

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 4
Application No: 15/00781/73AM
Parish: Sand Hutton Parish Council
Appn. Type: Major Non Compliance Conditions
Applicant: JFS Gravel Pit Farm Biogas Ltd
Proposal: Variation of Condition 05 of application 14/00709/MFUL as allowed by appeal APP/Y2736/A/14/2226293 dated 26.05.2015 to allow an increase of 6,500 tonnes of grass silage feed stock per annum to give a total of 20,000 tonnes of grass silage feed stock per annum in addition to the 12,150 tonnes of Cattle FYM and 900 tonnes of chicken manure per annum
Location: Gravel Pit Farm Sand Hutton York North Yorkshire YO41 1LN

Registration Date: 3 July 2015
8/13 Wk Expiry Date: 2 October 2015
Overall Expiry Date: 19 September 2015
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Highways England	
Health And Safety Executive	Does not advise on safety grounds against the granting of planning permission
Parish Council	Object
Countryside Officer	No comment to make on this application
Environmental Health Officer	No objection
Tree & Landscape Officer	No views received to date
Head Of Planning Services	No views received to date
NY Highways & Transportation	No objection
Highways England	No objection
Sustainable Places Team (Yorkshire Area)	No objection
Land Use Planning	No views received to date
Northern Gas Networks	No views received to date

Neighbour responses: Ms Carol Rodgers, Mrs Susan Conyers, Mr Charlie & Mrs Michelle Kimmings, Mr Robert Wilson & Mrs Rosie Thornton, Mr Richard Steele, Lynne Pearce, A And B Atkinson, Mrs Gillian Moss, Mr Colin Garner, Mrs Sara Esler, Mr Brian Kingston, Mr Philip Moss, N And T Magson, Eilis Burrows, M Shepherd, RW And RE Miers, Mr J Short, C & P Pacitto, E A White, Susan And Norman Maitland, Dr P Orton, Dr C Hall, Mr And Mrs K A Freeman, Mr Michael Young,

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SITE:

Gravel Pit Farm is located just over 1km west of Sand Hutton and the supporting information (submitted with original application) states that the application site is part of a collection of farms comprising a holding of some 5,250 acres spread across various sites in the North Yorkshire area. Gravel Pit Farm has a farmhouse and a range of traditional and modern farm buildings. The agent has stated the farm as having 800 acres of arable land. This land is used predominately for grain and root crop, hay and silage.

The application site itself is located on a field immediately west of the farmstead. The site extends to 4.37ha and is bounded to the south, east and west by dense conifer plantation. The farm is currently accessed by a farm track from the road which links the A64 to Sand Hutton.

The surrounding area is predominately agricultural, with the farmstead being located approximately 1km from the A64. Less than 1km to the south-west of the farm is the Sand Hutton Applied Innovation Campus - a 27,800m² facility which houses businesses engaged in agriculture, food, biotechnology and science fields, including the HQ of the Food and Environment Research Agency. Sand Hutton itself is around 10km north-east of York, with a population of just under 200. The village has a distinctly rural feel, characterised mainly by detached houses on generous plots with a substantial spread of mature trees throughout the village. The village is located within the Parish of Claxton and Sand Hutton, with the majority of it being within the Sand Hutton Conservation Area. It contains three listed buildings, including Grade II Listed St Mary's Church, Stank Bridge and Dovecote, as well as the Scheduled Ancient Monument of St Leonard's Church.

PROPOSAL:

Planning permission is sought for the variation of condition 05 of application 14/00709/MFUL as allowed by appeal APP/Y2736/A/14/2226293 dated 26.05.2015 to allow an increase of 6,500 tonnes of grass silage feed stock per annum to give a total of 20,000 tonnes of grass silage feed stock per annum in addition to the 12,150 tonnes of Cattle FYM and 900 tonnes of chicken manure per annum.

Condition 05 of appeal APP/Y2736/A/14/2226293 states:

"The annual input of feedstock into the development hereby approved shall not exceed the following, unless otherwise agreed in writing by the Local Planning Authority:

- *Cattle FYM - 12,150 tonnes*
- *Chicken Manure - 900 tonnes*
- *Grass Silage - 13,500 tonnes*

Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request".

