

Officer Report On Planning Application: 15/03646/FUL

Proposal :	Construction of on-farm Anaerobic Digester (AD) plant (revised application, part retrospective) (GR 342303/116042)
Site Address:	Frogmary Green Farm, West Street, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date/Ext of time	18th November 2015 16th December 2016
Applicant :	Mr David Manley
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

APPLICATION UPDATE

Members will recall that a decision on this application was deferred from the 14th December 2016 meeting of the Area North Committee in order to await the decision of the Secretary of State in regard to whether this development is EIA development. A third party had written to the Secretary of State requesting a screening opinion. A decision has now been received confirming that 'the development falls within the description at Category 3 (b) Industrial installations for carrying gas, steam and hot water of Schedule 2 to the 2011 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2011 Regulations'. Moreover, having taken into account the relevant criteria, the Secretary of State concludes that 'the proposal is not likely to have significant effects on the environment'. He directs that the proposed development is not 'EIA development' within the meaning of the 2011 Regulations. A written statement was attached to his response which gives the reasons for his direction. The Secretary of State's letter and explanation have been attached to this report (appendix A).

REASON FOR REFERRAL TO COMMITTEE

The application is classed as a major-major development and is therefore referred to Area North Committee.

SITE DESCRIPTION AND PROPOSAL



The application site is located immediately to the south of Frogmary Green Farm, which is located approximately 1km to the south west of South Petherton, just north of the A303. The application site covers 3.55 hectares. The farm itself covers 500 acres of arable land, growing potatoes, winter wheat, winter rape, maize, and in addition, includes a large poultry enterprise. The site, formerly used for crop growing, is bounded to the east by a C classified road. A track joins this road at the bottom of the site and runs along the southern and western boundaries of the site. The track links to the main farmyard to the north, upon which there are a number of significant agricultural buildings.

This current application seeks consent for the construction of an Anaerobic Digestion (AD) plant at Frogmary Farm. Planning permission was granted in 2014 for a 1MW AD plant. Construction had commenced to implement that permission, however, changes were made to that scheme which warranted submission of a new application. This application therefore seeks part retrospective consent for those changes.

A summary of the 2014 permitted development is outlined below to help provide relevant context for this current proposal. Full details of this application and officer report is available on the Council's website.

2014 Permission

Planning permission was granted in 2014 for the construction of a 1MW AD plant, which would generate renewable energy in the form of electricity. This would be exported directly to the local grid network. The proposed Digester Tank and Stationery Feeders would be 45 metres in diameter and 7 metres high. The Gas Holder and the Digestate Tank would be 12.5 metres in diameter and 10 metres high, and 39 metres in diameter and 6 metres in height respectively.

This scheme would have processed and managed just over 19,000 tonnes of feedstock per annum, to include farmyard manure and poultry manure, sourced from Frogmary farm. Crops would also feed the AD plant (beet, silage, wheat and rye) grown on the owner's land and other local land. Feedstock would be stored in 4 feedstock clamps with poultry waste stored in an existing shed. Due to the topography of the site, the development would be split over 2 levels. An earth bund would be formed along the northern side of the feedstock clamps which would be planted with native tree species. Additional planting is also proposed to the east and south.

The digested material would be discharged from the tank and separated into a nutrient rich solid and liquid form. The liquid digestate would be pumped directly into the surrounding farm land via an umbilical pipe and the solid digestate used as poultry bedding on the farm. Vehicular access would be gained from the existing farm access transporting all feedstock through the farmyard. The estimated additional average vehicular movement would be 2 per day. The Highway Authority and Highways Agency (now known as Highways England) did not raise an objection to the scheme. Moreover, subject to appropriate conditions, no objections were received from the Landscape officer, Environment Agency, Environmental Protection Officer, Drainage Engineer, Ecologist, Climate Change Officer, Rights of Way, South Petherton PC and Lopen PC.

Current Revised application

The current application has been submitted to regularize changes made to the earlier approved scheme. It must be noted however that this is a fully fresh application and must be fully assessed on its merits. The supporting details outline that the AD plant will now export primarily gas rather than electricity. The applicant explains the reason for this change is due to energy efficiency. 60% of the energy produced by running biogas through a Combined Heat and Power engine is lost in heat, whereas refining gas and injecting it directly into the gas grid a far greater amount of renewable energy is available to be exported. The output of the AD plant would now rise from 1MW electrical export to 2.2-2.5 MW gas export, using the same amount of feedstock. The scheme would make a

valuable contribution towards supplying green energy - it is estimated that the facility will produce enough gas to heat 1750 homes. The farm would benefit not only from the income generated but in managing farm waste and by using the fertiliser produced by the AD process.

In terms of the changes made to the scheme, additional structures have been included comprising a gas upgrade unit, a gas holder dome, a canopy on the east side of the shed and above ground propane tanks. The applicant has stated that the gas holder dome is the tallest structure and has been sited at the rear (north) of the site, in order to benefit from greater screening. This measures 20.9 metres in diameter with a height of 11.7m. The storage shed is 20 metres x 25 metres and 10 metres to the ridge. The canopy to be attached to the east side of the shed will measure 25m x 10m. Subterranean tanks previously granted in December 2014 are shown on the plans; however, the applicant has since advised the case officer that these are not required and have not been installed. In addition to the new structures, the overall positioning of all structures have been moved eastwards due to engineering requirements.

The earlier scheme was set on 2 different levels within the site i.e. 53 metres AOD (Above Ordnance Datum) and 57 metres (AOD). This revised scheme is now set on one level i.e. 56 AOD which makes site operations easier and places some of the structures on the site 1 metre lower than previously approved. A bund to the south will extend to the east and will be planted on its outer slopes to screen views into the site from the south, south west and east. The key viewpoints into the site have been identified as being from the south (A303) and from the east. A landscaping scheme has been included with the proposals following discussion with the Council's Landscape officer. A Landscape and Visual Impact Assessment has also been undertaken and submitted as part of the application. The scheme proposes to plant native species trees in areas not covered by hardstanding. A block of woodland will be positioned to the north east of the site, and along the south with boundary planting along the west.

The nearest residential property is the applicant's own dwelling to the north east of the site, with the next nearest dwellings over 300 metres distant. Access to the site is to be gained using existing access points at the farm. Deliveries will enter via the main farm entrance and exit via the track to the south. This is the current route used by current deliveries to the farm. Due to the proximity of the site from the main farm and existing internal farm roadways, movement between the farm and the site will not require use of external roads.

The supporting details outline that the majority of the feedstock will be imported from the land farmed by the site owner and from farm operations at Frogmary Farm, along with a number of local farm holdings. A 16 tonne capacity trailer will be used to transport the majority of the feedstock with the chicken manure via a 28 tonne HGV. Animal waste, as per current chicken waste deliveries, will be transported to the site along the A303. Vehicles would exit at the Hayes End/South Petherton roundabout, travel on Harp Road to the Hollow Lane Junction, and then turn north under the A303 and into the farm. Crop feedstock would either come from adjacent land and across fields to the farm or along local roads but largely avoiding local villages.

The development would create an average increase of 2 movements per day. There will be busier times particularly when the crops are being harvested - during the maize harvesting peak, there will be 3-4 deliveries per day. Liquid digestate would be pumped directly to the adjoining land via a pipe or back loaded on vehicles delivering feedstock or spread in replacement of current farm waste spreading operations at the farm. The supporting information states that this would therefore not create additional traffic movements.

