The Policy 13 criteria also require the need for the facility and its functional role to be clearly identified. Only a small percentage of the feedstock is waste material but nevertheless the development would
provide an anaerobic digestion facility dealing with some farm wastes and whilst farm wastes are not specifically identified in the MWLP the Local Assessment of Waste Management Needs (November 2013) identifies that the vast majority of agricultural wastes are bulk materials such as animal slurries. It is considered that the functional role of the development has been identified. In relation to need for the facility, the fact that bulk agricultural wastes exist and have to be dealt with somehow is considered adequate justification to satisfy this requirement of the policy.

8.7 The Policy 13 criteria include a requirement that the development be in general conformity with the principles of sustainability (particularly regarding the catchment area). In relation to sustainability the NPPF policies constitute the Government’s view on what sustainable development means to the planning system. Similarly, Local Plan policies are tested to ensure these are in conformity with sustainability principles. The NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental. The most relevant dimension in this case relates to the environmental role. The advantages include in particular that the development would generate renewable energy and contribute to a low carbon economy.

8.8 There have been objections to the application on the basis that the development would not be sustainable in terms of transport movements as (it is alleged) maize does not grow well in clay soils as found around Great Oxendon, and hence vehicles would have to travel further and would not be local. The ‘UK Sustainability Standards for Electricity Generation from Biomass’ issued by the Department of Energy and Climate Change (DECC) requires the bio-gas energy producers to demonstrate that fuel sources are sustainable in order to receive financial support under the Renewable Obligations (RO) scheme. This is a separate test to the catchment area requirements of the MWLP but is a significant material consideration supporting the sustainability of the proposed development.

8.9 The principle of catchment areas is established in the MWLP (paragraphs 2.35 to 2.38). The MWLP gives clear guidance regarding the extent to which self-sufficiency is required and recognises that Northamptonshire could become a national hub for waste development should sufficient controls such as the application of specific catchment areas not be implemented. Policy 13 of the MWLP is the policy basis for catchment areas and it is referred to in two of the bullet points in the list of criteria to take into account when assessing waste applications on non-allocated sites. Policy 13 does not, however, stipulate what size of catchment area should be for particular types of facilities but the MWLP (paragraphs 5.104-5.112) sets out more details on the principles and broad categories for catchment areas (national, regional, sub-regional, local and neighbourhood).

8.10 The applicant sets out the intention to utilise land adjacent to the facility to both grow the necessary crops and spread the resulting fertiliser. The applicant has indicated that further land would be required to provide the necessary amount of crops to operate the facility but has yet to secure contracts. The nature and scale of the proposals are considered consistent with a local catchment, equivalent to 1,000km$^2$. The MWLP defines a local catchment in paragraph 5.110 as follows:
• Waste to be managed on site originates from within up to two adjacent local planning authority areas or an equivalent geographical area.

• The facility is intended to serve either an urban area and its immediate rural hinterland, or be located in a rural area for the purpose of dealing with agricultural and/or similar wastes produced locally.

• The facility should be for preliminary treatment, however in certain circumstances may be for advanced treatment. The facility supports the waste hierarchy and is not for the disposal of waste.

8.11 The applicant’s proposed development and identified catchment area would adequately comply with the above requirements and a recommended condition is included to ensure that a suitable local catchment for the import of crops and animal waste and the export of digestate is imposed.

8.12 Overall it is considered that the principle of the development is acceptable having regard to Policies 11, 12, and 13 of the Northamptonshire Minerals and Waste Local Plan (October 2014). MWLP also has policies which are relevant to the assessment of the environmental, amenity and highway safety impacts of the proposed development and these will be considered later in the report. However, the development also needs to be assessed against policies in the West Northamptonshire Joint Core Strategy Local Plan (Adopted December 2011) (WNJCS) and the saved policies in the Daventry Local Plan (June 1997) (DLP).

West Northamptonshire Joint Core Strategy Local Plan (December 2011) (WNJCS)

8.13 Policy S10 ‘Sustainable Development’ of the WNJCS deals with sustainable development principles and has a strong emphasise on tackling the issue of climate change and supports the provision of low carbon and renewable energy. Other aspects of this policy relate particularly to the environmental and amenity impacts of the development which will be assessed later in the report.

8.14 Objective 1 of the WNJCS encourages renewable energy production in appropriate locations and Policy S11 ‘Low Carbon and Renewable Energy’ supports the principle of renewable energy although requires 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.

8.15 Supporting text to Policy S11 states that: ‘The deployment of larger scale low carbon and renewable energy schemes can have a range of positive or negative effects on nearby communities. They can provide a landowner with the opportunity for rural diversification, deliver local jobs and opportunities for community based schemes and benefits. However, proposals can have a range of impacts that will vary depending on the scale of the development, type of area where the development is proposed and type of low carbon and renewable energy technology deployed.’

8.16 Policy R2 ‘Rural Economy’ supports proposals which sustain and enhance the rural economy. It specifically states that proposals will be supported where they are an appropriate scale for their location, respect the environmental quality and character of the local area and protect the best and most versatile land. It lists the types of development
which will be acceptable which include the re-use of rural buildings and schemes for farm
diversification involving small scale business and commercial development that contribute
to the operation and viability of the farm holding. This scheme is not small scale.
Nevertheless, the development is compatible with a rural area given its links to agriculture
and farm based anaerobic digestion and is also recognised by Government as
contributing to renewable energy targets. This site also has the advantage of the
presence of a nearby high pressure gas main. Together these can be considered to make
the site location suited to the proposal. The fact that the development is not small scale
has to be balanced against the other material considerations which support the
application including the development plan and national policy support for renewable
energy in the NPPF and Policy S11 of the WNJCS.

Daventry District Local Plan (June 1997) (DLP)

8.17 Saved Policy EM 16 ‘Hamlets and Open Countryside’ states that business and general
industrial developments in the open countryside will not normally be granted unless these
are small scale. The proposed development is not in line with this policy. However,
WNJCS Policy R2 covers a similar remit and this is an up to date policy which carries
more weight in the final decision.

Summary of Principle of the Development

8.18 There is significant support for the principle of a renewable energy facility in the NPPF
and Policy S11 of the WNJCS. In terms of the waste element of the proposal the
application is also considered to be acceptable under the requirements of Policy 11, 12
and 13 of the MWLP. The development is however not in conformity with Policy R2 of the
WNJCS and Policy EM16 of the DLP as it is not a small scale business and industrial
development in the open countryside. The development proposed is closely linked with
agriculture and rural areas and it is more compatible to locate it within such areas and is
considered to contribute towards sustaining and enhancing the rural economy in line with
this aim of WNJCS Policy R2. The location of the nearby gas main with capacity to take
the gas makes the site viable for this development. It is considered that having regard to
Paragraph 98 of the NPPF the weight of policy in support of the development is greater
than those against and this on balance supports it being acceptable in principle providing
the development impacts are, or can be made, acceptable unless material considerations
indicate otherwise. The development impacts therefore need to be assessed.

