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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H03-0410-16 **Date of Decision:** 13th April 2017
Applicant: W D Branton
Willow Tree Farm
Main Road
Deeping St Nicholas
Spalding Lincs
PE11 3BN
Location: Land South Of Counter Drain Drove Tongue End Spalding
Description: Erection of an anaerobic digestion plant and ancillary services

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Plans

- Location Plan L-BRA-144-LP Rev A.
- Existing plan - L-BRA-144-SPLX Rev 1
- Proposed Layout Plan - L-BRA-144-SLPP Rev G
- Proposed elevations L-BRA-144-EP Rev C
- Grid Entry Unit Floorplan BI.GA.01.B Rev 0
- Sections - L-BRA-144-SC Rev 1

Other documents

- Odour Management Plan v4.2 dated 21.9.16 prepared by JHWalter LLP
- Vehicle Movements for AD Table - September 2016 prepared by JHWalter LLP
- Amended Traffic and Transportation Statement - Version 4.2 (v2) 21.9.16 prepared by JHWalter LLP
- Feedstock Map Sept 2016 prepared by JHWalter LLP
- Flood Risk Assessment & Surface Water Drainage Strategy - Version 4 prepared by SLR
- Phase 2 Habitat Surveys (Great Crested Newts, Bats, Barn Owls & Breeding Birds) prepared by SLR

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

- 3 No more than 50,000 tonnes of feedstock material shall be processed at the site in any 12 month period. A record of daily tonnages managed at the site, along with the source shall be made available for inspection within seven days of a request from the County Planning Authority.

Reason: To protect the amenities of local residents and the highway network by controlling the site's throughput.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006

- 4 With the exception of staff required to maintain the on going anaerobic digestion process, there shall be no HGV or related commercial traffic including tractors and trailers to or from the anaerobic digestion facility and no external operations associated with feedstock reception or loading of feedstock hoppers with solid feedstock outside the following hours:

- 07.00 and 19.00 Monday to Friday; and
- 07.00 to 12.30 Saturdays.

There shall be no such operations at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and control the impacts of the development.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

- 5 On cessation of the use of the land (or any part of the land) as an anaerobic digester as approved by this permission all buildings, structures, fences, gates, posts and fixings shall be removed from the site within 6 months from the final export of biogas to the grid. This date to be notified to the Local Planning Authority within one month of the final export.

Reason: The site is located in an area of countryside where development other than agriculture would not normally be permitted and when the site ceases to be used as an anaerobic digester then it will be required to revert back to agriculture.

This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

- 6 Vehicles coming to and operating at the site that are required to emit reversing warning noise, shall use only white noise/broadband alarms rather than single tone alarms.

Reason: To protect the amenities of local residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 7 Prior to work commencing a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- A traffic management plan for construction and delivery vehicles entering and leaving the site, including times of movement so as to protect the amenity of nearby residents;
- Start and finish time of construction activity and methods to minimise disturbance during the construction period;
- Phasing of the development;
- Details of surfacing of the track between the public roads and site and also the proposed lay-down and parking areas;
- Measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway;
- Floodlighting and security lighting (note: this must be directed in such a way as not to cause nuisance to nearby properties or public highways.
- The Construction Management Plan shall be adhered to throughout the duration of the construction period.

Reason: To safeguard the amenity of nearby residents and to protect highway safety.

This condition is imposed in accordance with Policies SG13, SG15 and SG17 of the South Holland Local Plan, 2006.

- 8 Before development commences on site further details relating to the improvement of the existing vehicular access to Counter Drain Drove, including materials, specification of works and construction method shall be submitted to the local planning authority for approval. The works shall include widening of the existing private roadway in the vicinity of the Counter Drain Drove access to allow two-way movements of articulated Heavy Goods Vehicles. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: To allow articulated Heavy Goods Vehicles to turn safely off and onto the public highway and to allow an articulated Heavy Goods Vehicle departing from the permitted development to wait on the access road in the event that there should be another, inbound vehicle arriving at the same time in the interest of highway safety.

This condition is imposed in accordance with Policies SG13, SG15 and SG17 of the South Holland Local Plan, 2006.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (amended) (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, hardstandings, footings, platforms, pavements, bunding, berms, earthworks or other engineering operations shall be constructed, installed or carried out on site other than in accordance with the approved details of this planning permission.

Reason: To protect the character of the countryside and the visual amenities of the locality and also to retain the value of the land for agriculture and wildlife, as the site is located in an area of open countryside where development other than agriculture would not normally be permitted.

This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 and advice within Section 11 of the National Planning Policy Framework, 2012.

- 10 No delivery of energy crops or beet pulp to the Site shall occur until a detailed scheme for the control of pests and vermin has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall in particular provide for:

- i. measures to reduce the attractiveness of the Site to pests and vermin, including maintenance of secure silage store areas;
- ii. a timetable for the prompt implementation of appropriate control measures in the event that a pest control problem becomes apparent, with details to be provided to the Local Planning Authority upon implementation of the measures.

Following its approval the Site shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure that appropriate measures are in place to control the possible effects of pests and vermin.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 11 Prior to the Commencement Date the operator shall submit an odour management scheme for the approval in writing of the Local Planning Authority. The submitted scheme shall be designed to ensure that operations are carried out in such a way that odour is minimised so far as is reasonably practicable and that best practicable means are employed to avoid the creation of a statutory nuisance, including implementation of the following measures:
- i. management of stored feedstock materials to reduce odour emissions;
 - ii. measures to ensure that all personnel recognise the importance of odour reduction and that relevant personnel are aware of how to control odour emissions;

b. Following its approval the Site shall thereafter be managed in accordance with the approved scheme.

Reason: To reduce the impact on local amenities of odour arising from Site operations.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 12 Prior to the Commencement Date the operator shall submit a dust management scheme for the approval in writing of the Local Planning Authority. The submitted scheme shall be designed to ensure that operations are carried out in such a way that dust is minimised so far as is reasonably practicable and that best practicable means are employed to avoid the creation of a statutory nuisance. Following its approval the Site shall thereafter be managed in accordance with the approved scheme.

Reason: To reduce the impact on local amenities and air quality of dust arising from Site operations.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 13 With the exception of running the generators and normal continuous running of the anaerobic digestion process no operations hereby permitted shall be undertaken at the Site, except during the following hours:

Mondays to Fridays 07.00 to 19:00 hours

Saturdays: 07.00 to 13.00 hours

Sundays / Bank Holidays - not at all.

Reason: To reduce the impact on local amenities.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 14 Prior to work commencing on site a detailed landscape, habitat and site management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscape areas and details for habitat enhancement and protection (and including a monitoring programme) shall be submitted to and approved in writing by the Local Planning Authority. The landscape and site management plan shall thereafter be carried out in full accordance with the approved details in accordance with timings to be approved before work commences on site.

Reason: To ensure that site maintenance is not detrimental to use of the land by protected species/other wildlife and to ensure effective long term landscape and site management to assimilate the proposal into its countryside context.

This condition is imposed in accordance with advice within Section 11 of the National Planning Policy Framework, 2012.

- 15 Noise from fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute LA(eq) at any residential boundary not within the applicant's ownership.

Reason: To safeguard the amenity of nearby residents.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

- 16 The feedstock materials for the anaerobic digestion plant shall be restricted to energy crops and sugar beet. No waste products shall be processed at any time.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 17 No machinery shall be operated, no processes shall be carried out and no deliveries shall be taken at or dispatched from the site outside the hours of 7am - 7pm Monday - Friday, 7am - 1pm Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 18 Before the commencement of the development hereby permitted, the measures within the submitted odour documents shall be fully implemented and all the measures detailed in force at all times the plant is operated.

Reason: To ensure that there is no odour nuisance to nearby residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

- 19 Details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

- 20 The development hereby permitted shall be carried out in general accordance with the measures set out in the approved Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 21 Before the commencement of the development hereby permitted beyond oversight, a scheme of hedge planting for the boundaries of the site including details of positions, heights on planting and species shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All hedging shall be maintained by the owner or owners of the land on which they are situated for the period of ten years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development includes boundary hedge planting, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

- 22 Notwithstanding the approved plans there shall be details submitted detailing the stand-off distance of a minimum of 7.5m from the propane tanks shown on drawing L-BRA-144-

SLPP and the AD Plant and associated structures.

Reason - In the interests of the good planning of the site.

- 23 Before the commencement of the development hereby granted beyond oversight, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 24 Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the premises shall be used only as an Anaerobic Digestion Plant and for no other purpose (including any other purpose in Class(es) B1, B2, B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To ensure that the Local Planning Authority retains control over the future use of the premises/site in the interests of the open countryside and the amenity of neighbours.

- 26 Notwithstanding the hereby approved plans no flue or chimney shall be installed or erected on the site before full details including scale drawings and full specifications has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over the future development and use of the premises/site in the interests of the open countryside and the amenity of neighbours.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

Notes:

The Local Planning Authority has acted positively and proactively in determining this

application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.

The development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

This planning permission is subject to a Unilateral Undertaking Agreement under Section 106 of the Town & Country Planning Act 1990 dated 12 April 2017 and can only be implemented as a consequence of meeting the provisions of that Agreement



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.