The amount of feedstock that the plant will process each year is just over 19,000 tonnes, the same as the approved scheme. In terms of the split between on and off site feedstock, 4,479 tonnes will come from the farm (2,500 tonnes chicken manure, 1,479 tonnes maize silage and 500 tonnes potato) with 14,783 locally imported. The 2 largest off site importation will be poultry manure at 5,000 tonnes with maize silage at 4,878 tonnes. Other imported feedstock will be farmyard manure, beet, grass silage, wheat and rye. The Supporting Statement outlines that Biogest UK have been selected as the

technology provider for this development and operate across Europe, having constructed over 90 plants.

A public right of way runs along the western and southern boundary of the development site; the development would not interfere with this route. Over time, the landscaping scheme will assist the screening of the development of views from the public footpath.

Relevant Body for determining the application.

Post submission of this revised application, there was much discussion between the District and County Council, about whether this was largely a waste application and therefore should be determined by the County Council, or more an energy generating/recycling facility and thus a District matter. Following this discussion, given that the LPA had determined the first application and had started assessing this revised application, it was agreed that the district council would determine the application but with close working/consultation with County colleagues. In addition, the County formally agreed to discharge their function to the District Council in respect of this application.

RELEVANT PLANNING HISTORY

14/01923/FUL - Construction of a 1MW on-farm Anaerobic Digester (AD) plant. (Permission granted in August 2014).

15/02331/S73A - Application to vary condition no2. (approved plans) of 14/01923/FUL to amend site layout and addition of gas holder dome (application superseded)

15/02133/S73A - Application to vary condition 07 (cessation of use) of planning permission 14/01923/FUL to allow re-use of buildings and structures after cessation of use. (application withdrawn).

16/05222/EIASS - Screening Opinion - Construction of a 2.2 -2.5 MW on farm AD plant. EIA not required.

14/05434/NMA - Application for a non-material amendment to planning permission 14/01923/FUL for the addition of 2 no subterranean propane gas tanks (approved Dec 2014).

14/03894/EIASS - Screening Opinion - Construction of a 1MW on farm AD plant. EIA not required.

The following application was received and approved on another part of Frogmary Farm:

16/01924/FUL - Retention of use of meeting rooms and cookery school and erection of single storey classroom building, decking, raised beds and formation of parking area. (Approved 2016).

There have been many applications over the years related to the wider Frogmary farm site for agricultural purposes. More recently, there have been applications to use part of Frogmary Farm for meeting rooms, cookery lessons and for educational purposes. In regard to the latter, the supporting documents outline that the farming business hosts educational events to raise awareness of the farming activity and benefits of sustainable environmental management.

Policy Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under the S54A of the Town and Country Planning Act and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

South Somerset Local Plan

SD1 - Sustainable Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 Historic Environment

EQ4 - Biodiversity

Waste Core Strategy (Development Plan Document up to 2028)

Policy Related Material Considerations

National Planning Policy Framework (NPPF)

Core Planning principles

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Standards

CONSULTATIONS

South Petherton Parish Council (Sep 2015)

Recommended with the following conditions:

1. That the plant is not allowed to operate over capacity
2. The nine months extension be removed
3. Over capacity in terms of vehicle movement on the local road system and production capacity is of concern without further examination due to it being a revised application.
4. Due to the complexity of the proposal SPPC wish to reply on the expertise of SSDC officers to take appropriate action when making a final decision.

South Petherton Parish Council (Feb 2016)

Resolved that the planning application was far too complex and technical to be decided solely by the Parish Council. It was therefore decided to leave the final decision to the experts at the South Somerset Planning Dept. It was however agreed that attention be paid to local signage in order that traffic was not directed through the village and that some form of speed restriction be also considered on the agreed route to the location of the digester.

Lopen PC (adjacent PC)

Lopen PC has written to the Council a number of occasions outlining concerns about the application, particularly in relation to the lack of information provided by the applicant in their documentation. Prior to their first public meeting in September 2015, a number of points were raised with the LPA. Those concerned:

- The development is more akin to an industrial development rather than a farm based enterprise.
- Lack of transparency about the true scale of the plant
- If no further feedstock is required, has this taken account of the power requirements of operating the plant, will the farm still be powered by the development?, lack of info about the 2 CHP units, capacity of the plant and feedstock requirements, will more feedstock be required in the future?, scale and arrangements for the digestate disposal and where the digestate will be delivered and spread.
- Lack of information regarding the underground gas tanks
- Query the real reason for introducing LPG tanks on site i.e. to enrich the biogas to feed into the grid. Regular deliveries of LPG tankers will be required - figures not shown in the traffic movements.
- Lack of detail in respect of digestate disposal. The farm and land around is designated as a NVZ - how will this be dealt with during spreading restrictions, how will it physically be spread on the land and question whether specialized vehicles will be required to take away liquid digestate.

- An Odour Management Plan should be submitted
- The whole farm should be treated as 1 planning unit to properly take account of the various activities at the farm.
- A new EIA is required to take account of the changes to the scheme.

Lopen PC (Sep '15 meeting summary)

Further to the above comments, Lopen PC held their meeting on the 16th September. New information had been submitted by the applicant but the PC concluded that it does not have sufficient information with which to make an informed decision on this application. Points raised reflect those outlined above, plus concern that it was the applicant's intention to build a larger facility, require clarification in respect of Hazardous Substances Consent, reference to a DEFRA report about the environmental implications of AD plants and encourages use of crop residues and waste as feedstock and deters use and against any practices which are less sustainably sound.

Further comments include suitability of the duoliner trailers along local roads, question whether digestate would be backloaded and additional movements from the collection of the trailers. No noise or odour assessment has been undertaken. EIA requires cumulative impact to be assessed. This is a commercial Centralised AD plant servicing several farms and cumulative impact needs to be taken into account. Updated landscape appraisal required. Do not accept proposed change to condition 7 regarding removal of buildings etc. upon cessation of use.

The PC recommend approval but only subject to the very strictest of conditions that monitor and limit feedstock tonnage to that originally applied for (under 20,000 tonnes and size/number of vehicle movement as currently identified and communicated to us. The recommendation is subject to a thorough examination of all the impacts with appropriate mitigation where necessary, or if any unacceptable impacts, a refusal of the application. Any future increase to the level of feedstock should be subject to a new application.

Lopen PC (Oct '15)

Further to your e-mail of 7th October attaching the responses of David Manley, representing the views of Greener for Life (GFL) and requesting that we respond within a week, I submit the views of Lopen PC members. You will appreciate that we have not been able to hold a formal meeting within the requested timescale so this response is submitted without our usual public consultation on the new facts which have emerged as a result of our concerns expressed to you in the e-mail from the parish clerk dated 29th September. The detailed responses to Mr Manley's comments are set out in the Appendix to this e-mail for ease of reference. However, his comments lead to the following further submissions on the part of Lopen Parish Council.

The applicant's initial proposal presents the case for a typical on-farm anaerobic digester (AD) i.e. an integrated farm based operation taking waste and other feedstock from the otherwise normal activities of the farm complex. However, on closer reading along with the various answers to questions supplied, it is plain to any reasonably-minded person that the degree of integration is inconsistent and varied as a matter of convenience in order to put the proposal in the best possible light. This has little bearing on reality.

The applicant claims the proposal is an on-farm AD and not a centralised anaerobic digester (CAD - taking wastes and other feedstocks from multiple farms), as all the feedstocks (including wastes) are provided by the on-site farm complex and their contractual arrangements. The existing farm contracts may cover the importation of some poultry manure/litter as fertiliser but when used as a feedstock, this material is classified as waste. Whether or not the farm acts as a broker to supply the AD site with waste, the fact remains that waste (and other feedstock) is being imported from multiple farm sources for use in the AD. In these circumstances, the AD is better described as a CAD. Furthermore, if it is accepted that the farm is to import large quantities of waste (rather than the AD operator) the planning and regulatory requirements are likely to extend beyond the AD itself to include the farm - none of which appears to have been addressed.