Traffic, Highways and Access

8.19 Policy 22 of the Minerals and Waste Local Plan addresses the impact of minerals and
waste development and requires that they demonstrate that access is sustainable, safe
and environmentally acceptable. Policy 22 also requires developments to demonstrate
that local amenity is protected.

8.20 Policy 23 (Encouraging sustainable transport movements) requires that minerals and
waste related development seeks to minimise transport movements and maximise the
use of sustainable or alternative transport modes. In this instance, road transport is the
only feasible means of transport.
8.21 Policy C2 of the WNJCS requires new development to mitigate its effects on the highways network and be supported by a transport assessment prepared in accordance with current best practice guidelines.

8.22 The feedstock for the site will be predominantly grown crops with a small element of animal waste, all derived from farms. The applicant has outlined the intention to use an area of their own land surrounding the plant for the production of crops, but have yet to secure contracts with other farms to grow crops and accept digestate. As discussed earlier in the report, the development will be restricted to a local catchment area, therefore providing an assurance that feedstocks will be sourced within an area considered acceptable in accordance with the aims of MWLP.

8.23 Objections have been received by local Parish Councils and residents regarding the traffic and highway safety implications of the proposed development on rural roads and what is perceived to be an already busy A508. Objectors feel the level of traffic being unacceptable on both the local country roads and the A508 and that slow moving traffic on the road network will be hazardous to other drivers, pedestrians, cyclists and horse riders. Concerns have also been raised regarding safety and amenity issues arising from vehicles utilising the narrow rural roads and particularly driving through the centre of surrounding villages; namely Clipston, Great Oxendon and Arthingworth.

8.24 The application was accompanied by a transport statement which provides predicted figures for vehicle movements to and from the application site once operational. Based upon a feedstock of 46,000 tonnes per annum, the follow figures are stated:

<table>
<thead>
<tr>
<th>Feedstock</th>
<th>Tonnage</th>
<th>Vehicle Movements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maize Silage</td>
<td>18,000</td>
<td>1,286 x 14 tonne farm trailers</td>
</tr>
<tr>
<td>Grass Silage</td>
<td>5,000</td>
<td>351 x 14 tonne farm trailers</td>
</tr>
<tr>
<td>Wholecrop Rye</td>
<td>18,000</td>
<td>1,256 x 16m³ tanker loads</td>
</tr>
<tr>
<td>Slurry</td>
<td>5,000</td>
<td>250 x 20m³ tanker loads</td>
</tr>
<tr>
<td>Total Feedstock</td>
<td>46,000</td>
<td>3,173 vehicle trips (6,346 movements)</td>
</tr>
</tbody>
</table>

8.25 In addition to accepting feedstock, the produced digestate will also need transporting from the site to the receipting farms. The statement states these figures as approximately 12,000 tonnes of solid digestate and 24,000 tonnes of liquid digestate, requiring the following vehicles:

<table>
<thead>
<tr>
<th>Digestate</th>
<th>Tonnage</th>
<th>Vehicle Movements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid Digestate</td>
<td>12,000</td>
<td>857 x 14 tonne farm trailers</td>
</tr>
<tr>
<td>Digestate</td>
<td>Tonnage</td>
<td>Vehicle Movements</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Liquid Digestate</td>
<td>24,000</td>
<td>1,500 x 16\text{m}^3 \text{tanker loads}</td>
</tr>
<tr>
<td>Total</td>
<td>36,000</td>
<td>2,357 vehicle trips (4,714 movements)</td>
</tr>
</tbody>
</table>

8.26 The maximum number of movements required is therefore 11,060, equating to approximately 38 movements a day over a 5.5 day week as per the proposed opening hours. Due to the seasonal nature of the operations, particularly the autumn maize harvest, the applicant has identified this as a period for potentially higher vehicle activities. The report identifies the need for approximately 80 movements a day for an 80 day period between October and December. The applicant has stated the intention for vehicles delivering feedstock to remove digestate during the same trip, where possible, to reduce vehicle trips. The vehicle movements expressed are therefore the worst case scenario.

8.27 The Highway Authority (HA) has assessed the application and feels that the vehicle numbers are acceptable with regards to the available capacity of the A508. The site access is proposed from Clipston Road rather than the A508, therefore the HA have required the applicant to provide proposals for the improvement of this highway between the site entrance and the junction with the A508, a distance of approximately 400 metres. These proposals include: the realignment of Station Road to provide suitable swept paths for heavy goods vehicles; visibility splays of 4.5 x 215m at access on Station Road; inclusion of a passing bay on the haul road to allow two large vehicles to pass to avoid queuing on the highway. Consultation between the applicant and the HA has resulted in the layout as shown on the Proposed Site Layout Plan ref: P15-WORMSLADE-AD-003/D.

8.28 To ensure no vehicles associated with the proposed development drive through the surrounding villages the applicant has submitted a routeing agreement plan ref: WORMSLADE PL-04 Rev 1, excluding the use of any local roads within the villages of Clipston, Great Oxendon and Arthingworth. The applicant’s proposal to route vehicles to avoid vehicles through these villages was a response to the objections received on this issue. Nevertheless, an objector has stated that this will unduly restrict local farmers from collecting feedstock from their fields for their animals as they have done for lots of years. The proposal to control routing of vehicles would only apply to any contract that Raw Biogas entered into with farmers and not to the local farmers other normal activities. Given that this is a rural area it is not unusual for farm trailers to travel through rural villages carrying farm produce and fertilisers. The developer has however offered to control vehicles associated with this proposed development.

8.29 The applicant has also submitted a Construction Traffic Management Plan (CTMP) outlining the measures that will be taken to ensure that the site is operated to minimise the impacts of the development on the surrounding road network. Concerns have been raised regarding the damage the additional vehicles will cause to Station Road and who would be responsible for road maintenance. The applicant will be undertaking a pre-construction road condition survey and a further post-construction survey. Through an agreement with the HA, the applicant will be responsible for funding the repair of any
damage caused during that period. Other measures include the use of wheel washing facilities on site to minimise mud on the road.