The agent states that the grass silage will be grown at Gravel Pit Farm, and the additional digestate spread at Gravel Pit Farm. Furthermore the agent has stated that there are no additional requirements for storage at Gravel Pit Farm to accommodate the proposed additional grass silage. A draft Digestate Management Plan (DMP) has been submitted with the application, which seeks to demonstrate that the digestate produced by the AD plant including the additional grass silage can be spread on the arable land at Gravel Pit Farm.

This application has been screened in accordance with The Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and it has been confirmed that it does not constitute EIA development.

HISTORY:

The most relevant planning history relating to the site includes:

14/01073/MFUL - Application approved by the Local Planning Authority for the Installation of an anaerobic digestion and combined heat and power plant to include 3 no. tanks, ancillary structures, silage clamps and digestate storage lagoon.

14/00709/MFUL - Application allowed on appeal following a non-determination appeal for the Installation of an anaerobic digestion and combined heat and power plant to include 3 no. tanks, ancillary structures, silage clamps and digestate storage lagoon.

03/00250/FUL - Change of use of agricultural buildings and land for use as wholesale fruit and vegetable business - Approval

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

National Anaerobic Digestion Strategy and Action Plan (NADSAP) 2011

Ryedale Local Plan Strategy (2013)

Policy SP1 - General Locations for Development

Policy SP9 - Land Based Economy

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 - Managing Air, Land and Water Resources

Policy SP18 - Renewable and Low Carbon Energy

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

Introduction

It has been considered that due to the level interest in this submission and in the previous two planning applications, together with the need to facilitate a decision within the initial statutory time period (ending 2 October 2015), this application should be considered at a Special Planning Committee meeting.

Members will note from the history that there has been two previous applications for an Anaerobic Digester on the site. Both these applications were identical. There were considerable delays with the first application due to a dispute regarding whether the application was a District or County planning matter which centred on the level of imported manure to Gravel Pit Farm. PINS finally determined that the proposal was a District matter. PINS had jurisdiction over the first application that had been the subject of a non-determination appeal because of the aforementioned delays. The Local Planning Authority retained jurisdiction over the second application, which was approved by Planning

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Committee at its February meeting this year. This approval was the subject of detailed planning conditions to tightly control the development. Despite obtaining an approval from the LPA the applicants continued with the non-determination appeal as they disagreed with 5 conditions that the LPA had imposed. One of these conditions was condition 05, the subject of this application. The other conditions related to :

- Condition 4: the sourcing of feedstock;
- Condition 9: the deposition of mud on the highway;
- Condition 10: HGV routing proposals; and
- Condition 13: requirement for a Digestate Management Plan(DMP).

The Inspector allowed the appeal and granted planning permission, and of the conditions challenged only condition 9 above was not considered to be necessary by the Inspector. Condition 05 remained as originally approved and drafted by the Local Planning Authority.

In regard to any change in the tonnages specified in Condition 05, Para 23 to Appeal decision APP/Y2736/A/14/2226293 states:

Para 23 *"As it stands, the condition permits the submission of a schedule to the Council for approval in writing, when a change is proposed. This would allow the Council to either accept the change having considered the implications or decline to accept the change by informing the Appellants that it would constitute a material change in the permission. On balance this seems a sensible approach, although I do accept it does not offer the flexibility the Appellants would like and it would mean a little extra work for both main parties. Again, I am satisfied that the draft condition would meet the tests espoused in the PPG and is appropriately worded".*

Officers met the agent and developer in June 2015 to discuss the proposed amendment to the application. The agent considered the additional feedstock could be agreed by Officers without a formal application by virtue of the wording of paragraph 23 above. Officers took a contrary view that 6,500 additional tonnes of grass silage was a material change that required the submission of an a further planning application for consideration. It represents a 46% increase in the amount of grass silage to be used in the Anaerobic Digester and an increase of 24% in the tonnage material overall, (including cattle and chicken manure).

During the consideration of this application it was established by Officers when verifying the extent of the Gravel Pit Farm holding that Certificate B (ownership notification) had not been completed correctly. The agent has since amended his application and served notice on all three owners of the application site. The correct notices were served on 1 September 2015 and the revised Certificate B was received by the Local Planning Authority on 2 September 2015. In addition, the agent had been asked to provide a site location plan identifying the other land owned by the applicant, and shown in blue on the site location plan. This often occurs with agricultural development so there is an appreciation of the land holding. It was also considered important in this case due to the land required for spreading the digestate. The agent has not provided this additional information as he does not consider it necessary. A draft Digestate Management Plan has been submitted showing land where the digestate is proposed to be stored and spread. Officers have verified all but one of these fields (Field 44) as belonging to the owners of Gravel Pit Farm. The agent has confirmed that Field 44 is rented by the owners of Gravel Pit Farm on a rolling 5-year agreement, and has been since 2010. In the circumstances, Officers are satisfied that the land stated as being available for spreading the digestate is available to Gravel Pit Farm for the said purpose, and whilst preferable, it is not essential for the land to be identified in blue on the site location plan.