When detailing vehicle movements the applicant backs away from the integrated approach and favours one of isolation which ignores many of the existing and/or proposed movements to and from the farm complex as a whole. Furthermore, the movements that are accounted for are incomplete, understated and do not cover the comprehensive range and size of vehicles which, when challenged, are only now coming to light. Much the same approach is adopted when considering the cumulative impacts of development.

When considering bio security, permits and environmental impact assessment (EIA), the applicant considers only the "chicken litter produced on site" but fails to include the greater majority of such waste which is actually imported (5,000 tonnes vs 2,500 tonnes produced on site). These important environmental aspects are further complicated by the recycling of digestate solids as poultry bedding for use on the host farm site which the applicant seeks to answer when stating: "The EA permits (AD Plant and Farming operation) will control and monitor the interface between the two operations." In reality, the AD permit is a standard rules instrument that is not designed for such a purpose and cannot be adapted to "control and monitor the interface". The EA permits relating to the poultry operation may be varied accordingly but, in doing so, the importance of control and monitoring is established between the AD and the poultry facility. As the latter is a mandatory schedule 1 EIA development, under these circumstances the AD facility must also be regarded as such.

In summary, it is impossible to accept that the information provided thus far gives a decision-taker sufficient and plausible information against which the extent of any resulting environmental impacts can be measured. In such situations of uncertainty and variability, the case for requiring an environmental statement is made. In this case the need is compounded by the now established and unavoidable link to a mandatory schedule 1 development.

Taking the facts above and our views on Mr Manley's comments set out in the Appendix, the traffic/movements detail provided are incomplete and understated. This should be revised to include all movements in/out of the AD and Frogmary Green site as a whole (as they claim to be on-farm, all movements are relevant) and all vehicle types and sizes with all the relevant bodies re-consulted once corrected; we still do not have the facts relating to use of digestate solids as bedding and this has a potential significant impact on movements (the dried digestate solids may be relatively low tonnage when compared to the liquids but the volume is considerably greater). We await the answer to this specific question raised in our email last week; we believe that an Environmental Impact Assessment (EIA) is required; for the avoidance of any doubt, our recommendation to approve relies on the inclusion of the conditions requested. Without these, we recommend refusal. We further note that the local fire authority does not appear to have been consulted. Given the nature of this site (explosive materials) we respectfully suggest they should be; and as the waste elements are high, this application could be argued to be a County Council matter rather than District Council (as has been the case elsewhere in the UK). At the very least, the County Council planning team must be consulted and the proposal assessed under their waste policies.

Officer comment:

Attached to the Parish Council's response was a series of points/concerns, summarised as follows:

- A list of AD applications in the south west is given. Attention is drawn to local concerns about amenity, health and welfare issues along with access and transport concerns.
- Confirmed that there will be 2 x 0.5 MW CHP units on site. Smaller than originally suspected but there remains a twofold excess capacity for digestion and gas processing relative to permitted feedstocks. Strong temptation to make maximum use of the site capacity.
- Tight controls/conditions on this AD plant are essential to ensure control and all requests for feedstock increases must be subject to a fresh planning application. Expect to see a condition restricting the amount of feedstock tonnage to that outlined in the application.
- LPG figures do not include the approved subterranean tanks.
- DEFRA report outlines potential issues surrounding AD's and cumulative effects of multiple

AD's must be taken into account. It discourages the use of less environmentally sound practices.

- Vehicle movements associated with the LPG unit supplies not included in the traffic movements table.
- Need clarity on how much digestate would be transported off site and number of movements associated with Duoliners. Planning statement does not refer to 44 tonne lorries rather 28 tonne vehicles.
- Need clarity on the routes taken by duoliners and other AD's they are serving.
- Lack of noise or odour assessment.
- Frogmary Farm should be viewed as 1 planning unit to take account of all of the various uses.
- This application is significantly different from the earlier scheme.
- Additional landscape assessment required to take account of the scheme changes.
- Question the biosecurity of the development, particularly given incidents at another AD plant.

Lopen PC (Response to submission of Ecology and Archaeological Reports)

Please see the response of Lopen Parish Council response to latest documents below:

1."Extended Phase 1 Habitat Survey and Ecological Appraisal" - No comment

2."Stage 2 Great Crested Newt Survey Report" - No comment

3."Written Scheme of Investigation: Archaeological Watching Brief" - We find it very strange that relatively minor works associated with digging a drainage ditch has prompted this report, whereas no archaeological work appears to have been done for the main site either for this planning application or the previous one. The considerable earth moving which has taken place means that any remains will have been comprehensively destroyed.

Bearing in mind the proximity of this site to the Fosse Way and its location in a valley, please explain why a request for archaeological investigation was not made at the time of the original application.

4. Highways Consultant Mike Bellamy's comments email dated 24/02/2016 (not published on website until 27/04/2016). We have the following observations

- It is welcome to see the Highways side finally being shown some real attention, with some excellent points raised. It's a pity that it is only taking place now at this late stage, well into this second application, with the precedent of the previous PP to obstruct any proper measures being implemented. Why was this level of scrutiny not applied by Highways at the previous application (14/01923/FUL)?
- How is it possible that the question of the TRO (6'6" width restriction) was not raised during the previous application (14/01923/FUL)? Given the level of traffic and the size of the vehicles involved, it is very relevant.
- We agree with Mr Bellamy that a full Transport Statement should have been prepared and submitted. In the light of the substantial changes made to the structures for which permission has not been granted, this application should be treated as a new one, not part retrospective, and a full transport plan prepared.
- Mr Bellamy appears to have concerns about the numbers of movements, sizes of vehicles and seasonal variations. We share these and have written of this before. Furthermore Mr Bellamy does not appear to have seen the later correspondence where the following questions were raised but not necessarily fully answered:
- Digestate removal offsite, which we consider to be far more than originally implied in the Planning Statement, due to the Nitrate Vulnerable Zone (NVZ) status of the site and surrounding fields.
- Viability of making the digestate "backloads" completely disappear to the extent that none
- whatsoever are shown in the vehicle movements. We consider this impractical and unrealistic.
- Proposed use of specialist "Duoliner" artic lorry trailers to make the back-loading of digestate actually possible (as now admitted by the applicant), resulting in regular use of vehicles of up to 44 tonnes gross weight to access the site and local feedstock sources / digestate lagoons. While it could be contended that the larger vehicle sizes may reduce movements, the sheer size is a big concern given the narrowness of the roads involved, not only West Street, but

other local roads which these lorries will try to use.

- The above serve to render the vehicle movements table submitted in the original planning statement invalid. The applicant needs to revise this and resubmit.

We suggest you refer Mr Bellamy to the comments from LPC dated 05/09/2016, 02/10/2015 & 14/10/2015, which all have relevant transport content. (Transport related extracts copied below in appendices 1 - 3).

5. Not directly related to any recent documentation submissions, but significant nonetheless. LPC received a number of complaints during the w/c 14th March concerning up to 4 movements per hour, in each direction, of large tractors pulling slurry tankers passing right through Lopen village. Two of these were followed and were found to be running from the AD site to a farm south of Merriott and back. We cannot be certain all followed the same path but it seems likely. This was in defiance of the Lopen village 7.5t weight restriction and the farm south of Merriott is not one of the named feedstock sources or digestate destinations. We aware that at least one of our parishioners reported the matter to the police, but do not know whether it was followed up.