8.30 The concerns raised by the local Parish Councils and residents regarding the traffic, highway safety and amenity issues arising from an increase in vehicle movements have been carefully considered in consultation with the HA but on balance are not considered sufficient to justify refusal of the application. Subject to the recommended conditions the proposals are deemed acceptable having regard to Policies 22 and 23 of the MWLP and Policy C2 of the WNJCS.

Landscape Impact

8.31 Policy S10 of the WNJCS requires development to protect, conserve and enhance the natural and built environment and heritage assets and their settings. This includes protecting valued landscapes. Policy 25 of the MWLP similarly seeks that waste developments should reflect Northamptonshire's landscape character and development should mitigate potentially adverse impacts. The application includes a 'Landscape and Visual Impact Appraisal' which was undertaken taking account of the ‘Guidelines for Landscape and Visual Assessment: third Edition (2013) (GLVIA), produced by the Landscape Institute, which advises that the approach adopted should be proportional to the scale of the project being assessed.

8.32 There are no national or local landscape designations affecting the application site or the surrounding landscape. The Landscape Assessment has considered the impacts in a systematic way in accordance with the GLVIA advice and this covers the ‘Overall Level of Landscape Effects’ and the ‘Overall Level of Visual Effects’ and the landscape consultant has made professional judgements on these aspects.

8.33 In relation to the ‘Overall Level of Landscape Effects’ the assessment states that the main direct effect would be the loss of approximately 4.0ha of arable farmland and the impact on the existing hedgerows which would be removed and trans-located. Arable farmland is the dominant land use in this locality and a loss of this scale is not considered significant with the hedgerow as a landscape feature being assessed as of local importance. The landscape assessment has therefore considered the overall landscape effect to be Minor Adverse. Replanting of the hedgerow and new landscaping is proposed which has been assessed as having a Minor beneficial value.

8.34 The assessment states that the most important landscape consideration is the effect that the proposed development will have on the character of the local landscape. This landscape has been assessed as having a Local Level value with a Medium Susceptibility to this type of development. The scale of the landscape effect has been assessed as Medium Adverse and Long term over a Medium geographical area. The overall change to landscape character has been assessed as being a Moderate Adverse level of effect.

8.35 In relation to the ‘Overall Level of Visual Effects’ the assessment has considered 10 public viewpoints (public rights of way and public highways) and also private views from dwellings on the southern edge of Great Oxendon. The main publicly accessible view would be from the Clipston Road to the north of the site where the visual effect would be
High Adverse during the construction phase and initial operations until the boundary hedgerow is re-established. These effects are considered to be on local scale and the overall visual effect from Clipston Road is assessed as Moderate Adverse.

8.36 Footpath CZ4 runs east west in the field north of the Clipston Road and visual impact from this will be Medium/High Adverse scale although it has access difficulties from the A508 and no waymarks which suggest it is a low usage path making susceptibility to be considered as Low/Medium. The overall visual effect from the public right of way and to users of the A508 Road, has been assessed as Minor Adverse.

8.37 The visual impact susceptibility to walkers on other public rights of way in the vicinity of the site (Bridleway CZ5, Footpath DH6/CB14, and Clipston Road, Great Oxendon) has been treated as having Medium/High Susceptibility but the scale of visual effects is much lower as these are at a greater distance from the site, and/or have intervening vegetation and the site is only visible against the background of rising ground and wooded slopes. The overall level of visual effect has been considered as Minor Adverse. The Landscape Assessment estimated that there are approximately 15 properties on the southern side of Great Oxendon (approximately 1.5km from the site). The assessment acknowledges that visual impact on views from private residential properties at Great Oxendon are likely to be raised by local residents but comments that there is no right to a view in planning law. The overall level of visual effect on these properties has been assessed as Minor Adverse.

8.38 The Landscape Assessment makes recommendations for landscape mitigation and enhancement: translocation of the hedgerow on the northern boundary to be removed to facilitate the access visibility splays; hedgerow reinforcement in any gaps in the remaining perimeter hedgerows; all existing trees and hedgerows to be retained to be protected in accordance with British Standard BS5837:2012 during the construction phase; and new planting in a belt to surround much of the development site.

8.39 There has been objection to the development on the basis of landscape and visual amenity impact. The submitted Landscape Assessment has concluded that the overall impact on landscape character is Moderate Adverse at worse and the gain of new trees as 'Minor Beneficial' effect in the long term. The effect on visual amenity is assessed as Minor Adverse, at worst. A previous planning application to locate wind turbines on the land was refused on appeal on the basis of landscape impact although in the appeal decision the Inspector concluded a development could occur on the site provided it was of appropriate type and scale. This development does not protrude above the skyline as was the case with the wind turbines and the digester tanks have been set down 3 metres below current ground levels to reduce the height to approximately 2m below current farm barn building on the site. The buildings and structures are similar in appearance to those found on some farms although overall the development is large scale and would cause some landscape harm. The visual amenity impacts of the development are mitigated by the distance to most receptors other than anyone using the highways and footpath nearest to the site. Ultimately, it will be necessary for the degree of harm to the landscape and visual amenity to be weighed against the benefits of the scheme.
Biodiversity and Landscaping

8.40 Policy 24 of the MWLP and Policies S10 and BN2 of the WNJCS seek to protect and enhance important biodiversity assets and where impact can not be avoided to provide compensatory assets. The application includes an Ecological Appraisal which assesses the likely impact on habitats and species and an Arboricultural Assessment. The main habitat affected would be the removal and translocation of approximately 335 metres of roadside hedgerow although the hedgerow has been assessed as not important under the criteria in the Hedgerow Regulations 1997. Sixteen trees including two mature ash trees would be lost from within the hedgerow. Half of the trees are young in age and have not developed important arboricultural or landscape qualities and the lost trees will be compensated by the planting of new areas of broad leaved woodland around the development area.

8.41 The two mature trees to be lost have been assessed as having limited potential for bat roosting. The assessment recommends the two trees are soft felled as a precaution and that roosting habitat for bats is enhanced through the provision of bat boxes on retained mature hedgerow trees.

8.42 The assessment found limited evidence of badger usage, being confined to the northern and western edges in the form of latrines and tracks. There was no evidence of badger setts on or adjacent to the site although it is recommended that a further check be made immediately prior to a development taking place.

8.43 Evidence of a roosting barn owl was found in the two derelict brick buildings adjacent to the development site, although these were not considered as suitable for nesting. To enhance both nesting and foraging potential for barn owl the assessment recommends the provision of a nest box and creation and management of rough tussocky grassland on the development site.

8.44 To minimise the impact on nesting birds the hedgerow translocation would need to take place outside of the main nesting season (March-August) inclusive. A pre-check of ground nesting birds would also be required immediately prior to commencement of any works.