Conditions 09 and 12 of the second permission (granted on appeal) have been discharged by Officers. Condition 09 related to the routing of HGV construction traffic and the local Highway Authority raised no objection to the details submitted. Condition 09 related to a Digestate Management Plan.

Officers consulted the Environment Agency who did not object to the proposal, and also sought expert advice from England & Lyle (Planning Consultants) who independently confirmed the DMP was fit for purpose and advised Officers that the condition could be discharged. This application, if approved, relates to an increase in grass silage that was not accounted for within the information submitted to discharge condition 09. A revised DMP has been submitted with this application that addresses the increased feedstocks and additional digestate. However, it is the opinion of the Council Solicitor that as this application only seeks a variation to condition 05, (and that variation increases the feedstocks) a further DMP condition should be imposed if planning permission is granted for this application. This opinion has been disputed by the agent and the further views of the Councils Solicitor will be made at the meeting.

Within the appeal statement on the first application it was stated by the Inspector at para 21:

'However, the figures contained in the draft condition were expressed by the Appellants as maximum feedstock quantities for the AD plant.'

Many third party consultation responses have asked why the AD plant can now accommodate an extra 6,500 tonnes of grass silage in light of Para 21 above. The agent has stated in his letter dated 4 September 2015:

'The quantities of material debated at the hearing were based upon delivering a scheme which produced the quantity of gas and power that it was believed the infrastructure network could accommodate. It will be appreciated that there is no point in producing excess gas or electricity that cannot be accommodated in the local network.'

Since the Appeal Hearing (Appeal ref APP/2736/A/2226293) our clients have been in discussions with Northern Gas Networks and a Detailed Network Study has been undertaken. This has indicated a greater consumption of gas and our clients are simply trying to help meet that need. It is assumed that this will be recognised as a highly sustainable situation?'

Policy Background for Anaerobic Digestion Development

Paragraph 93 of the NPPF makes it clear that planning plays a key role in “supporting the delivery of renewable and low carbon energy and associated infrastructure.” Paragraph 96 goes on to state:

“In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

It goes on to state at paragraph 98 that when determining planning applications, local planning authorities should not require applicants to demonstrate overall need (noting that even small-scale projects provide a valuable contribution towards cutting greenhouse gas emissions) and approve applications if its impacts are, or can be made, acceptable.

Policy SP18 of the Ryedale Local Plan Strategy (2012) states those developments which generate renewable and/or low carbon sources of energy providing proposals:

- *Can be satisfactorily assimilated into the landscape or built environment;*
- *Would not impact adversely on the local community, economy or historical interests, unless their impact can be acceptably mitigated;*

- *Would not have an adverse impact on nature conservation, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on air quality, soil and water resources, unless their impact can be acceptably mitigated.*

Policy SP9 states that Ryedale's land-based economy will be sustained and diversified with support for new buildings that are necessary to support land-based activity and a working countryside, including for farming, and appropriate new uses for land including energy production.

Para 98 of the NPPF advises that the utilisation of manure and crops produced on farms for anaerobic digestion can play a role as an efficient process in the capture and treatment of waste material and can help play a role in reducing greenhouse gas emissions. In addition the use of digestate as a fertiliser for spreading on agricultural land again offers benefits as it is nitrate rich, and it does not result in odours like the conventional spreading of untreated manure. Finally the biogas resulting from the AD process has clear, significant benefits in that it provides a low carbon form of heat and power which contributes towards reducing emissions.

The proposed AD plant would utilise raw materials which are currently a by-product of farming practices to generate heat and power to Gravel Pit Farm through the Combined Heat and Power Plant. It considered that AD technology is at the forefront of the Government's drive to increase the provision of renewable energy whilst also dealing with waste products. The proposed development accords with the 'presumption in favour of sustainable development' set out in the NPPF and Policy SP19 of the Ryedale Local Plan Strategy. In summary, the principle of the development has already been anchored by grant of earlier planning permissions for the AD plant, the impact of the proposed variation are discussed below.