Seavington Parish Council:

Following your letter dated 12th January and previous comments made by Seavington Parish Council I would like to advise that Mr Nick Bragg attended our Parish Council meeting on 19th January and some of our previous concerns have now been alleviated. It is, however, obvious that there will be an increase in traffic along the C5021 to a maximum level of 4 - 5 x 44 tonne lorries per day, and this remains a major concern. To this end the Parish Council feels that Highways need to be consulted regarding this application, but also especially in the light of this and the new housing developments at the former Lift West Site and at Pond Farm.

It is again the suggestion of Seavington Parish Council that the current western 30mph limit and sign should be moved further to the west giving increased safety to entry/egress from the completed Lift West Site (this was previously suggested when the Parish Council formerly responded to the original Planning Application) and the eastern sign and limit moved further up the hill to the east from Seavington House, also affording a greater level of safety and protection to vehicle entry/egress at David's and School Lanes. It is further proposed that together with these measures, the existing westerly middle-of-the-road bollard be moved (to the west) much closer to the planned entrance to The Lift West development. It is believed that this will have the double effect of not only producing a perception to approaching traffic of a need to slow down, but also by removing and moving the existing bollards, producing a greater width of carriageway to facilitate a larger vehicles' ability to negotiate the curve opposite The Volunteer Inn. In turn consideration might also be given to moving the eastern bollards for similar reasons.

The road surface through Seavington St Michael [along the C5021] is poor; Cats eyes were removed some years ago when the road was resurfaced but the remaining holes were not filled in properly and are getting deeper, causing residents who live in the cottages alongside the road often to complain that they feel their properties shake when these holes are hit, particularly by larger vehicles. This road surface needs to be inspected and repaired where necessary as well as some improved white lining provided.

The Parish Council find it increasingly difficult to persuade County Highways to work on this road as it is only classified as a C road but perhaps these 3 planning applications could be used as the catalyst to make the safety-related improvements suggested.

Highway Authority

Following a site visit, the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal. Based on the difference between the previously approve scheme and the one proposed as part of this application, it is not considered that this will result in a severe impact on the highway network. I therefore recommend that the conditions imposed on the previous consent be repeated on this permission.

SSDC Highway Consultant (Initial comment)

Refer to SCC comments. Would expect a Transport Statement/Construction Traffic Management Plan to be submitted although many of the transportation and highways impacts of the development appear to have been reported upon in the Planning Statement for SCC to consider.

Officer comment - Following a request from the case officer, and in response to local concerns raised about the highway impact of the proposal, the Council's Highway Consultant further assessed the proposal and sought clarification and confirmation on the following highway related issues:

- A. The use of 28T vehicles for the transportation of chicken litter rather than 20T vehicles
- B. A graph showing the projected season fluctuations in traffic flow across the year as well as the average number of traffic movements using data from other operational AD plants
- C. A view from Somerset County Council in respect of the use of the public highway from Lopen Head roundabout to the site access junction for both construction and operational phases given the existing width restriction (TRO) in place for this length of highway, and whether or not mitigation measures are required.
- D. A plan showing the geometric layout and visibility splays at the site access junction and improvements thereto if required (to be determined by a swept path analysis plan).
- E. A swept path analysis of the site access junction and Lopen Head roundabout junction.

Officer comment: This was forwarded onto the applicant who queried the need for C-E given that this was not requested from the Highway Authority in regard to the original application and also given that the transport arrangements have not changed. Following a site visit by a highway officer, the case officer was advised that the Highway Authority retain their no objection to the scheme and do not require any further mitigation and or submission of plans. The Highway Authority are satisfied that the highway network is capable of accommodating the traffic levels and vehicles associated with the development.

Highways England

No objection raised. However, would not permit surface water drainage from the site into their own detention pond.

Officer comment: Following the above comment from Highways England, the applicant amended the drainage scheme. Clean surface water would now be drained into existing ponds within the landowner's ownership.

Senior Planning Policy Officer, Minerals and Waste (County Council)

(Summary of comments Feb 2016)

An objection was raised to the scheme due to a number of issues raised. The assessment was based on the original submitted application. The key points raised are as follows:

- the supporting documents do not make reference to the Waste Core Strategy - policies in that plan are a material consideration in the determination of this application.
- - whilst acknowledging the relationship and advantages next to an existing farm the site is not a preferred type of location as it is greenfield site - application does not make any reference to known archaeology
- no carbon management assessment has been undertaken to demonstrate the proposal would have a lesser carbon footprint than any alternative method of managing the waste and other products.
- would welcome the use of greater grey water collection and re-use.
- surface water drainage proposals for the development need to be submitted in light of the change from discharge to an attenuation area owned by the Highways England to ponds in the land owner's ownership
- Require more information to demonstrate that the development would not cause significant

adverse impacts particularly in respect of odour and emissions. Advise enclosing the feed for the plant and the outlet from the feedstock chamber to the digester.

- need to achieve a clean floor policy and avoid rainwater from the roof potentially mixing with waste on the floor - assess any impact on users of the public rights of way
- concrete bunds around the digesters likely to be required by the EA.

Officer comment - Following receipt of the above comments, a site meeting was held with County Officers and the planning case officer with the applicant to discuss the points raised. County officers advised that they found the site visit very helpful particularly in relation to the proposed arrangements for processes on site, particularly in respect of poultry litter. In a follow up letter, they confirmed that they do not have a problem with the proposed arrangements as explained on site. However, did seek clarity on the operational measures that will be taken to minimise the risk of odour arising from (waste) feedstock management, in particular associated with the transfer of material. An Odour Management plan was submitted along with a copy of the EA permit. In addition, as outlined in this report, further information was submitted in respect of ecology, archaeology, and drainage.

Lead Flood Authority (County Council) (First response) (summary)

The development indicates an increase in impermeable areas that will generate an increase in surface water run off. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. The LLFA raised an objection because the initial FRA and Storm Water report details contradicted each other i.e. water would drain via the existing pond (storm water report) and in the FRA, would drain to the soil surface for infiltration. In addition, the calculations need to show a 30% increase regarding the 1 in 100 year flood event to allow for climate change. The efficiency of the proposed method of water capture has therefore not been proven.

Lead Flood Authority (Response to the submission of additional information from the applicant to address comments raised above.

No objection to the application. (officer comment). It was confirmed that the water would drain to an existing pond off site within the landowner's control.

Wales and West Utilities:

No objection raised. Advised that they have gas pipes in the area and advise the applicant to contact them to ensure their apparatus is not harmed during construction.

Landscape Officer: (First response)

This re-submission of the proposal for an AD plant raises similar landscape issues as the initial application, hence much of my response is as my previous observation. I can confirm that the changes are noted, and I have reviewed the associated landscape appraisal, and landscape proposals.

The site was initially an arable field, and is now in the process of development, laying between the existing farm buildings and a raised section of the A303. Previous farm growth has been allied to comprehensive landscape treatment, which includes the tree- and shrub- planted bund that currently divides the farm complex from the application field to the south, and provides visual containment of the existing farm site as viewed from the south and southwest. The build proposal introduces both standard built forms; large tank structures - which are industrial in character and scale; and an extensive area of storage clamps. The most prominent feature of the layout is that of a gas dome, standing circa 11 m above its associated ground level, but located to the rear (north) of the digestate storage tanks, whilst the secondary gas tank toward the northeast corner of the site stands circa 7.5 metres above site level.