8.45 In relation to other habitat enhancement the application includes significant landscaping in the planting 400m of new hedgerow and a tree belt around the development site and the filling of any gaps in the existing hedgerow. This and the other recommendations in the Ecological Appraisal would need to be controlled by planning condition. Overall it is considered that there are no biodiversity reasons to justify refusal of the application.

Amenity Impacts

8.46 Policy 22 of the Minerals and Waste Local Plan requires that proposals for waste development should demonstrate that any impacts associated with it have been addressed to ensure that local amenity is protected and environmental impacts minimised. Saved Daventry District Local Plan Policy GN2(a) states that proposals will be
of a type, scale and design in keeping with the locality and not detract from its amenities. Policy S10 of the WNJCS requires that development will minimise pollution from noise, air and run off and Policy BN9 of the WNJCS requires applicants to demonstrate that pollution control has been addressed including impacts on air quality, light pollution and noise.

8.47 The site lies in the open countryside between the villages of Clipston to the west and Arthingworth to the east, and Kelmarsh to the south each just under 2km away, with Great Oxendon around 1.5 km to the north. The nearest residential property to the site is at Kelmarsh Field farmhouse 400 metres to the northwest. The distances involved greatly assist in mitigating any potential amenity impacts. Nevertheless, in response to objections raised by consultees and local residents the applicant has submitted management plans regarding the potential impacts in terms of noise, dust, odour, pests and digestate use.

Noise

8.48 The submitted Noise Management Plan identifies three areas of activity which would generate noise as: running the anaerobic digester itself; activities on site; and vehicles delivering to and collecting from the site. The anaerobic digester is a sealed process which creates very little noise and maintenance of motors and pumps is proposed with insulation or baffles if necessary. Machinery for all on site activities will be similarly maintained.

8.49 On site noise from machinery handling feedstock and noise from vehicle deliveries and collections are proposed to be managed by being scheduled as far possible for normal working hours. However, there may be a seasonal exception to this if weather conditions force longer working at harvest time; and there may also be a need for the loading of feedstock into the digester on public holidays. Given that this development is dependant largely on agricultural crops it is understandable that the hours of working may need to be extended during harvest times. The need to maintain the feedstock to supply the digester is also an operational requirement of an anaerobic digester otherwise the efficiency and effectiveness of the process can be seriously affected.

8.50 Normal working hours are generally between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 13.00pm on Saturdays, with no working on Sundays or Public Holidays. A planning condition can be imposed but this would need to allow exceptions related to harvest deliveries of feedstock and maintaining the feedstock in the digester on public holidays. A planning condition to control reversing bleepers on the site machinery to avoid tonal alarms is also recommended. Given the noise management and mitigation proposed and the distance of this site from residential properties it is considered that there would be no justified reason to refuse the application in relation to potential noise nuisance.

Dust

8.51 The Dust Management Plan identifies that the main potential sources of dust on the site are from traffic movements and material handling. It is proposed to control the cleanliness of hard road surfaces, including by road sweeping if necessary. The feedstock
will be relatively moist and thus minimising the risk of wind blow and feedstock stockpiles will be covered to protect it from the weather. The provision of hard surfaces and the covering of stockpiled feedstock will assist in minimising dust and the applicant proposes to operate management practices to monitor dust daily on site on and by a monthly check of planting to the north and east as given the prevailing winds it would be visible on vegetation on the upwind side. A planning condition is recommended to control dust in accordance with the Management Plan.

**Odour**

8.52 The Odour Management Plan (OMP) states that as anaerobic digestion is a sealed biological process there are no releases of odour from the process itself. Odour risks have been identified from the delivery, storage and loading of feedstock, from cleaning the biogas produced, or from the handling, storage, export and use of the resulting digestate. The OMP sets out the control measures to reduce risk of odour nuisance from these potential sources.

8.53 Feedstock are crops which do not have strong odours and these are placed and then covered in the clamps during storage to protect from the weather. Slurry would be brought to the site in sealed agricultural tankers and will only be brought in when needed and pumped direct into the input tank for the digester through a sealed system. Any spillages would be cleaned up promptly. All areas washed down would go by way of drains to a covered ‘Black Water’ tank. This ‘black water’ will either be injected through a sealed system into the digester process or removed from site in a sealed tanker when required.

8.54 Loading the digester from the clamps would involve opening only a small part of clamp at a time removing only a minimum amount of the cover sheeting to stop the feedstock and particularly silage from getting wet. Silage effluent would be captured in a sealed reception pit and used in the digester. All operational surfaces would be kept clean and washed down if any odours material is present.

8.55 The digestate would be pumped into a separator, then the liquid portion would be pumped into storage in a sealed bag, held within a secondary containment system. There are three bags proposed providing a total of 15,000m$^3$ of storage. Removal of the liquid digestate would be via pumping through a sealed system into sealed agricultural tankers and then it would be transported for use on farms off site.

8.56 Solid digestate would be loaded straight on to a farm trailer and either removed from site for immediate use on farms elsewhere or for storage by the end-users at times of the year when it can’t be spread on the fields. Any solid digestate which can’t immediately be removed from site would be stored on site in sheeted heap within the clamp area and removed as soon as possible.

8.57 Where digestate is taken to other farms for spreading the operator will encourage the use of low emission technology which reduces the loss of valuable nitrogen and ammonia and minimises odour. This spreading is normally undertaken by specialist contractors who utilise low emissions technology.
8.58 The have been objections from local parish councils and other residents in the area to the application on the basis of concerns regarding potential odour nuisance and the OMP was submitted to address the concerns raised. The Daventry District Council Environmental Protection Officer (EPO) has not raised any objection in principle but did initially raise some concerns regarding odour. The applicant responded to the concerns by providing further explanation to the EPO of the process and the odour management controls to be used. The Environment Agency (EA) has not objected to the application and commented that odour would be controlled under an Environmental Permit. The applicant has identified the development would require a Standard Rules Permit “On-farm anaerobic digestion facility using farm wastes only, including use of the resultant biogas”. The EA would therefore be responsible for pollution control matters, including: odour; noise and vibration; pests; and emissions. Notwithstanding this, it is considered that the applicant has provided adequate information on odour control and mitigation to demonstrate that there would be no justifiable ground to refuse the application on potential odour nuisance. Furthermore, a recommended condition is included which requires the applicant to investigate any complaints relating to odour, noise and dust and to carry out remediation measures as necessary.