Key Considerations

The main issues in the consideration of the proposed variation of condition 05 are:

- *Pollution/amenity (Noise and Odour); and*
- *Highway safety;*

Pollution/Amenity (Noise/Odour)

Policy SP20 states that, “*new development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*”

In terms of amenity impacts, the two likely sources of impacts that could arise due from noise and odour. From a physical/visual impact, the application site is over 1km from the closest residential properties of Sand Hutton. Given the scale and siting of the proposed development, is unlikely to result in loss of privacy or be overbearing on local residents, and in this respect it is no different to the approved scheme.

A Noise Impact Assessment prepared by Resource and Environmental Consultants (REC) Ltd (dated 5 September 2014) was submitted in respect of the first application and at the request of the Council's Environmental Health Officer an updated noise report was submitted dated 8 January 2015. The reports concluded that the assessment identified that the total noise rating level from the proposed plant falls below the adopted noise criteria at the closest dwelling and as such there is no need for mitigation measures. The Assessment examines the impact from the proposed AD/CHP facility at the closest residential receptor – located beyond the southern boundary of the Site equidistant back from

the road relative to White Syke Farm. The main source of noise was from distant road traffic using the A64. There was also an assessment undertaken of the proposed conditioning plant. The Council's Environmental Health Officer responded on 29 January 2015 to the first application indicating there are no objections subject to conditions restricting feedstock to animal manure and crops only and requiring their storage only in the feedstock clamps, main and secondary digestion tanks and the digestate storage lagoon. In respect of noise on the proposed variation of Condition 05, the Environmental Health Officer has stated that because it was assumed that the gas production would be a continuous operation, there is not requirement for an updated noise assessment. The other conditions as agreed by the Inspector are recommended to be imposed if this application is approved.

In respect of odour, an Odour Assessment prepared by REC Ltd dated 5th September 2014 was submitted to the Council in support of both the original and subsequent application. The Odour Assessment sets out potential odour emissions being defined based upon the proposed plant operation and monitoring undertaken of materials similar to those used on site which were represented within a dispersion model. The Assessment quantified impacts at sensitive receptor locations in the vicinity of the site. The results compared with the EA odour benchmark level and the significance of impacts was assessed in accordance with IAQM guidance.

The Assessment concludes that predicted odour concentrations were below the relevant EA odour benchmark level at all receptor locations. The significance was defined as negligible at all but one sensitive receptor. The overall odour effects as a result of the proposed development are considered by the Assessment to be low.

The Council's Environmental Health Officer initially requested an updated Odour Assessment to take account of the increased grass silage usage, particularly in relation to the:

- Silage transfer route between the silage clamp and feed hopper (this was assessed on the basis of being carried out for 2 hours a day in the original assessment); and
- Agitated silage within the feed hopper (this was also assessed as a 2 hours a day activity).

A letter was forwarded by the agent to Officers dated 4 September 2015 from REC who undertook the original Odour Assessment. In their opinion a further assessment is not required and they provided reasoned justification for this. A further email was submitted by Mr Steve Barker (agent) dated 7 September 2015 re-affirming in his opinion that there is no need for such an assessment. Those acting for the applicant's have concluded that, even taking a worst case scenario and using maize rather than grass silage (maize is considered to be the most odorous silage, $20\text{ou}_E\text{m}^3$ as opposed to $0.5\text{ou}_E\text{m}^3$ for grass silage) with the maximum odour at any receptor being $0.69\text{ou}_E\text{m}^3$ below the benchmark of $3\text{ou}_E\text{m}^3$ and lower benchmark of $1.5\text{ou}_E\text{m}^3$. The agent and his Odour Consultant have therefore maintained that the production of an updated Odour Assessment is not necessary. The Council's Environmental Health Officer has considered their response and confirmed that there is no requirement for an updated Odour Assessment and furthermore the Environmental Health Officer raises no objection to the proposal.

The movement, management, storage and disposal of manure is a common operation within farming enterprises. Given that the quantities of waste utilised by the proposed development are already brought onto the site (or could be brought onto the site without planning control) it is considered that subject to conditions controlling this, that odours are unlikely to be beyond existing levels and therefore unlikely to have a significant detrimental impact on the amenity of surrounding residents.