A landscape appraisal is submitted with the application, which states the proposal to have a limited visual profile, and proposes landscape mitigation in the form of both bunding, and planting, the larger areas of which are concentrated to the south and east of the main development footprint. The appraisal is scant in its detailed evaluation of the site, and I have had to rely on my own site evaluation

to test its conclusions. It is clearly proposing a substantial development footprint, and will add substantially to the farm form. From a landscape perspective, it is introducing some large structural forms to the locality that are alien to the rural landscape, and the development mass has the potential to be a dominant element within the local landscape, to the extent that it will be viewed as contrary to the scale and character of the locality. Thus it can be argued that it fails to respect local context, or conserve/enhance local character, as is required by our local plan policy EQ2. However, I would acknowledge;

The site lays within a valley-head location, to be contained in most part by both topography, the built form of the farm; and the raised section of the A303 carriageway;

Views of the site are limited, and the majority of the visual receptors are not unduly sensitive;

The current planted bund at the site's north boundary will help to counter the visual perception of the aggregation of built form;

There will be no landscape features lost as a result of this development;

Dominance issues are primarily related to the public road to the southeast, where there is scope for planting mitigation, and;

There is potential for satisfactory landscape mitigation.

Hence whilst there will clearly be a substantive and adverse visual effect arising from development of this scale, the impact is diluted by both the contained setting, and the lack of direct views of the site from sensitive receptors, such that if an appropriate scheme of mitigation can be agreed, then there would be no over-riding landscape case against the proposal. Turning to the application's mitigation proposal, whilst I agree that bunding and planting can be utilised to counter the likely visual effects of development, I am not wholly convinced by the detail. Bunding is proposed to contain the site along its most public boundaries, i.e; to the east and south of the development site, and this is set at a crest level of 59.00 aod. At its southern end, this results in a bund that is circa 7 metres above the level of the farm track, with an inferred grading of approx. 1 in 3 to the south, 1 in 2 to the southeast, lessening to 1 in 3 toward the farmhouse. Ordinarily I am not supportive of bunds of this height, for they (i) appear incongruous in scale, and (ii) create hostile conditions for plant growth, particularly where south-facing (toward the sun) due to their free-draining profile. In this instance however, the main face of the bund lays adjacent the engineered structures of the A303 bridge and carriageway, and its embankments, to thus provide a context wherein the bund is not at odds with the character of the road embankment. There is a need however, to deal with the hostile conditions of bunded form. To that end, I would advise the following;

- (a) we are provided with confirmation that the outer face of the bund, where facing south, is graded no steeper than a 1 in 3 gradient;
- (b) whilst the proposals for planting in the northwest corner of the site are acceptable, amendments are necessary for the planting proposal for the larger south and east areas, and I advise;
 - i. Initially, I note the area of land involved to be closer to 1 hectare, rather than the 7000 square metres scheduled, and plant numbers should reflect this.
 - ii. Second, a suitable mix of native species should include dry condition-tolerant species, to suit the particular soil and drainage conditions of the bund; and at sufficient density to enable the planting to draw-up in good time.
 - iii. A tighter density of planting will be required in this area - I would suggest 1.0 x 1.0 matrix, to deal with the hostile microclimate that bunding creates.

In terms of suitable species, I am happy with those suggested for the lower part of the bund, i.e; to a height above ground level of 2.5 metres. Above that height, on the upper levels of the bund, I would advise a change is necessary, and suggest a tree component within the mix incorporating;

10% oak, 10% beech, 10% field maple, and 10% grey alder, whilst the shrub component comprises - 20% hawthorn, 15% hazel, 15% wild privet, and 10% dogwood.

Could you please request confirmation of the bund gradients, and amended planting proposals, which for clarity should be indicated on plan.

Landscape Officer: (second response following submission of revised landscape plans). This drawing is now acceptable. The full landscape submission also includes the document 'landscaping details' that was submitted with the application. This document should be updated such that its planting schedule is consistent with the schedule on the drawing. It also needs to specify plant size and plant protection before the full planting proposal can be considered to be acceptable.

Landscape Officer: (third response following submission of information as requested above)
The planting details are now satisfactory.

Environment Agency

No objection raised subject to informatives. These relate to appropriate surface water drainage and advice, the need to submit a new and/or amended Environmental Permit, advice regarding storage of digestate liquid and silage clamps, and advice regarding pollution prevention during construction.

Environmental Health

The process being applied for will be covered by a permit issued by the EA under the Environmental Permitting (England and Wales) Regulations 2012. As such, the permit will cover areas such as odour and noise/vibration, that being the case I have no representations to make with regard to this application.

Officer comment: The applicant submitted a copy of their permit in respect of Frogmary Farm.

Ecologist (Response to the original submission)

No objection

Ecologist (Additional comments following submission of an additional ecological report in respect of the revised surface water drainage scheme).

I'm satisfied with the further survey and testing for great crested newts. The outcome was negative (newts unlikely to be present). I have no further comments.

Natural England

No comment to make on the application. Advise the officer to seek own specialist ecological advice.

Climate Change Officer

This is a very sustainable renewable energy development of exactly the type the Council should be supporting. The switch from burning gas to generate electricity to injecting gas directly to the gas grid is a very welcome development. This is a far more efficient use of the bio gas generated because a gas engine converting gas to electricity is at most 47.8% efficient whereas gas injected to the grid is used in the main for domestic central heating from gas condensing boilers with an efficiency of around 90% efficiency. Renewable electricity is increasingly generated from wind, solar and tidal power but renewable gas can only be generated from anaerobic digestion. The UK has one of the best gas grids in the world and it makes strategic sense to maximise bio gas injection. I calculate this plant will heat 1645-1869 households (as compared to the 1637 dwellings with South Petherton). I strongly support this application.

Senior Historic Environment Officer (First response)

The site lies within an area of high archaeological potential. A Roman settlement lies less than 200 metres to the south west. Numerous cropmark enclosures have been identified through aerial photography to the east. The corner of one enclosure appears to extend into the area to be developed for the digester. There is however currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest. For this reason, I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation as indicated in the NPPF (para 128).

Officer comment: Following the above comments, the applicant commissioned a consultant to undertake a written scheme of investigation for an archaeological watching brief. This has been agreed by the County Archaeologist.

REPRESENTATIONS

A number of letter/emails have been received from one local resident raising a number of different issues, queries and questions in respect of the AD plant. For the purpose of this report, the key issues are outlined below. Full copies of the emails/letters are available on the Council's website.

1 letter received in response to submission of an archaeological report and comments from the Council's Highway Consultant

- No archaeological investigation has been undertaken into the site - the site has been developed and archaeological evidence would have been destroyed. Asks why this wasn't sought at the beginning of the application process.

Officer comment:

An archaeological report was not sought by the LPA to support the original application nor at the submission stage of the revised application because archaeology was not shown as a constraint on the Council's mapping system. During discussions with the County Council, it was advised that the County Archaeologist is consulted. This was undertaken and a report submitted.

- West Street is narrow and 6'6" width restriction. Passing places created by use rather than design and are muddy potholed patches.
- No up-to date Travel Plan, submitted document written for the 1 MW plant, now plans have changed and material to be transported is greater.
- Silage clamps appear more extensive than earlier scheme, to reflect demands of a larger plant?
- This application should be treated as a brand new application given the differences between the 2 proposals.
- Building work still continuing in contravention of earlier permission.

1 letter received in response to submission of the SUD's Attenuation Requirement

- Outlines an inconsistency on plans and figures in respect of impermeable v permeable surfaces.