8.59 The applicant did organise a site visit to a very similar operational AD plant at Icknield Farm, Ipsden, Oxfordshire on 14 March 2016 and this was attended by your Development Control Manager. Representatives of local parish councils and local elected county and district councillors were also invited but no others attended. The plant at Icknield Farm is also using a mix of farm crops and farm waste, and the plant supplies gas into a nearby gas main. The plant and structures are similar as proposed and the technology provider is EnviTec Biogas Ltd. The applicant is proposing to use EnviTec’s to construct the plant at Wormslade Farm.

**Digestate Management**

8.60 The applicant submitted a Digestate Management Plan in response to objections raised that the applicant had not demonstrated the source of feedstock crops or the land to receive the digestate. Other issues raised by objectors around these matters included questioning the suitability of local farmland soils to grow maize and the limitations of spreading digestate due to Nitrate Vulnerable Zones. Objectors comment that the feedstocks would need to be sources from greater distances than proposed raising issues about the sustainability of the proposal.

8.61 Paragraph 98 of the NPPF states that applicants are not required to demonstrate the overall need for renewable or low carbon energy. It is also considered that applicants are not required to have identified specified sources of feedstock or recipients of digestate at the planning application stage. As with any business of this nature it isn't possible to enter into contracts before a planning permission exists. However the applicants have to demonstrate a catchment area for the waste element of the feedstock. It should be noted that although the crops are not waste and not subject to MWLP catchment area policy the applicant has proposed the same catchment for all feedstock. The sustainability of the crop feedstock sources will nevertheless be controlled under the Renewable Obligations Biomass Sustainability Criteria.
8.62 The Digestate Management Plan (DMP) has provided information on the crop nutrient requirements for the quantity of feedstock to be utilised at the site and shown that an estimated half of the 36,000 tonnes of digestate to be produced (18,000 tonnes) could be used as fertiliser where the feedstock crops arise. This would leave a further 18,000 tonnes to supply to other land as nutrient for other crops. The use of the digestate would be required to be in accordance with the Nitrates Regulations and other codes of good farming practice.

8.63 The DMP does provide some information on potential suppliers of feedstock and digestate users. These are not definite contracts and the only one which is certain would be that with Wormslade Farm itself which is only 600ha and which could grow 6,000 tonnes of feedstock per year and accept 3,200 tonnes of digestate. The suitability of local farmland to grow maize is a matter for local farmers to decide and ultimately it is for the applicant to negotiate contracts with farms somewhere within the intended catchment area. Nevertheless, as stated earlier, it is unrealistic to expect contracts to be in place or confirmed at this stage and it will be for the operator to make a business decision on the viability of investing in and building the plant if planning permission is obtained.

Pest Management

8.64 Pest and vermin has not particularly been raised as an issue however The Pest Management Plan has been produced as to how this would be managed and controlled.

Agricultural Land

8.65 The development would result in the loss of 2.15 ha (5.33 acres) of agricultural land and objections have been raised that this would be a permanent loss of high grade agricultural land. Saved Policy GN2 of the DLP seeks to protect the best and most versatile agricultural land from development which is irreversible. Paragraph 111 of the NPPF requires local planning authorities to take into account the economic and other benefits of the best and most versatile land. An agricultural land survey to ascertain the precise land use classification (LUC) has not been undertaken but general maps available on line from Natural England show this part of Northamptonshire is predominately Grade 3 land, but does not show the subdivide in Grade 3 (Grade 2 and 3a being best and most versatile). Nevertheless, irrespective of the precise LUC value this is a relatively small area of the overall agricultural land and the uses proposed has strong links to agriculture. It is considered that a planning condition could be imposed requiring a scheme to be submitted for reinstatement of the land with hard surfaces and structures to a standard suitable for agriculture in the event of the operations ceasing for a period in excess of 18 months. Overall it is considered that there would not be a justified reason to refuse the application on the basis of loss of agricultural land.

Historic Assets and Archaeology

8.66 Policy 22 of the MWLP and Policy BN5 of the WNJCS requires the impact on heritage assets to be assessed. Objection has been raised on the basis of the impacts of the development on Kelmarsh Hall (Grade 1 Listed) and the Naseby Battlefield. Kelmarsh Hall is nearly 2km south and not visible from the application site. Naseby battlefield is
over 5km to the west. Neither of these historic assets or their settings is materially affected by the proposed development and a detailed heritage assessment is not appropriate in this instance.

8.67 An archaeological field evaluation was undertaken including evaluation trenching and this revealed no evidence of significant archaeological features or deposits. There is no objection raised by the county archaeology advisor.

Flood Risk, Drainage and Water Pollution Risk

8.68 Policy 22 of the MWLP and Policies BN7 and BN9 of the WNJCS require flood risk and potential pollution of water resources to be assessed. Objections were raised regarding flood risk and concern over pollution risk to water resources and the River Ise to the north. The application includes a Flood Risk Assessment (FRA) which establishes that the site is within Flood Zone 1 and the risk of flooding is extremely low with no-one put at risk as a result of the proposed development. The FRA proposes a surface water management plan involving the construction of an attention pond for clean ‘white water’. Outflow from this pond would be limited to Greenfield runoff rate discharging by pipe into the ditch to the north of the site.

8.69 A storage tank is recommended for possibly polluted ‘black water’ which can either be put into the digester process or removed from site by tanker. In line with the recommendations the application includes separate facilities for ‘white’ and ‘black water’. The Lead Local Flood Authority has no objections to the application subject to conditions requiring a detailed design of the surface water scheme; and ownership and management of the surface water drainage system. Overall it is considered that the impacts on flood risk, drainage and water pollution can be adequately managed and controlled by conditions and would not be a justifiable reason to refuse the application.

Light Pollution

8.70 WNJCS Policy BN9 requires the minimisation of light pollution and objections have been raised regarding this potential impact, and concerns were also expressed by the Daventry District Council EPO. The applicant has commented that there is not a requirement for 24 hour/7 days a week supervision of the plant but that the operator will need to be able to operate outside normal working hours at harvest time. Lighting is a health and safety requirement and therefore it would be unreasonable to not allow lighting providing it is appropriate type and hours of use are controlled including switching off when not required. It is normal to cover this by planning condition and it is considered that this would be the appropriate way to control light pollution.

8.71 Linked to light pollution are concerns regarding gas flare burning 24/7. The gas flare is an emergency requirement which could only be used when necessary. Furthermore, the modern gas flares have cowling around the flare area such that a naked flame is not visible. These are commonly used on landfill sites producing electricity from landfill gas, and there are several in the county. The applicant has submitted a drawing of the intended gas flare and it is considered this can be appropriately controlled by planning condition.
Fire Risk

8.72 Fire risk has been raised as a concern given that the site would produce combustible gas. The plant has to be designed to eliminate risk of fire for health and safety and insurance purposes and EnvTec Biogas have designed and built numerous plants which operate safely. It is normal however to require a Fire Risk Management Plan by planning condition and this is considered the appropriate means of dealing with this matter.