In terms of the 'end-product', the digestate is inert and does not result in malodours. Indeed its use for spreading on arable land would actually reduce existing odour levels where raw manure is currently spread. It is not considered that this additional amount of digestate will be detrimental to the occupiers of properties in the locality.

The Environment Agency has confirmed no objection to the proposed increase in grass silage. They have indicated that an Environmental Permit, in accordance with their regulations will be required. The purpose of the Environmental Permit is to offer regulatory control over the management of the operation and to limit the potential for emissions in respect of odours, noise, groundwater pollution etc. National Policy Guidance (National planning Policy for Waste 2014) makes clear in paragraph 7 that local authorities in determining planning applications should, "*concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities.*"

In view of the above, there are considered to be no sustainable objections to the proposal in terms of noise or odour, or in terms of the potential impact of the proposal upon the amenities of occupiers of properties in the locality.

Highways

In regard to the earlier two planning applications for the AD plant the agent stated on the 20 January 2015, as follows:

- *100% of the feedstocks will be sourced from crops grown at Gravel Pit Farm, as well as manure deposited on Gravel Pit Farm as part of the farms collective operations across its bases previously identified*
- *Silage production at Gravel Pit Farm varies year-on-year*
- *Approximately 2,430 tonnes per annum of FYM from approximately 200 cattle is produced from Gravel Pit Farm*
- *No chicken manure is produced from Gravel Pit Farm*
- *Approximately 2,000 tonnes per annum of silage is imported to the site*
- *Approximately 9,720 tonnes per annum of FYM is imported to the site from 800 cattle across the farms operations*
- *Approximately 900 tonnes per annum of chicken manure is imported to the site from the farms operations*
- *Articulated HGV's are used to import and export manures and silages with approximate loads of 29 tonnes, therefore 9,720 imported tonnes per annum equals less than 1 trip per day over a year*
- *The importation of chicken manure results in 31 vehicle trips per annum*
- *The imported material comes from:*
 - *Smaws Farm, Tadcaster - 20 miles*
 - *Landmouth Hall, Kirby Sigston - 36 miles*
 - *High House Farm, West Harlsey - 41 miles*
 - *Goosecroft Farm, East Harlsey - 42 miles*
 - *North Lowfields Farm, Kirby Fleetham - 47 miles*
- *The current arrangements for the importing of material would continue*
- *The sources of the feedstock would be the same and importation would carry on as currently*
- *Approximately 800 acres would be utilised at Gravel Pit Farm for spreading.*

On this basis the local highway authority had no objections to the original identical applications.

Policy SP20 states in relation to highway safety that "*access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists*".

The agent contacted Highways England and NYCC regarding the proposed amendment who raised no objection. Their response to the agent's pre-application enquiries are included within the submission, and the agent states within his supporting letter dated 3 July 2015:

"Although we expressed our intention to produce all the additional feed stock at Gravel Pit, they have assessed the proposal on a worst-case scenario in that all the additional tonnage is to be imported to Gravel Pit Farm. They have concluded that if this were the case, it would not have an adverse impact upon the safety or capacity of the local highway network. To put the worst case scenario into context 6,500t would equate to less than one additional HGV movement on the network every day".

In response the Case Officer's questioned the frequency of such movements, if the silage was imported to the application site. The agent stated within his letter of response dated 4 September 2015:

*"To be absolutely clear we are proposing using additional grass silage grown on Gravel Pit Farm as shown in the submission. **There will be no increased traffic movements to the farm as a result of this proposal.** The Highway Authority and Highway Agency are both satisfied on this point".*

Highways England and the local Highway Authority have confirmed that they have no objection to the additional 6,500 tonnes of grass silage. As such and even on the worst case scenario of the grass silage being imported, the highway network can adequately accommodate the additional traffic. Furthermore, if the grass silage were to be imported, Condition 04 limits the locations from where such grass silage could be imported from, namely:

- Smaws Farm, Tadcaster
- Landmouth Hall, Kirby Sigston
- High House Farm, West Harlsey
- Goosecroft Farm, East Harlsey
- North Lowfields Farm, Kirby Fleetham
- Gravel Pit Farm, Sand Hutton

It is also noted that Condition 06, (which is also recommended to be repeated if the application is approved) prevents the export of any digestate from Gravel Pit Farm.