1 letter received in response to the submission of the Storm Water Report

- Retaining wall/bund to the east and south but what about the west? How would this retain the water?
- Query total size of site.
- Drainage layout should show full details of the bunds, impermeable areas and drains to the ponds.
- Inconsistency in the figures
- More clarity needed on the drainage plans.

1 letter received from the Open Spaces Society. Raised no objection but commented that the gravel track is a public right of way and that signs should be retained during construction to remind drivers that pedestrians have priority. Also, the bottom of the track has become muddy and that the owner should clear the road to ensure it is safe for all users.

Applicant responses to questions

In response to the various points raised by Lopen PC and a local resident, the applicant during the course of the application has been asked to respond to those points and the following information has

been given:

- The backloading of liquid/solid digestate will be undertaken on specialist duoliner trailers which bring feedstock onto the site, thus no additional traffic movements.
- 28 tonne and 44 tonne articulated lorries have been delivering to the site for many years. The duoliner is a similar size.
- It will create 3-4 jobs plus haulage jobs.
- Total energy production will vary depending upon the type and quality of the feedstock. Thus have given a range for the amount of energy to be produced.
- No adverse impacts on local amenity in respect of the way the biogas is produced and exported.
- Feedstock levels and associated transport levels not changed from the original application.
- Revised scheme has advantages in that it is more efficient than electricity generation.
- The farm will not use energy from the site. It will assist the farm through diversification and use of the digestate on the farmland. It is a development focused on producing renewable energy for public consumption and to help contribute towards producing renewable energy.
- Energy is required to run the plant but the switch to upgrading to gas has a minimal impact.
- 1MW electricity equal to 2.2 MW gas.
- The level of gas production is limited by the level of feedstock input which is restricted via the source land as previously conditioned. The amount of crops remain the same.
- 2 CHP's will be used at 500 kw each. Same as earlier scheme. No additional feedstock will be required. Only one CHP unit will run. The other used when gas cannot be exported and/or as back up for the first during any maintenance/breakdown.
- No change to the source of feedstocks, digestate disposal and spreading. The spreading to land will be no more in tonnage terms than historically occurs.
- Only a small proportion of land supplying feedstock lies within an NVZ. Dillington Estate is not within an NVZ. To offset use of artificial mineral fertilizers we will use the digestate. Backloading of digestate with silage which is then clamped on the estate.
- Level of biogas storage well below threshold in respect of Hazardous substances. No underground LPG tanks installed.
- LPG is back up fuel if the biogas in the tanks is not at the required quality or quantity to send to the grid. Will be used to enrich the gas. To enrich the gas will require 119 tonnes of LPG annually, this would equate to less than 1 trip per month.
- Have submitted an odour management plan. Odour is managed along with other emissions by the Environment Agency permit. The site is monitored by the EA. Government figures produced that show the reduction in odour (90%+) when comparing raw and digested slurry.
- The spreading of liquid digestate will be undertaken by dribble bar applicators. German research shows that applying digestate in this form reduces ammonia emissions to air by 69% compared with traditional air thrown spreading.
- The level of energy production and traffic movement has not changed since the original application, nor will it create any additional environmental impacts such as odour or noise. No justification for an EIA for this application.
- It is not a Centralised Anaerobic Digester, the host farmer supplies all feedstocks to the plant either directly or through contract farming agreements.
- Revised landscape plans have been submitted and agreed by the Council's Landscape Officer.
- Biosecurity is dealt with through the erection of the reception building on site where the chicken litter will be stored. This AD plant will take the chicken litter produced on site and reduces its mass by 80% through the digestion process, thus reducing the impact of the poultry operation.
- In regard to the use of solid digestate for animal bedding, the applicant is still waiting for confirmation that it can be put to such use. Should this not be permitted, the dried material will be spread on land around the farm and no additional movements would result on the public highway.

- The earth bund acts as a seal for the whole site and is scaled to meet EA requirements on containment.

CONSIDERATIONS

Background to Anaerobic Digestion (AD)/Principle of development

Anaerobic digestion is a natural biological process which transforms biomass (feedstock) into useful bio-fertiliser (digestate). Anaerobic digestion is a fully-enclosed in-vessel process which produces valuable renewable energy in the form of biogas. Organic waste, including animal manure, contains valuable nutrients and a significant amount of nitrogen locked up in unavailable forms. As an enclosed process, anaerobic digestion is able to retain all nutrients and convert them into available forms whilst preventing unwanted pollution. Foul odours are eliminated through the process, with the resulting odourless digestate bi-product available for use as a nutrient rich soil conditioner in place of raw manure or artificially manufactured fertilisers. Biogas produced by the process of anaerobic digestion can be used in a number of ways, including use in a conventional boiler, injection directly into the local grid network, or use as fuel for a Combined Heat and Power (CHP) unit which produces electricity. The "green energy" produced by an AD plant can be exported into local grid networks, reducing the carbon footprint of a local area and accommodating local energy consumption through a decentralised supply.

In this case, the original AD facility was proposed to generate 1MW of electricity, the majority of which would be exported directly to the local grid network, enough to power 2,500 typical households. This new application proposes a 2.2 - 2.5 MW gas export AD plant. Both national and local policy support the increase in the use and supply of renewable energy. The NPPF makes particular reference to this in Chapter 10. It is therefore considered that the principle of this form of development is acceptable subject to compliance with policies that seek to protect the character and appearance of the countryside, residential amenity and highway issues.

In addition, Policy EP5 supports well conceived proposals for farm diversification schemes for business purposes will be permitted subject to their compliance with other plan policies. In this case, the farm owner would receive an annual payment from Greener For Life Energy Ltd for their occupation of the site. In addition, the digestate produced by the plant would be used on the holding, both as livestock bedding (subject to approval) and as a nutrient rich soil conditioner/fertiliser. This arrangement would allow the site owner to reduce his reliance on imported fertiliser.

Highways

It is considered that the potential highway/traffic impact of the development has caused most concern about the AD plant. This is linked to concerns about the potential capacity of the AD plant and need for additional supplies of feedstock. Moreover, whether the anticipated traffic movements submitted by the applicant is fully comprehensive. The proposed plant would process and manage approximately 19,262 tonnes of feedstock per annum, to include farmyard manure, poultry manure and a range of different crops sourced from Frogmary Farm and local holdings. Deliveries to the site will be via a range of different vehicles ranging from 16 tonne tractor and trailers, 28 tonne HGV's and 44 tonne duoliner trailer lorries. It is understood that Frogmary Farm currently has/uses all of these sized vehicles. This is not unsurprising given the range of current farming activities.

The above vehicles use the existing access and exit points which are proposed to be used for deliveries to the AD plant. The Highway Authority has previously agreed the visibility splays of the northernmost access and it is considered that visibility splays (2.4m x 70m and 115m) shown for the southern access onto the C road are acceptable. There would be ample parking and turning space within the site.

The applicant has provided a table showing 'Anticipated Vehicular Movements' within their Supporting Statement. This shows 8 different types of feedstock (animal waste and crops) with respective tonnage, type of delivery vehicle, number of movements (including existing figures for poultry and maize) giving a figure for the total additional movements. This shows 637.5 additional movements covering Monday to Saturdays which equates to 2 per day. It must be stressed that these are anticipated movements and averaged across the year. There will be peaks and troughs throughout the year, most notably during the harvest season for crops (May- October). Maize harvesting would result in the most intense period of traffic movements with an average of 3.5 deliveries per day during September and October. Animal waste deliveries are more consistent across the year. The applicant states that those movements would be on roads and routes that have previously been agreed and affect few properties. However, given the noticeable increase in agricultural vehicles on the local roads during harvesting time throughout the district, this would add only a relatively small amount of farm traffic onto the roads. It is also worth noting that there are 182.5 current delivery movements to the farm of poultry waste and maize.

It should be noted that the traffic table did not include reference to the use of 44 tonne duoliner trailers for delivery and backloading. The applicant has confirmed that these will be used but will not add to the overall traffic movements. Having spoken to the highway officer about this, given the existing use of similar weighted vehicles and the low daily movement, no objection was raised.

The highway officer was also asked whether they would have any issues/concerns about the total movements combined with the other existing farm activities. On the basis that the farm is well established, and the Highway Authority accepted the proposed level of additional movements, no objection was raised.

In terms of the traffic routes, these are the same as previously agreed. Animal waste being delivered to the site by 28 tonne articulated lorries (as per present deliveries of chicken waste) would be routed via A303 exiting at the Hayes End / South Petherton Roundabout. Vehicles would then travel west on Harp Road to the Hollow Lane Junction where they would turn north travelling under the 303 and into Frogmary Green Farm main entrance. This waste comes from various farms including Martock, Honiton and Taunton, up to 23miles away but Frogmary Green Farm has been importing litter from these farms for the last 5 years.

Traffic movements from field blocks around the site itself would no impact on nearby properties - most movements travel across farm tracks or directly across the road into the site (field blocks to east). Movements from field blocks to the north travel a short distance on Whitfield Lane then on the road out of South Petherton (but would not affect the village itself or any isolated properties). Movements from the Ilminster Field Blocks would not affect the town. All movements from the land block to the South of Shudrick Stream and at Townsend Farm travel off road and cross the Townsend Road at Knott Oak House. They then travel on off road tracks to the B3168. If the land in the Shudrick Valley become unavailable (planning application currently pending to develop this land) the applicant would source feedstock from the Dillington Estate using similar transport routes.

The majority of the feedstock would be locally sourced and it is considered that the transport routes would not present any significant highway safety issues. The chicken litter would be imported from further afield via the A303 but this has been taking place for the last 5 years, with no increase in movements proposed. The disposal of the digestate on surrounding land should not give rise to any additional traffic movements. Any digestate not used at the farm would be used on the Dillington Estate.

In respect of the advice from the Council's own highway consultant, these were forwarded to the applicant and also discussed with the Highway Authority. The applicant's response was that as the level of traffic movement was the same as the previously approved scheme, it would be unreasonable to submit this information. In light of the fact that the highway authority did not request any further information or mitigation, no further plans etc have been submitted.

On the basis of the above information and the lack of any objection from either Highways England or the Highway Authority, it is considered that the additional traffic that would be generated by this proposal can be satisfactorily accommodated on the local highway network. No severe impact has been demonstrated that would warrant a refusal of the application. However, it must be stressed that this conclusion is based on the assessment of the figures that have been supplied by the applicant. As will be noted from this report, the applicant has been asked about the traffic figures on a number of occasions. The clear reply is that the figures will not change from the earlier approval. Moreover, the applicant has stated that if the capacity or need for more feedstock increases in the future, a new application would be required.

Strong concern has been raised that the actual level of movements would exceed these figures. This concern is particularly noted. Therefore, it is very important that the amount of feedstock required to supply the AD plant i.e. 19,262 tonnes is strictly controlled and limited to this level. This in turn would correspond with the level of traffic movements outlined by the applicant. Accordingly, to help monitor the use of the AD plant as outlined above, the LPA shall impose a condition on any consent to request that a report is submitted to the LPA every 3 months outlining the tonnage delivered to the AD plant and the number of vehicular movements.

Residential/General Amenity

Concern has been raised that the scheme has the potential to harm amenity of local residents particularly through odour, noise, and traffic. The landowner's own property is the closest to the site with the next nearest property over 300 metres away. In regard to the process of anaerobic digestion itself, this is a quiet process and no adverse harm would be caused to residential amenity. The pumps and loading system moving feedstock from the feeder to the digester tank operates intermittently over a 24 hour period. Again, the level of noise generated by this process would not be orally harmful. The CHP units would generate a continuous noise and these would be fitted within acoustic housing. The noise attenuation this provides at 1metre from the unit is the equivalent of a vacuum cleaner. Again, given its location, this would not give rise to any adverse noise levels warranting refusal. The Environmental Health Officer has not raised any objection in respect of noise. Vehicles transporting material to and from the site will clearly generate some noise. However, these would not generate any excessive noise. Moreover, given the routes previously agreed that these vehicles would take, avoiding most local villages and towns, and the small overall number of associated trips, it is not considered that noise associated with development traffic is such that warrants refusal of the scheme.

In respect of transport deliveries, these would be limited to 7am - 6pm Monday to Saturday (however during harvest periods some deliveries might run into the night). It is considered that the impact on the few isolated properties on the transport routes into the site would be limited and generally not in unsocial hours. The number of proposed additional road movements (averaged at 2 per day) is not considered significant in comparison with the overall existing number of movements on the roads associated with the use of the farm. Moreover, it is stated that all vehicles would be covered to ensure odour impact is minimised.

Anaerobic Digestion is a biological process which breaks down organic matter in an oxygen free environment with the AD digester tank being completely sealed in order to facilitate anaerobic gas collection and to eliminate odour release. The Supporting Statement explains that the transfer of materials from the feeder to the AD digester tank is within fully enclosed pipework. Having left the feeder, at no time would any material be exposed directly to the atmosphere until digested and released as the odour-free digestate.

The feedstock for the digester is agricultural produce, the majority of which is currently commonplace at the farm. The feedstock clamps would be used for the storage of feedstock to be utilised in the plant. The clamps would be covered with polythene in order to maintain the quality of the feedstock,

minimising odour.

Given the evidence submitted that show a significant reduction in the level of odour from slurry sources once it has been subject to anaerobic digestion, it is considered that the AD plant would offer an odour benefit in animal waste being treated in this way before being used on the land compared with traditional spreading of non-digested waste.

It is also important to note that farm-based AD plants are regulated by the Environment Agency (EA) through Environmental Permitting Regulations, rather than through the planning system. Accordingly, a permit would cover issues such as odour and noise/vibration - the Council's Environmental Protection Officer consequently has no representations to make.

For the reasons outlined above, it is not considered that the proposal would adversely affect residential or the general amenity of the area.

Landscape

It will be noted from the Landscape officer's comments outlined earlier in this report that, whilst this would be a significant development, no objection is raised subject to an appropriate and comprehensive planting scheme. Following discussions between the applicant and landscape officer, a satisfactory scheme has now been submitted which would assist in screening the development from the main public viewpoints. The scheme proposes to plant native species trees in areas not covered by hardstanding. A block of woodland will be positioned to the north east of the site, and along the south with boundary planting along the west. Earth bunding will also be used to assist with the screening of the development.

Flooding/Drainage

A Flood risk assessment was undertaken and submitted as part of the application. The whole site lies in Flood Zone 1 and thus there is low probability of flooding from fluvial sources. A surface water drainage scheme (as amended) will take clean roof water from the site and drain into existing ponds on the owners land to the east of the application site. Dirty effluent water will be collected and recycled through the AD process. Following the submission of additional information, both the EA and the Lead Local Flood Authority (County Council) raise no objection to the scheme.

Ecology

A Habitat Survey Report was submitted with the application. The conclusions of which stated that there are no significant species or habitats present on this site and, therefore, there is no reason on ecological grounds to refuse the application. The Council's Ecologist has read the Habitat report and additional ecological reports. He has raised no objection.