Employment

8.73 The applicant has stated that the development would create two full time jobs and one part time once the plant is operational. This is a small contribution to the WNJCS Policy R2 aim of enhancing the rural economy by creating jobs.

Other Material Considerations

8.74 Central Government’s ‘Anaerobic Digestion Strategy and Action Plan – A commitment to increasing energy from waste through Anaerobic Digestion’ was first published by the Department for Environment and Climate Change (DECC) and Department for Environment, Food and Rural Affairs (DEFRA) in 2011. This recognises that farm manures and slurries and purpose-grown crops for energy are amongst the feedstock options available as well as sewage sludge and food wastes. It also recognises that digestate is a valuable biofertiliser. The strategy recognises that mixing crops with slurries to increase the dry matter content may be required to make the chemical process more efficient and therefore increase the biogas yield. It acknowledges that such crops can be grown as part of, and indeed can support a normal agricultural cropping rotation and can also result in enhanced yields from wheat and subsequent crops by replenishing nutrients, conditioning soil, reducing the occurrence of soil borne diseases and improving soil and water quality. The strategy recognises that an intensive production of a single crop could cause environmental concern whether grown for food or as an AD specific crop (biomass) and that these concerns are generally managed by applying best practice. The applicant is intending to source the majority of feedstock from farms within the proposed catchment area. There is reasonable to assume that any farms supplying feedstock would apply best practice as it is in the interests of the farmer to look after the land.

8.75 DECC and DEFRA also published a ‘UK Bioenergy Strategy’ in April 2012. This set out the Government’s ‘bioenergy principles’ which cover its support for bioenergy in the UK and how this would be applied through policies that support bioenergy to deliver genuine carbon reductions that help meet the UK carbon emissions objectives to 2050 and beyond. The proposed development will have to demonstrate its sustainability through the ‘UK Sustainability Standards for Electricity Generation from Biomass’ issued by the DECC. This requires the bio-gas energy producers to demonstrate that fuel sources are sustainable in order to receive financial support under the Renewable Obligations (RO) scheme which include a lifecycle emissions saving, representing 60% greenhouse gas savings.
8.76 Objectors to the application have referred to the fact that DECC has recently published a consultation aimed at reviewing the ‘Renewable Heat Incentive’ (RHI) (March 2016). A preferred option being considered is to limit the RHI payments in relation to biogas and biomethane not derived from wastes and residues to 50% of the total biogas yield meaning that RHI would only be paid for 50% of the gas produced. This may have a bearing on the future financial viability of the plant. Nevertheless, this is a business decision to be taken by the developer and not a material planning reason to carry any weight in the determination of the application.

9. Conclusions

9.1 There is strong support for renewable energy in the NPPF (paragraphs 97 and 98) and NPPF paragraph 98 states that local planning authorities should not require applicants to demonstrate the overall need for renewable and low carbon energy and approve the application if its impacts are (or can be made) acceptable, unless material considerations indicate otherwise. There is also support in Policy 11 of the WNJCS which encourages renewable energy production in appropriate locations.

9.2 The proposal is also considered to be acceptable under the requirements of Policy 11, 12 and 13 of the MWLP. The facility would be in accordance with the spatial strategy which acknowledges that it is appropriate to locate anaerobic digestion facilities in the rural hinterland, as a preliminary treatment facility which has operational requirements which are not complementary to urban areas.

9.3 The development is however not in conformity with Policy R2 of the WNJCS and Policy EM16 of the DLP as it is not a small scale business and industrial development in the open countryside. Nevertheless, the development proposed is closely linked with agriculture and rural areas and it is more compatible to locate it within such areas and is considered to contribute towards sustaining and enhancing the rural economy in line with this aim of WNJCS Policy R2. The location of the nearby gas main with capacity to take the gas makes the site viable for this development.

9.4 There is support for anaerobic digestion in the ‘Anaerobic Digestion Strategy and Action Plan’ (2011) and the ‘UK Bioenergy Strategy’ (April 2012) published by DECC and DEFRA and these are other material considerations which provide some weight in support of the principle of the application.

9.5 Having regard to Policy S10 of the WNJCS and Policy 25 of the MWLP, the scale of the development would result in some landscape harm and visual amenity impact although this would be mitigated by the distance to most receptors other than anyone using the highways and footpath nearest to the site. In the longer term the landscaping proposed would create some landscape benefit and this and the setting down of the digesters below ground level assist in making the landscape impact of the development more acceptable. The types of structures proposed are not necessarily out of keeping with agriculture. Nevertheless there is some landscape harm and impact on visual amenity and the degree of this harm has to be weighed against the benefits of the proposal.

9.6 Having regard to Policy 22 of the MWLP, Policy S10 and BN9 of the WNJCS, the amenity impacts of the development (noise, dust, odour, lighting) have been assessed and it is considered that the development would not cause any disturbance which would justify
refusal of the application and planning conditions can be imposed can mitigate and control these impacts. The development will also require an Environmental Permit from the Environment Agency and as the pollution control authority it will also regulate the noise, odour, and dust impacts.

9.7 The assessment has also considered the traffic and highway safety impacts of the development. The Highway authority has no objection in principle subject to condition including the requirement for improvements to the Clipston Road and its junction with the A508. The site is close to the A508 road and vehicles will be routed to and from this road. There are no justifiable reasons to refuse the application having regard to Policy 22 of the MWLP.

9.8 The impacts on biodiversity; historic assets and archaeology; agricultural land; flood risk, drainage, and water pollution; and fire risk; have been assessed and are considered to be acceptable and would not justify refusal of the application having regard to Policy 22 of the MWLP and Policies BN5, BN7 and BN9 of the WNJCS.

9.9 The development would create 2.5 jobs and contribute towards sustaining and enhancing the rural economy in line with this aim of WNJCS Policy R2.

9.10 The determination of this planning application requires a balanced judgement to be made having regard to the planning policies in support of the application and those against, and having regard to other material considerations. It is considered that the NPPF support in paragraphs 97 and 98 and the Development Plan Policy in support of the application (MWLP Policies 11, 12, 13, and WNJCS Policy S10) is significant and there are other material considerations (in particular DECC and DEFRA’s support for anaerobic digestion and bioenergy, the close links of this development to agriculture, and close proximity to a high pressure gas main) in support of the application outweigh the non conformity with WNJCS Policy R2 (scale of the development) and DLP Policy EM16 (open countryside) and the negative impacts of the development on the landscape and visual amenity. It is therefore recommended that on balance the application be approved in accordance with the advice.