In view of this, there are considered to be no sustainable highway related objections to the proposed development.

It is not considered appropriate to repeat Condition 12 (routing of construction vehicles) as this condition has already been discharged and there are no changes proposed on this application to affect the construction of the AD plant, unlike the DMP condition. A condition is however, recommended to ensure the construction traffic is routed in accordance with the details previously submitted to discharge condition 09.

Other issues

There are no physical changes to the approved scheme that will adversely affect the visual impact of the AD plant. Furthermore, there are not considered to be any changes proposed to the approved scheme that are considered to have any material change in terms of the impact upon biodiversity and ecology. The Council's Countryside Management Officer raises no objection to the proposal.

There is no objection to the proposal from the Health & Safety Executive in regard to the proximity of underground pipework.

The site is not located within a flood zone, and the proposal is not considered to be at any unacceptable risk of flooding. Neither is the proposal considered to be likely to have an adverse effect upon ground water pollution, and there are no changes to the storage facilities at the site. The Environment Agency, as advised above, do not raise objection to the proposal.

Third party comments

The Parish Council has objected to the application, and there have been 24 letters of objection received, raising the following issues:

- Traffic and highway safety;
- That the AD plant will operate longer and more intensively;
- Noise and odour;
- The credibility and integrity of the application;
- Incremental creep of the AD plant;
- Nuisance and pollution;
- Landscaping and screening from the A64, Public Right of Way and from the villages of Sand Hutton and Claxton;
- That the applicant had previously stated maximum feedstocks for the AD plant, as quoted in para 21 of the Appeal Decision;
- The frequency of vehicle movements associated with the additional grass silage;
- The length of the time the digestate could be stored at the site;
- A suggestion that the owner of Gravel Pit Farm bought an additional farm in the locality;
- A request that all figures provided by the applicant/agent are independently verified;
- Insufficient land to accommodate the level of nitrogen produced;
- Impact on FERA/CAPITA site;
- The presence of a cordon sanitaire around the FERA/CAPITA site;
- Is there an increase in storage capacity required?;
- A suggestion that alternative technology could require less grass silage; and
- That the land at Gravel Pit Farm is not capable of yielding sufficient grass silage.

The appraisal above has already addressed the issues of: traffic and highway safety; frequency of vehicle movement; noise and odour; and potential nuisance and pollution.

The comments about the maximum feedstocks that the AD plant could accept is also mentioned above along with the agent's response. It is noted that the AD plant will be operating more intensively than approved with the additional grass silage but this is not in itself a reason for refusal. The impacts associated with this have been appraised (see above) and there are considered to be no sustainable planning objections to this. The LPA has verified the land ownership of the land associated with Gravel Pit Farm. It is not considered that there is any need to independently verify other information on this application. The agent has confirmed that there are no additional plans to amend the AD plant at the present time. The agent is content that there is sufficient storage at the site for the digestate and there are tightly worded conditions to control the storage and spreading of the digestate. The comments about the amount of arable land required for spreading the digestate, the grass silage yield from the site; and the capability of the arable land to accommodate the nitrogen produced are noted, but these opinions are not supported by the responses from technical consultees. The DMP for the approved scheme has been independently checked by a consultant, and the agent is confident that the arable land at Gravel Pit Farm can produce the additional grass silage and accommodate the additional digestate. The conditions as approved and recommended on this application to be imposed are tightly worded to control this. No objections have been received from FERA/CAPITA. It is noted that representatives from FERA were involved in preparing the National Anaerobic Digestion Strategy and Action Plan (NADSAP) 2011. Officers are not aware of any such 'cordon sanitaire' around the FERA/CAPITA site for planning purposes. The use of alternative technologies is not a material consideration. The agent has already stated that no further storage facilities are required at the site. Condition 8 below, as already approved is recommended to ensure additional planting between the proposed AD plant and the existing plantation. No additional planting was imposed in relation to the existing public right of way or in respect of the village of Sand Hutton and Claxton, and it is considered to be unreasonable to impose such a condition on this application.

Conclusion

It is considered that having regard to all relevant development plan policies and all other material planning considerations, the proposed development is considered acceptable subject to the conditions set out below.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before 3 years from the date of this permission.