Loss of productive agricultural land

The majority of the site is understood to be grade 2 agricultural land with a very small proportion being grade 1. The NPPF states (para 112) that the LPA needs to take into account the economic and other benefits of the best and most versatile agricultural land and where significant development is necessary, poorer quality shall be used in preference to higher quality. It is considered that this AD plant is an agricultural related development which would benefit the adjacent farm and that other benefits, such as making a valuable contribution towards cutting greenhouse gas emissions, outweigh the loss of this field.

Use of crops to feed AD plants.

Attention was drawn to the DEFRA publication 'Anaerobic Digestion Strategy and Action Plan' published in 2011. Whilst clearly supportive of AD plants and increasing energy from waste from such means, it does give clear advice in terms of how to grow crops for AD plants in a responsible and environmentally sustainable manner. There is also a more moral issue in regard to the growing of crops to supply energy vis a vis growing for food. In this case, the spread of different fields used and acreage is not considered to be so intensive or significant in terms of scale to breach those guidelines.

Other issues

South Petherton PC asked about imposing a speed restriction on the route to the digester. In a similar vein, Seavington PC asked about amending the current location of speed signs and other highway works. Whilst the decision to impose/change speed restrictions is a matter for the Highway Authority, in asking them about this point, they did not consider that there was any current evidence to warrant additional speed restrictions over and above those currently in place, nor to move any of the current signage. In regard to the vehicular routes taken to bring the waste/foodstock from its origin to the farm, the applicant has submitted plans to show the various vehicular routes. A condition can be imposed on any consent to seek adherence to those routes. Moreover, given the local scale of the operation, it is likely that the same lorry drivers would be used and thus be aware of the appropriate routes.

Concern was raised about the changes that had been to the original permission, and questioning the genuine intent of the applicant. The applicant has outlined the reasons for the change. However, notwithstanding why the development has changed, the applicant is entitled to and has submitted a revised application. The LPA has a duty to consider the scheme and after careful assessment of all of the relevant issues, reach a recommendation.

A query was raised as to whether Hazardous Substances Consent is required for this development. The advice from the County Council Policy officer is that it does fall under the relevant category and therefore is not required for this development.

A Construction Environmental Management Plan was submitted with the application. This deals with construction hours, control of site drainage, noise and reducing dust/mud on local roads. A condition shall be attached to any consent to seek adherence to this document.

Conclusion

The construction and use of AD plants is supported by national government and local policy as a positive way to create green energy. The principle of developing an AD plant on this site has previously been established with an earlier grant of planning permission/albeit for a different type of AD plant. This new application has been carefully assessed by a number of different consultees and following submission of a range of additional documentation, do not raise an objection to the scheme. Various concerns have been raised about the AD plant and these have carefully been considered and assessed. Additional information and/or clarification has been sought and submitted by the applicant. Subject to the imposition of conditions to restrict the operation of the AD plant to that outlined in the application, it is considered that, along with legal controls exerted by other bodies, the development would not raise any significant adverse harm that would warrant refusal.

The application is therefore recommended for approval.

RECOMMENDATION

Approve.

01. The proposal would respect the character and appearance of the area, would provide an efficient means of dealing with farm waste and provide a sustainable form of renewable energy, it would not adversely affect highway safety or residential amenity or harm any ecological interest. The proposal would accord with policies SD1, TA5, TA6, EQ1, EQ2, EQ3, and EQ4 of the South Somerset Local Plan, the Waste Core Strategy and the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission shall have effect from the 19th August 2015.

Reason: To comply with The Town and Country Planning Act.

02. The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan - drawing no. SA15799/01 rev B, received 11 September 2015
- Site Plan - drawing no. SA19247/02 rev B received 11 September 2015
- Sectional elevations - drawing no. SA19247/03 received 19 August 2015
- Elevations omitting foliage - drawing no. SA19247/04 Rev A received 19 August 2015
- Digester, Digestate Tank and Gas Holder section - drawing no. SA19247/06 received 19 August 2015
- Proposed Digestate Spreading Area - drawing no. SA15799/07 received 19th August 2015
- Proposed Digestate Spreading Area with proposed routes for imported poultry manure- drawing no. SA15799/07 received 19 August 2015
- Proposed Feedstock Source Area - drawing no. SA15799-08 received 19 2015
- Proposed Feedstock Source Area with transport routes- drawing no. SA19247/08 received 19th August 2015
- Tractor Movement Plan - drawing no. SA15799/09 received 19th August 2015
- JCB Loader Movement Plan - drawing no. SA15799/10 received 19th August 2015
- HGV Movement Plan - drawing no. SA15799/11 received 19th August 2015
- Supporting Statement received 19th August 2015
- Planting zones drawing number SA19247/13 Rev A received 7th October 2015
- Drainage layout Drawing number 00020-00-H received 8th August 2015.
- Site surfacing PLan - drawing number SA19247/13 received 19th August 2015.
- Revised Flood Risk Assessment received 21st January 2016
- proposed routes for imported poultry manure via A303 received 7th August 2015.
- Transport route from Ilminster field blocks /Dillington Estate received 7th August 2015
- Frogmary digestate pipeline routes received 7th August 2015.
- Route from Ilminster fields blocks received 7th August 2015.
- Frogmary land banks below Harp Road received 7th August 2015.
- Archaeological Watching Brief received April 2016
- Ecology Appraisal received April 2016.

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

03. No further buildings or structures as approved by this permission shall be constructed until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities and character of the area in accordance with policy EQ2 of the South Somerset Local Plan.

04. No external lighting shall be erected on the application site unless details including size, design, location and degree of luminance have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities and character of the area in accordance with policy EQ2 of the South Somerset Local Plan

05. Within 2 months of the date of this decision, a surface water drainage scheme for the site (to accord with SuDS requirements where necessary), based on the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the NPPF.

06. Within 6 months of the cessation of the use of the development hereby approved, a scheme for the removal of all buildings, structures, hard-standings, plant and machinery, roadways, fencing or other structures and equipment brought onto or erected on the land for the purposes of the development shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of restoration and a timescale for completion. The scheme shall be fully implemented within 3 months of the date of approval.

Reason: To safeguard the amenities and character of the area and in accordance with policies EQ2 of the South Somerset Local Plan.

07. The landscaping scheme hereby approved shall be fully implemented in the first planting season following completion of the construction of the development. and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities and character of the area in accordance with policies EQ2 the South Somerset Local Plan.

08. The development hereby approved shall be carried out in strict accordance with the submitted Construction and Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard highway safety and rural amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

09. The feedstock to serve the anaerobic digester hereby approved shall be limited to farm waste and agricultural crops only. The total tonnage shall not exceed 19,300 tonnes without the express grant of planning permission. This feedstock shall only be grown or harvested from the land identified on the feedstock source maps drawing no. SA15799-08 and Dillington Estate map received 20 August 2014), and referred to in the agent's emails of 18 and 21 August 2014, (as per application no: 14/01923/FUL) without the express grant of planning permission. A record

shall be kept of all feedstock to serve the digester, including its origin, amount and type and made available to the Local Planning Authority upon request.

Reason: To allow any other feedstock source and additional feedstock over and above the weight limit approved to be properly considered in order to safeguard highway safety and rural amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access point and extending to points on the nearside carriageway edge 70.0m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

11. The proposed southernmost access onto West Street over at least the first 10.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan.

12. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10.0m from the carriageway edge.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan.

13. The development hereby permitted shall not be commenced unless the surfacing materials for all hardstanding and tracks to serve the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and the interests of amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan and the NPPF.