10. List of Appendices

- APPENDIX A – Site Location Plan
- APPENDIX B – List of Recommended Conditions

<p>| Author: | Name: Claire Spokes |
| Team: Planning Services |
| Contact details: | Tel: 01604 366119 |
| Email: <a href="mailto:cspokes@northamptonshire.gov.uk">cspokes@northamptonshire.gov.uk</a> |
| Background Papers: | None |
| Does the report propose a key decision is taken? | NO |
| If yes, is the decision in the Forward Plan? | N/A |
| Will further decisions be required? If so, please outline the timetable here | NO |
| Is this report proposing an amendment to | NO |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have the budget and/or policy framework?</td>
<td>NO. There are none relevant to the determination of the planning application. Name of SFM: N/A</td>
</tr>
<tr>
<td>Have the financial implications been cleared by the Strategic Finance Manager (SFM)?</td>
<td>NO. There are none relevant to the determination of the planning application. Name of SFM: N/A</td>
</tr>
<tr>
<td>Have any capital spend implications been cleared by the Capital Investment Board (CIB)?</td>
<td>NO. There are none relevant to the determination of the planning application. Name of SFM: N/A</td>
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<td>Has the report been cleared by the relevant Director?</td>
<td>NO but cleared by Assistant Director Environment, Planning and Transport</td>
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<tr>
<td>Has the relevant Cabinet Member been consulted?</td>
<td>NO</td>
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<tr>
<td>Has the relevant scrutiny committee been consulted?</td>
<td>NO</td>
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<tr>
<td>Has the report been cleared by Legal Services?</td>
<td>NO</td>
</tr>
<tr>
<td>Solicitor's comments:</td>
<td>N/A</td>
</tr>
<tr>
<td>Have any communications issues been cleared by Communications and Marketing?</td>
<td>NO Name of officer: N/A</td>
</tr>
<tr>
<td>Have any property issues been cleared by Property and Asset Management?</td>
<td>N/A</td>
</tr>
<tr>
<td>Has an Equalities Impact Assessment been carried out in relation to this report?</td>
<td>NO. There are no equal opportunity implications relevant to this application.</td>
</tr>
<tr>
<td>Are there any community safety implications?</td>
<td>These are considered in the report.</td>
</tr>
<tr>
<td>Are there any environmental implications?</td>
<td>These are considered in the report.</td>
</tr>
<tr>
<td>Are there any Health &amp; Safety Implications?</td>
<td>NO</td>
</tr>
<tr>
<td>Are there any Human Resources Implications?</td>
<td>NO</td>
</tr>
<tr>
<td>Are there any human rights implications?</td>
<td>This planning application has been processed in accordance with the prescribed Town and Country Planning legislation and regulations. These afford individuals the rights to have their say on the development proposed and for the impacts of the development to be assessed having regard to the potential for impact on any individual, and the decision to be made taking into account any views expressed. The most relevant parts of the Human Rights Act are: Article 6 (Right to a Fair Trial); Article 8 (Right to Privacy); Article 10 (Freedom of Expression); and Protocol No1 which entitles every person to peaceful enjoyment of his/her possessions.</td>
</tr>
<tr>
<td>Constituency Interest:</td>
<td>NCC – Brixworth</td>
</tr>
<tr>
<td></td>
<td>DDC – Welford</td>
</tr>
</tbody>
</table>
Agenda Item No: 8a - Appendix B – List of Recommended Conditions
15/00090/WASFUL

Commencement

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

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

Scope of Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

Drawings
- P15-WORMSLADE-AD-001 - Location Plan
- P15-WORMSLADE-AD-002 - Existing Site Layout Plan
- P15-WORMSLADE-AD-003D - Proposed Site Layout Plan
- P15-WORMSLADE-AD-004 - Technical Building Plan and Elevations
- P15-WORMSLADE-AD-005 - Digester Plan and Elevations
- P15-WORMSLADE-AD-006 - Silage Clamp Plan and Elevations
- P15-WORMSLADE-AD-007 - Flare Stack
- P15-WORMSLADE-AD-008 - Site Scene Elevations
- P15-WORMSLADE-AD-009 - Office Plan and Elevations
- PL05 R0 Wormslade A0 - Visual Landscape Plan

Reports
- Ecological Appraisal dated 25 May 2016 ref: 1PS2.Homewood.CSA
- Soft Landscaping Scheme dated May 2016
- Arboricultural Assessment dated 16 May 16 ref: 1AIA.Hom.CSA
- Allan Moss Associated Ltd - Landscape and Visual Impact Appraisal dated November 2015
- EnviTec Biogas Construction Traffic Management Plan received 31 May 2016
- Digestate Management Plan dated May 2016
- Dust Management Plan dated May 2016
- Noise Management Plan dated May 2016
- Odour Management Plan dated May 2016
- Pest Management Plan dated May 2016
- Flood Risk Assessment & Surface Water Management Plan ref: K0672_Wormslade_AD_Plant_Rep1Rev0
- Border Archaeology ref: BA1612(1556)WFC – Archaeology Field
Evaluation
- Transport Statement - AD Facility at Wormslade Farm dated November 2015
- Friends of the Earth technical briefing for local group campaigners dated November 2012
- Planning Statement - Nov 2015 REV_1
- Design and Access Statement dated November 2015

Reason: For the avoidance of doubt and in the interests of amenity having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Operation Limits and Feedstock

3. The feedstock imports shall be restricted to farm slurry waste and biomass crops and the annual throughput of imported waste shall not exceed 46,000 tonnes per annum.

Reason: To specify the scope of the permission, in the interests of clarity, to ensure compliance with Policy 11 of the Northamptonshire Minerals and Waste Local Plan (2014) and to control the amenity impacts of the development having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Hours of Construction

4. All construction activities shall be restricted to between the hours of 07.00 and 19.00 Mondays to Fridays and 07.00 to 16.00 Saturdays with no construction activities on Sundays or Public and Bank Holidays.

Reason: In the interests of amenity protection having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Hours of Working

5. No HGVs or farm trailers shall enter or leave the site and no working with plant or machinery shall take place except between the hours of 07.00am and 6.00pm Mondays to Fridays and 8.00am to 13.00pm on Saturdays, with no working on Sundays or Public and Bank Holidays, with the following exceptions:

- During crop harvesting
- If the digester has to be loaded during a Sunday or bank holiday

Reason: In the interests of amenity protection having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Highway Safety

6. The sole vehicular access for the development hereby permitted shall be via the existing access off Clipston Road and prior to commercial operation of the development the access and improvements to Clipston
Road between the site access and the junction with the A508 shall be completed in accordance with the specifications as indicated on Drawing: P15-WORMSLADE-AD-003/D – Proposed Site Layout Plan.

7. All HGV and farm trailers associated with the development hereby permitted shall be routed in accordance with the submitted Traffic Routeing Plan Drawing Number WORMSLADE PL-04 Rev 1.

8. Operational vehicles leaving the site shall be free of mud and other debris to ensure that none is deposited on the public highway.

Reason for conditions 6 to 8: In the interests of highway safety and local amenity having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Construction Traffic Management Plan

9. The development hereby permitted shall be carried out in accordance with the approved EnviTec Biogas Construction Traffic Management Plan, received on 31 May 2016. The plan shall be adhered to throughout the construction period and approved measures shall be retained for the duration of the construction works unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity protection and highway safety having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Catchment Area

10. Prior to commercial operation of the development hereby permitted the operator shall submit to the Waste Planning Authority for approval in writing an indicative plan showing the intended catchment area for feedstock sources for treatment at the facility. The plan shall be in accordance with a local catchment. The annual report required by condition 11 shall incorporate such records that demonstrate compliance with the indicative catchment area plan.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interest of self sufficiency and sustainability having regard to Policies 13 and 23 of the Northamptonshire Minerals and Waste Local Plan (2014).

Monitoring

11. The operating company shall submit an annual report in writing to the Waste Planning Authority within one month of the first anniversary of operations commencing and at 12 monthly intervals thereafter. The report shall include detailed information on the types, quantities and sources of all waste materials and biomass crops brought on to the site and taken off the site. The information required by the condition shall
also be supplied at any other time on written request by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles of Policy 11 of the Northamptonshire Minerals and Waste Local Plan (2014) and to ensure that waste materials are dealt with close to their source in accordance with Policies 22 and 23 of the Northamptonshire Minerals and Waste Local Plan (2014).

Amenity Impacts

12. No vehicles or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms or other non-tonal alarm as may be submitted to and approved in writing by the Waste Planning Authority to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

13. Odour, noise, dust and pests shall be controlled in accordance with the scheme of control measures identified in the approved mitigation plans (Dust Management Plan, Odour Management Plan, Noise Management Plan and Pest Management Plan, all dated May 2016 unless otherwise agreed in writing by the Waste Planning Authority.

Reason for conditions 12 and 13: To protect the interests of the area as a whole and in particular nearby residential occupiers, having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

External Lighting

14. No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Waste Planning Authority. The scheme shall include a layout plan that covers all new proposed external lighting and details the proposed beam orientation and schedule of equipment in the design, including luminaire type, mounting height, aiming angle and luminaire profiles. In addition a lighting contour map shall be submitted along with detail of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and operated in accordance with the approved details for the lifetime of the development.

Reason: In the interests of amenity, ecology, site security and sustainability in accordance with Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).
15. In the event that complaints regarding odour, dust, noise or lighting are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for rectifying and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint. Where noise complaints are not resolved a noise monitoring scheme shall be submitted to and agreed with the Waste Planning Authority and thereafter implemented.

Reason: To protect the interests of local amenity having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

**Landscaping Scheme**

16. Prior to commercial operation of the development hereby permitted, a Landscaping Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include types, number and size of species proposed with a focus on native species.

The landscaping scheme as agreed in writing by the Waste Planning Authority shall be implemented within the first available planting season following the completion of the development hereby permitted.

Reason: To ensure that retained trees are protected from damage in the interests of amenity and biodiversity having regard to Policies 22, 24 and 25 of the Northamptonshire Minerals and Waste Local Plan (2014).

**Landscaping Maintenance**

17. Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which within ten years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Waste Planning Authority. All landscaping shall be carried out in accordance with the landscaping scheme approved under condition 16 and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.


**Biodiversity**
18. Prior to commercial operation of the development a scheme for biodiversity mitigation measures shall be submitted and approved in writing by the Waste Planning Authority. The scheme shall incorporate the recommendations outlined in the submitted Ecological Appraisal report ref: 1PS3.Homewood.CSA dated 25/05/2016. The scheme as approved in writing shall thereafter be implemented in full.

Reason: In the interests of biodiversity having regard to Policy 24 of the Northamptonshire Minerals and Waste Local Plan (2014).

Surface Water Drainage

19. Prior to the commencement of drainage works a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development should be submitted to and approved in writing by the Waste Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

20. Prior to the commencement of drainage works a detailed scheme for the ownership and maintenance of every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Waste Planning Authority. The maintenance plan as approved shall be carried out in full thereafter.

Reason for conditions 19 and 20: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Site Engineering

21. Prior to the commencement of the development a site engineering scheme shall be submitted for approval in writing by the Waste Planning Authority. The scheme shall include plans of levels and cross sections of the construction engineering operations incorporating the volumes and all and the existing and proposed engineered levels at the site. The scheme as approved in writing shall be implemented in full.

22. All materials excavated in the engineering operations shall be utilised on the application site.

Reason for conditions 21 and 22: To control the final land levels at the site in the interests of the landscape and visual amenity and to ensure that the soil materials are retained on site in the interests of highway safety and agricultural reinstatement, having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (2014).

Fire Risk Management
23. Prior to the importation of waste at the site, a fire risk management plan identifying the measures to mitigate and manage the risk of fire at the site shall be submitted to and approved in writing by the Waste Planning Authority. The plan shall be based on the guidance by the Environment Agency 'Fire Prevention Plans Version 1, March 2015' and the Waste Industry Safety and Health Forum (WISH) 'Reducing the Fire Risk at Waste Management Sites'. The plan as agreed in writing shall be implemented and maintained thereafter.

Reason: In the interests of safety and amenity protection having regard to Policy 22 and 27 of the Northamptonshire Minerals and Waste Local Plan (2014).

Reinstatement

24. In the event of the anaerobic digestion operations at the site ceasing for a period in excess of 18 months or being otherwise discontinued, the area of the site developed with hard surfaces, structures and buildings shall have the land reinstated to an agricultural or woodland standard for, including the removal of all hard surfaces, structures and buildings, in accordance with a scheme to be submitted to the Waste Planning Authority for agreement in writing. The scheme as approved shall thereafter be implemented in full.

Reason: To enable the reinstatement of the site to a beneficial agricultural or woodland use in the event that the operations at the site cease in the interests of the open countryside, having regard to Policy 28 of the Northamptonshire Minerals and Waste Local Plan (2014) and Policy EM 16 of the Daventry District Local Plan (1997).