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Site Location plan received by the LPA on 30 September 2014
- Landscaping Plan (File Ref. 148 Drg.01) received by the LPA on 06 January 2015
- 14T661-100 Rev P7 received by the LPA on 30 September 2014
- 14T661-600 Rev P6 received by the LPA on 30 September 2014
- Design and Access Statement received by the LPA on 30 September 2014
- Planning Statement received by the LPA on 30 September 2014
- Noise Assessment received by the LPA on 30 September 2014
- Odour Assessment received by the LPA on 30 September 2014
- Flood Risk Assessment received by the LPA on 30 September 2014
- Phase 1 Ecology Report Rev 2 dated 13 January 2015

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

- 3 No feedstock shall be used in the development hereby approved other than farmyard manure, chicken manure and grass silage.

Reason:- In the interests of highway safety and to protect nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 No feedstock shall be used in the development hereby approved other than that sourced from the following locations:

- Smaws Farm, Tadcaster, LS24 9LP
- Landmoth Hall, Kirby Sigston, DL6 3TF
- High House Farm, West Harsley, DL6 2PR
- Goosecroft Farm, East Harsley, DL6 2DW
- North Lowfields Farm, Kirby Fleetham, DL7 0SY
- Gravel Pit Farm, Sand Hutton, Y041 1LN

Reason: In the interests of highway safety and to protect nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 The annual input of feedstock into the development hereby approved shall not exceed the following, unless otherwise agreed in writing by the Local Planning Authority:

- Cattle FYM - 12,150 tonnes

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- Chicken Manure - 900 tonnes
- Grass Silage - 20,000 tonnes

Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request.

Reason:- In the interests of highway safety and to protect nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 No digestate resulting from the development hereby approved shall be exported from Gravel Pit Farm unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of highway safety and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 No feedstock and/or digestate associated with the development hereby approved shall be stored on site other than in the feedstock clamps, main and secondary digestion tanks, and digestate storage lagoon.

Reason:- In order to comply with the development hereby approved and to prevent mal odour, pollution of the local environment and to protect the character and appearance of the area. The condition is thereby required to meet the requirements of Policies SP17 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 The landscaping of the site shall be carried out in accordance with the approved landscaping plan reference 148.01 and all landscaping shall be maintained in accordance with the approved landscaping plan for the lifetime of the development hereby approved.

Reason:- In order to protect the character and appearance of the area and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Unless otherwise approved in writing by the Local Planning Authority, the development hereby approved shall only be undertaken in accordance with the construction vehicle routing details submitted and agreed to discharge Condition 09 of approval APP/Y2736/A/14/2226293 by virtue of application 15/00655/COND.

Reason:- In the interests of highway safety and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 All mitigation measures set out in the Phase 1 Ecology Report Rev.2 prepared by Naturally Wild Consultants Ltd dated 13/01/15 shall be implemented and retained in accordance with the details set out in the Report for the lifetime of the development hereby approved.

Reason:- In order to take full accord of protected species that may be using the site and to satisfy Policy SP14 of the Ryedale Plan - Local Plan Strategy.

- 11 No gas resulting from the development hereby approved shall be tankered offsite unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of highway safety and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 No development shall commence until a Digestate Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details on the

storage of digestate, locations for the spreading of digestate and quantities of digestate to be spread, a soil sampling schedule, digestate sampling and analysis and measures to ensure adherence to Nitrate Vulnerable Zone regulations. Thereafter the development hereby approved shall be carried out in accordance with the agreed Digestate Management Plan.

Reason:- In order to minimise potential odour and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 13 Details of the location, height, design, hours of operation and luminance of external lighting for the development hereby approved (which shall be designed to minimise the potential nuisance of light spillage on neighbouring properties and highways), shall be submitted to and approved in writing by the Local Planning Authority before any external lighting is used on site. Any scheme that is approved shall be implemented for the lifetime of the development hereby approved and retained in a condition commensurate with the intended function.

Reason:- In order to protect the character and appearance of the area and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 14 Within 25-years of the completion of construction of the development, or within 6-months of the cessation of gas production from the development, whichever is the sooner, the development hereby approved shall be dismantled and removed from the site in its entirety. The operator shall notify the local planning authority no later than five working days following cessation of power production. The site shall subsequently be restored to its former condition in accordance with a scheme and timetable that has been submitted to the local planning authority for written approval no later than 3-months from the cessation of power production.

Reason:- To protect the character and appearance of the area and to ensure that the development is only retained when it is operationally required and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties