

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 July 2017

Report of the Strategic Director – Economy, Transport and Communities

- (A) **ERECTION OF AN ON-FARM ANAEROBIC DIGESTION PLANT, FOR THE PROCESSING OF AGRICULTURAL MANURES, CROP AND CROP RESIDUES, WITH A TOTAL FEEDSTOCK CAPACITY OF 17,500 TONNES PER ANNUM, TOGETHER WITH WEIGHBRIDGE, COMBINED HEAT AND POWER UNIT; CONCRETE APRON; WOOD DRYING SHED; LANDSCAPING; MODIFICATIONS TO ACCESS; RE-PROFILING OF GROUND LEVEL; AND ASSOCIATED INFRASTRUCTURE ON LAND AT DERBY HILLS FARM, SPRINGWOOD, SOUTH DERBYSHIRE
CODE NO: CW9/0416/9**
- (B) **MEANS OF ACCESS, PROVISION OF PARKING BAY AND ASSOCIATED SCREENING ONLY TO SUPPORT AN ANAEROBIC DIGESTION PLANT ON LAND AT DERBY HILLS FARM, SPRINGWOOD, SOUTH DERBYSHIRE
APPLICANT: THORNFIELD 005 LIMITED
CODE NO: CW9/1216/78**

9.1592.2 and 9.1592.3

Introductory Summary

Planning permission is sought for two interrelated applications comprising (A) an on-farm anaerobic digester (AD) plant, associated plant and equipment and associated wood drying shed and (B) a vehicular access on land belonging to Derby Hills Farm, Springwood, South Derbyshire.

The AD plant feedstock would comprise farm manure (3,000 tonnes (T)), crop residues and crop feedstock (biomass – 14,500T) to produce digestate (a form of fertiliser) and gas which would be utilised to generate renewable energy in the form of both electricity and heat. The proposal secures a sustainable management system for the treatment of the farm manures. The on-farm manure and biomass would be sourced from the Derby Hills Farm and nearby farms in the area and the digestate produced would be subsequently spread on those farms. Heat produced will be used in a proposed wood drying shed on the site. Electricity produced (up to 1,000 Kilowatts (KW)) would be supplied to the National Grid. Vehicular access to the site would be obtained directly off the B587 road, following highway safety improvements, and along an upgraded existing field access track.

The applications are considered to be in accordance with local and County development plan policies, as well as guidance and policy contained in the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW), and are recommended for approval subject to planning conditions.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** This report refers to two separate but related applications as referred to above. The means of access application was submitted following the requirement, on the part of the Highway Authority, to include land outside control of the applicant for use as passing bays along the haul road but which could not, for procedural reasons, be included as part of the main AD plant application. Given that the applications are inextricably linked, a joint report has been produced. Where issues are different they are identified. Consultees comments will relate to both applications and have been considered as such. Should Members approve the applications then two separate decision notices will be issued.

The Site

The proposed site as stated in the application form is 1.1 hectares (ha) in size and forms part of the Derby Hills Farm complex located in Springwood. The application site comprises part of a single agricultural field currently in arable use, located immediately adjacent to a group of large modern agricultural outbuildings. The site is surrounded by woodland planting and is separated from the main complex of Derby Hills Farm, which is approximately 500 metres (m) to the west of the site, and by a reservoir.

The site is approximately 1.5 kilometres (km) south of Melbourne. Staunton Harold Reservoir is approximately 135m to the west of the site and the Severn Trent Water works are approximately 500m to the north. Approximately 400m to the east is a camping/caravanning site which contains two fishing lakes. The submitted information indicates that the feedstock source will originate from the farm enterprise itself comprising manure from 150 cows, 324ha arable, 40ha maize for cows and 40ha pastoral.

The B587 Staunton Harold Road, which connects Melbourne with Ashby-de-la-Zouch, is approximately 500m to the east of the site. Vehicular access to the site is obtained via an existing 500m farm access track and is the subject of a separate application. A public footpath (Melbourne FP32) runs from the B587 along the access track to the farm buildings, but terminates at the eastern edge of the woodland to the west of the site. The site is within the administrative boundary of South Derbyshire District Council (SDDC) close to its boundary with North West Leicestershire District Council, approximately 125m to the south. The site does not lie within the Green Belt.

There are no cultural heritage designations within the site, although a number are located close by. Designated heritage assets in the vicinity of the site include the Registered Parks and gardens of Calke Abbey (grade II*), Melbourne Hall (grade I) and Staunton Harold Hall (Grade II*) which are approximately 350m to the west, 1.8km to the south and 2km to the north-east respectively. Within these parks are numerous Grade I, Grade II* and Grade II listed buildings including Calke Abbey (Grade I). Other Grade II Listed Buildings within the area include Springwood Farm, which is 980m to the south-east; Common Farmhouse, 1.1km to the north-east. The Grade I Listed Church of St. Mary and St. Hardulph is situated between the Scheduled areas of 'The Bulwarks' at Breedon on the Hill and is approximately c.2.5km east of the Site.

Woodhouses Conservation area is to the north-east, whilst Ticknall Conservation Area is to the west. Melbourne Conservation Area is to the north of the Woodhouses Conservation Area and has 100 listed structures within it.

There are also a number of Scheduled Monuments within the vicinity of the site. These include the structural ruins and buried remains of a fortified manor complex dating from the 11th –14th century at Melbourne, approximately 2.1km to the north east of the site and 'The Bulwarks' earthworks at Breedon on the Hill approximately 2.5km to the east of the site within the administrative boundary of Leicestershire.

The planning application proposes the establishment of an AD, associated infrastructure and a wood drying shed. The development is summarised by the following:

- Importation of approximately 17,500T of locally sourced agricultural waste manure, crops and crop residue waste.
- Buildings and structures comprising the following: digester tanks, silage clamp, liquid intake tank, separator, flare stack, combined heat and power plant and container, transformer, weighbridge office, feedstock hopper, electrical sub-station, wood drying shed, concrete yard.
- Improvements to the internal access track from farmstead to the adopted highway;
- New hedgerow planting.
- 150mm deep swale.
- Cut and fill engineering works.
- Drainage.
- The AD plant will operate 24 hours a day, 7 days a week, other than for short periods of maintenance.

The proposal is for an on-farm AD plant that would use on-farm manure, crop residues and crop feedstock to produce gas that would be utilised to generate renewable energy in the form of electricity and heat. The proposal secures a

sustainable management system for the treatment of manures. The on farm manure would be sourced from the Derby Hills Farm and other nearby farms in the area. The digestate produced would subsequently be spread on those farms.

The proposed AD plant would have an installed capacity of up to 1,000kW of electricity which would be supplied to the National Grid (the point of connection to the grid is the existing overhead transmission cables within the farmstead near the entrance off the public highway). The heat generated by the Combined Heat and Power plant (CHP) cannot be used by adjacent buildings and, as such, the application incorporates a wood drying shed.

The feedstock “fuel” used for the AD process, is expected to use up to 17,500T per annum. This is broken down into 3,000T of manures and 14,500T from biomass. (Biomass is defined as plant and animal material, especially agricultural waste products, used as a source of fuel).

The detailed process would include the plant material being delivered to the site using a tractor and trailer, and unloaded into the silage clamp. The material would be covered with three layers of protective sheeting to form an airtight layer to minimise odour and to preserve the biomass. The cover would be slightly pulled back to allow access for a bucket loader to transfer the feedstock to the feed hopper for approximately 2 hours per day. The feedstock would be digested in the fermenter for around 40 days. The silage clamp would be replenished throughout the year in line with crop cycles. The liquid intake tank would typically be topped up circa 5 to 7 times a week with cattle manure.

Regarding output, the AD process would generate biogas which would be utilised by the CHP plant to produce electricity and heat. The electricity would be exported onto the local network and the heat (generated as a by-product from the CHP) utilised by the development itself. The applicant states that the layout and design increases the efficiency of the energy generation by 40% by capturing the heat and using it to dry both the digestate and wood. It is claimed that approximately 50% of the heat would be used to dry the digestate enabling a more efficient storage and transport solution. The remaining heat would dry timber for biomass heaters and would be run by the additional staff employed to operate the AD plant and would aim to utilise the sustainable wood resource within the local area.

The end product would be a commodity distributed to wholesalers by the pallet. The total amount of annual traffic generated by this activity is anticipated to be 150-200 tractor and trailer journeys per year. This would decrease if larger commercial vehicles were to be used.

The process is expected to produce up to 15,500T of solid and liquid digestate annually. This would be spread onto the local fields as high quality organic

fertiliser. The solid form would be processed through a screw press and loaded onto a tractor and trailer for use on the land holding and transportation to local farms. The liquid would be stored in a tank before it is spread on agricultural land during the permitted windows in March/April and July/August.

Site drainage would be managed by the use of several on site management and physical processes. The apron to serve the AD plant would be constructed of impermeable concrete to prevent the leaching of any silage spillage to the ground and contamination of the sub base and surface water. This would allow any spillages to be contained and cleaned. The concrete apron and the silage clamps would be served by a contained drainage catchment recovery system. All surface water run-off from these areas will be collected and fed into the digester tanks and recycled.

Surface water from all other parts of the site would soak into the ground and a contour swale is proposed to intercept runoff from the site. The swale would settle out silt and debris, and the vegetation would improve the water quality.

Site History

The development site forms part of the larger agricultural unit farmed by the farming partnership and forms the centre of the farming unit. The land previously formed part of the old Calke Mill Farm which became submerged when the reservoir lake was formed and surrounding land flooded. There is no Derbyshire County Council planning history apart from the access application which serves this development proposal. Recent district planning history for the site is set out below:

Planning Application reference	Development	Decision
9/2009/0364	Agricultural dwelling	Outline approved 2 July 2009 with reserved matters granted 12 August 2010
9/2009/0367	Extension to agricultural shed	Approved 2 July 2009
9/2004/0017	Mobile home for agricultural unit	Approved 2 March 2004

Environmental Statement

Prior to submission of the application and accompanying environmental statement, the applicant sought a screening opinion as to whether the proposed development constituted Environmental Impact Assessment (EIA) development under the Town and Planning (EIA) Regulations 2011 (EIA Regulations). Derbyshire County Council, as the Waste Planning Authority (WPA), concluded that there was the potential for the development to have a significant impact on the environment and as such, it was considered to be EIA development.

The application is accompanied by an Environmental Statement (ES) which comprises text and technical reports prepared by specialist consultants relating to alternatives, climate change, energy and planning policy, landscape and visual, ground conditions, hydrology and odour. Additional planning information was also submitted regarding heritage, ecology, flood risk, transport and arboriculture. The applicant has also submitted further information to the application and ES in response to the comments made by consultees and at the request of the Waste Planning Authority.

The ES comprises a Main Report (ES Vol 1), Technical Appendices (ES Vol 2) and a Non-Technical Summary (NTS). The main written statement comprises the following chapters summarised below.

Chapters 1, 2 and 3 contain an introduction, consider the assessment and scope of development and describe the development site. Chapter 2 - Assessment, Scope and Methodology identified the areas that would be scoped out of the ES. These include Flora and Fauna, Cultural and Archaeological Heritage, Traffic and Transport, Flood Risk Assessment. The application is, however, supported by an ecological report, heritage statement and a transport statement which are considered later in this report.

Additional information was submitted relating to landscaping, arboriculture, highways, heritage and air quality and protected species relating to Great Crested Newts (GCN). This was publicised under Regulation 22 of the EIA Regulations.

Chapter 4 describes the **proposed development and alternatives**. Under this chapter it was concluded that the final location of the AD plant was determined following a comprehensive site assessment of the farm and constraints affecting the proposal. It was concluded that the plant should be centrally located to the primary feedstock source resulting in a sustainable transport by minimising traffic movements and its impact on the highway network. Siting near to existing agricultural buildings and consideration of the natural topography and existing natural screening was deemed beneficial given the countryside location.

Alternatives focussed on the siting of the development within the farmstead and alternative layout/design considerations together with the “do nothing” approach.

It was concluded that the “do nothing” approach would result in the impacts associated with the development not occurring and the raw manure would continue to be spread on the land. The “do nothing” approach was concluded not to provide any environmental benefits associated with the AD plant locally, nor provide an alternative income source for the farmer or provide a form of sustainable energy in the form of electricity and heat.

Regarding siting, operationally, it is an established practice to group agricultural buildings together.

Chapter 5 considers **agriculture, climate change, energy and planning policy**. This chapter is structured into three parts. The first examines why it is necessary and desirable to develop an on-farm AD plant. The chapter then goes on to provide a brief explanation of global warming and climate change and then summarises the extensive policy initiatives originating at the international, European and national levels to adapt human activities and to address the threat. Having set out this wider context, the final part of this chapter goes on to outline the relevant planning policy at the national and local level.

Chapter 6 of the ES considers **landscape and visual impact assessment**. The Chapter sets out how the proposal would be viewed in the landscape and how any impacts can be mitigated. The assessment was carried out in accordance with recognised professional guidance of the Landscape Institute and Institute of Environmental Management and Assessment. The report sets out the background to the assessment identifying relevant information relating to statutory and non-statutory designations and landscape settings, and considers the development plan policy context.

The assessment of visual effects was undertaken on the basis of viewpoint analysis. Viewpoints from different directions to the site and at varying distances and locations were selected to represent a range of views and visual receptor types. The viewpoints were representative, not exhaustive and were taken from publicly accessible land and not from any third party, private land. The viewpoints were used as the basis for determining the effects of visual receptors within the entire study area.

The ES concludes, subject to suggested mitigation and enhancement, the proposed development is able to fit into the receiving landscape without any significant effects upon its character at a national and local level. It considers that the majority of visual receptors have been assessed as not significantly affected by the development with the amenity of those visual receptors and the perception of the surrounding landscape prevailing with the development in place.

An addendum to this chapter was submitted in September 2016 and includes a landscaping plan.

Chapter 7 presents an assessment of the likely significant effects of the proposed development with respect to **hydrology and ground conditions**. Particular consideration was given to the likely significant environmental effects of an accident/leakage on the underlying geology and nearby surface water bodies. The work was conducted by independent specialist consultants. The chapter provides a description of the relevant baseline conditions of the

application site and the surrounding area and an assessment of the likely significant effects of the proposed development during construction and once the proposed development is completed and operational. Mitigation measures are identified, where appropriate, to avoid, reduce or offset any adverse effects, following which a summary of the residual effects of the proposed development is provided, having regard to the mitigation adopted.

In conclusion, the assessment of hydrology and ground conditions considered that the proposed development has the potential to result in effects to hydrology and ground conditions. However, it considered that with the implementation of the mitigation measures comprising both inherent design measures and additional control measures controlled through planning conditions, the effects would be reduced to acceptable levels.

Chapter 8 considers **odour and bioaerosol impact** during the operation of the AD plant. It is supplemented by an Air Quality Assessment submitted in September 2016 undertaken by independent environmental consultants.

The chapter provides a description of the relevant legislation and guidance, the baseline conditions of the application site, the surrounding area and an assessment of the likely significant effects of the proposed development when operational at sensitive receptors identified. Those identified were Kennel Cottages to the west at 415m, Coppice Nook Farm to the east/south-east at 600m, Staunton Harold Reservoir to the west at 185m, Springwood Fisheries at 450m to the east and Greenwood Days at 400m to the south-east.

Mitigation and enhancement measures are identified to avoid, reduce or offset any adverse effects, following which a summary of the residual effects of the proposed development is provided, having regard to the mitigation adopted.

The assessment of odour and bioaerosol concluded that the proposed development would have a negligible impact on identified sensitive receptors referred to above.

The applicant submitted further information following a request by the Waste Planning Authority regarding emissions from the CHP plant and likely emissions on the nearby Dimminsdale, Ticknall Quarries and Calke Abbey Sites of Special Scientific Interest (SSSIs). The report identifies the air quality legislation and planning policy, assessment methodology and significance including impacts on sensitive ecological receptors and human health. The report concludes that the results of the computer modelling indicates that the CHP plant would not have a significant detrimental impact upon local air quality and within ecological sites and the overall effect of the CHP plant on air quality is considered to be insignificant.

Other submitted documents

Other submitted documents not forming part of the ES included a heritage assessment, transport statement, flood risk assessment, aboriginal assessment, ecological report(s), design and access statement and planning statement. These are considered further, if and where relevant, in the 'Planning Considerations' section below.

Publicity

The application has been advertised by site notices which were posted on 26 May 2016 along with a hand delivered neighbour notification notice. A press advert was placed in the Derby Evening Telegraph on 26 May 2016.

A further press advert was placed in the Derby Evening Telegraph on 29 September 2016 in response to further submitted information to accompany the ES under Regulation 22 of the EIA Regulations and comments were requested by 20 October 2016. Likewise a further press notice was placed in the Derby Evening Telegraph and site notices erected on 2 June 2017, following further environmental information received relating to GCN.

Representations

Five representations have been received. These are summarised below.

- Concerns that landscape archaeology is not referred to in the archaeological consultant's report.
- Impact on wood craft outdoor training and tourism business.
- Impact on independent retailers, restaurants, pubs, local shops, farm shops and B&Bs.
- Impact on nearby campsite.
- Vehicular traffic impact.
- Highway safety concerns regarding access and speeding/overtaking already taking place on the road.
- Spillage of slurry waste between herd and AD plant.
- Visual impact.
- Noise impact.
- Odour pollution.
- Inappropriately located given the location of the herd from which waste is derived.
- Pollution risk to drinking water supply at Staunton Harold Reservoir adjacent.
- Impact on public footpath.

Consultations

Consultations were initially carried out on 18 May 2016. A further round of consultations was initiated on 29 September 2016 and 9 May 2017 in response to further submitted information to accompany the application and ES under Regulation 22 of the EIA Regulations. Similarly, following

submission of GCN information, a further round of consultations was undertaken.

Local Member

Councillor Chilton (Melbourne) was consulted.

South Derbyshire District Council

Planning – No objection subject to matters relating to the following being addressed. These relate to:

- Odour control - so as not to exacerbate any impact on surrounding property and their occupants' customers in line with Policy SD1 of the Local Plan.
- Access - safe and suitable access arrangements in line with Policy INF2 of the Local Plan and regarding biodiversity impact in line with Policy BNE3 of the Local Plan.
- Swale – that suitable maintenance arrangements are in place to ensure the long term maintenance and management of the drainage swale are secured by condition in line with Policy SD3 of the Local Plan; and
- Tree Planting – commitment to on-site woodland planting in line with Policy INF8 of the Local Plan. Woodland planting alongside the access track considered by SDDC not to be feasible; it states that the trees would struggle to establish in the understorey of the existing woodland. SDDC considers this planting should be moved elsewhere, potentially to provide a new 'copse' to break up the linear and formal nature of the planting belt alongside the access track. SDDC also states that consideration should be given to the appropriateness of this planting continuing west of the 'passing place', given that a zone of protection for intervisibility between the passing places is indicated.

Environmental Health – No objections in principle. Recommends noise and odour control to be agreed with planning authority covering all mitigation measures contained in the ES, and that the scheme is implemented and maintained thereafter.

North West Leicestershire District Council

No objections.

Nottinghamshire County Council

Strategic Highways – No observations to make.

Ecology – No specific comments other than consideration is given to potential indirect impacts that occur on land within Nottinghamshire.

Melbourne Parish Council

No objections.

Health and Safety Executive

Referred to planning advice on website.

Historic England

Identifies this is a landscape with multiple heritage assets of the highest importance set with considerable care within a complex multi-period environment and expect setting issues to be carefully considered. Designated heritage assets include Calke Abbey, church and stables, and its registered park, Melbourne Hall and gardens and Staunton Harold Hall, park and church and nearby Conservation Areas.

Historic England refers to the NPPF paragraphs where relevant emphasising the need to apply great weight (Paragraph 132) to the conservation of designated heritage assets where all harm must be clearly and convincingly justified (Paragraph 132) and weighed against public benefits (Paragraph 134) in the context of the statutory duties for special regard and attention in respect of listed buildings and conservation areas under the 1990 Listed Buildings and Conservation Areas Act.

Historic England recommends the application is determined on the basis of national and local planning policy and guidance ensuring it has sufficiently robust information and understanding in respect of harm to the significance of heritage assets and the efficacy of existing woodland screening in relation to the maximum height of the proposed structures.

National Trust

The National Trust, on being re-consulted (following further information submitted by the applicant) stated “... *We have reviewed the Statement by Cotswold Archaeology and associated photographic analysis in the landscape and visual impact assessment. We agree that the site is located within the wider landscape setting of Calke Abbey and Park... We also consider based on the evidence provided, that the development is unlikely to have a significant impact on the setting and significance of Calke Abbey and Park.*

Bearing this in mind, and taking account of the benefits of renewable energy generation, National Trust does not object to this planning application.”

Natural England

Natural England (NE) initially objected to the application as submitted based on concerns regarding impacts on the Dimminsdale, Ticknell Quarries and Calke Abbey SSSI(s). The concern related to insufficient information regarding air quality emissions.

NE also refers the Authority to the need to consider impacts on:

- local sites (biodiversity and geodiversity);
- local landscape character;
- local or national biodiversity priority habitats and species; and

- protected species.

It also refers to opportunities for biodiversity enhancements in accordance with Paragraph 118 of the NPPF and the Authority's duty under the Natural Environment and Rural Communities Act (2006) (NERC Act) regarding conserving biodiversity.

NE was re-consulted following further information submitted by the applicant and stated "*...we note that an air quality assessment has now been submitted with respect to the proposed development. Natural England is satisfied that the specific issues that we raised previously have been resolved. We therefore consider that there will be no significant adverse impacts on Dimmingsdale, Ticknell Quarries and Calke abbey Sites of Special Scientific Interest (SSSIs) and withdraw our objection.*"

The National Forest Company

The National Forest Company (NFC) identifies that the site falls within the National Forest and a significant proportion of Forest creation has been delivered through the planning system referencing South Derbyshire Local Plan saved Policy ENV10 and Policy INF8 of the emerging development plan. NFC identifies that there is a need for 0.22ha of woodland planting required secured by condition or through a Section 106 agreement. NFC states that if this cannot be accommodated on site or in the vicinity then a financial contribution of £4,400 is required to be used by the NFC. The NFC welcomes the inclusion of the wood drying shed and the suggestion that sustainable wood will be sourced from local wood management schemes.

Environment Agency

No objection in principle subject to a condition relating to bunding (or secondary containment) to protect Staunton Reservoir. It also advises that a bespoke permit is required.

East Midlands Airport

No safeguarding objection subject to conditions relating to lighting, crane and tall constructional building height and bird management.

Severn Trent Water Ltd

No objection subject to a condition relating to drainage approval relating to surface and foul water.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust (DWT) noted that NE had objected to the application on the basis that insufficient information had been submitted to be confident that the proposal would have no significant impact on the SSSIs through air quality emissions and advised that this is was also relevant to Spring Wood DWT nature reserve and the three nearby local wildlife sites. DWT referred to

the GCNs potential at nearby ponds and on the site, and requested that further assessment was undertaken.

DWT was reconsulted following further information submitted by the applicant and stated *“From the submission of a comprehensive air quality assessment we note that Natural England are satisfied that there will be no adverse impacts on the Dimmingsdale, Ticknell Quarries and Calke Abbey SSSIs. We would therefore advise that this also applies to the Spring Wood DWT reserve and other nearby local wildlife sites.*

We support the proposed planting of new native hedgerows and trees to mitigate any landscape impacts.”

Following the further Environmental Deoxyribonucleic Acid (eDNA) survey reports DWT has now accepted that the development can proceed subject to planning conditions.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, identified that land outside application site (A) was required to provide a wide enough access road and a passing bay. This need has been addressed by the submission of application (B). The Council as Highway Authority has recommended conditions relating to access arrangements and forward visibility splays, passing place, gate exclusion area, and advisory notes to the applicant relating to the Highways Act 1980, surfacing and works affecting a right of way.

Lead Local Flood Authority

Derbyshire County Council, in its role as the Lead Local Flood Authority (LLFA), has reviewed the Flood Risk Assessment (FRA) accompanying the application. Given the nature of the proposed development and the site parameters, if the recommendations of the FRA are followed then the LLFA has no objections in principal and refer the developers to the standing advice given.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this proposal, the relevant policies of the development plan are contained in the saved policies of the Derby and Derbyshire Waste Local Plan (adopted 2005) DDWLP, and the saved policies of the South Derbyshire District Local Plan (1998) (1998 LP) and the adopted policies of the South Derbyshire Local Plan Part 1 (2016) (SDLP: Part1). Other material considerations include such statements of Government policy as are set out in

the NPPF, the National Waste Management Plan for England (NWMP) (2013), the NPPW (2014) and the Planning Practice Guidance (PPG).

Both the DDWLP and the 1998 LP predate the NPPF and therefore, the weight attributed to the relevant saved policies may need to be moderated, in line with their degree of consistency with the NPPF and NPPW. The policies within the SDLP: Part 1 are up to date.

The proposal has to be considered against key planning documents. At the local level the development plan comprises:

- The saved policies contained within the DDWLP (2005)
- 1998 LP and the SDLP: Part 1

The SDLP: Part 1 was adopted by the SDDC on 13 June 2016. The SDLP: Part 1 has replaced 35 policies in the 1998 LP and a list of the policies replaced can be found at Appendix 1 in the SDLP: Part 1. Policies not listed there will continue to be saved from the 1998 LP. The SDLP: Part 1 sets the long-term vision, objectives and strategy for the spatial development of South Derbyshire and provides a framework for promoting and controlling development. The SDLP: Part 2 will accompany the Part 1 Plan, and work on its preparation is well advanced having passed through hearings and a consultation on the modifications is expected soon, ahead of adoption later in the year. This will replace all remaining policies of the 1998 LP.

National Planning Policy Framework

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and adds that there should be a presumption in favour of sustainable development.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal are contained within the NPPW (2014) document.

National Planning Policy for Waste

The NPPF replaced many of the Planning Policy Statements, and the Waste Planning Policy Statement (PPS10) has been replaced by the NPPW. This document sets out the Governments ambition to work towards a more sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and

resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the Waste Hierarchy. Annex B: Locational Criteria is relevant and a key objective of this Policy includes securing the re-use, recovery and disposal of waste without endangering human health and without harming the environment, and states that the concerns and interests of communities and business should also be reflected.

Local Development Plan

I consider that the most relevant policies against which to assess the proposal are:

National Planning Policy Framework

Achieving sustainable development.

Chapter 4: Promoting sustainable transport.

Chapter 7: Requiring good design.

Chapter 11: Conserving and enhancing the natural environment.

National Planning Policy for Waste

Annex B: Locational Criteria.

Derby and Derbyshire Waste Local Plan Policies

W1b: Need for the Development.

W2: Transport Principles.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.

W10: Cumulative Impacts.

W13: Sorting of Waste Before Disposal.

South Derbyshire District Local Plan: Part 1

Within the SDLP: Part 1 the relevant policies are:

S1: Sustainable Growth Strategy.

S2: Presumption in Favour of Sustainable Development.

E7: Rural Development.

SD1: Amenity and Environmental Quality.

SD2: Flood Risk.

SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure.

SD6: Sustainable Energy and Power Generation.

BNE2: Heritage Assets.

BNE3: Biodiversity.

BNE4: Landscape Character and Local Distinctiveness.

INF2: Sustainable Transport.

INF8: The National Forest.

Within the saved policies of the South Derbyshire Local Plan (1998) the following policies have relevance:

EV1: Development in the Countryside.

EV5: Agricultural Development.

EV11: Sites and Features of Natural History Interest.

EV14: Archaeological and Heritage Features.

EV13: Listed or Other Buildings of Architectural or Historic Importance.

EV15: Historic Parks and Gardens.

The key planning considerations for this application are:

- Need for the development.
- Landscape and Visual Impact.
- Highway Impact.
- Heritage Impact.
- Ecological Impact.
- Environmental Impacts.

Need for the Development

DDWLP Policy W1b states that “*Waste development will be permitted if the development would help cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management...*”

Through the NPPF, the Government is committed towards supporting a prosperous rural economy including farm diversification.

The AD plant provides the mechanism for the farming enterprise to improve its management of cattle manure and thus reducing the risk associated with spreading raw manure. The wider community benefits of permitting the proposed development will enable the farming community to assist each other, allowing them to be competitive and as productive and profitable in the current economic climate. The AD plant will allow the reduction of Derby Hills farmstead and other local farms (which will provide the biomass feedstock) depending upon fertilisers and other associated products that would otherwise be transported to the area from outside the district.

The facility would also contribute to productive local treatments of waste, in conformity with the Waste Hierarchy. I am satisfied, therefore, that there is an operational need for the structures and that the proposals would accord with DDWLP Policy W1b, SDLP: Part1 policies S1, S2, E7, SD6, and saved policies EV1, EV5 of the 1998 LP and the sustainable waste management objectives of the NPPW.

Landscape and Visual Impact

Development of this type has the potential to cause adverse landscape and visual impacts to the surrounding area. Policy W7 of the DDWLP: Landscape

and Other Visual Impacts presumes in favour of waste development where the appearance of the development would not materially harm the local landscape (or townscape) and would respect the local distinctiveness of the area. This policy seeks to minimise visual impact and to protect the local landscape.

I have considered the submitted information contained in the ES and supporting information which includes an assessment of the landscape and visual effects of the proposal and am satisfied that the submitted detail has been produced in accordance with the appropriate guidance. In general, the landscape impact will be confined to the loss of an area of existing agricultural land adjacent to existing agricultural farm type buildings and the removal of some trees within Melbourne Plantation to facilitate an improved access. Visually, the site is well contained by existing vegetation around the site with extensive woodland to the west, south and east, and from the majority of viewpoints selected in the assessment, I consider that there would be no effect on the current view. Whilst I acknowledge that some views would be gained from the public footpath to the north of the site, I consider that the proposed setting of the large digestate tanks into the ground, the use of dark recessive colour finishes to some of the built development including the tanks, the planting of a new mixed species hedgerow along the northern boundary of the development site which, given the limited views into the site is considered an appropriate design response, would be sufficient to mitigate and such visual impacts. The proposed hedgerow with tree planting is also supported subject to conditional approval. I would, however, recommend that further hedgerow planting (with trees) be undertaken along the eastern boundary of the site (behind the weighbridge and wheel wash) so that views from the east are also screened and the development is locally enclosed to views from the footpath and site access point. This is a matter that can be conditioned should the application be approved.

The AD buildings, wood drying shed and other plant would be near to existing buildings within the farm complex. The AD development would be of an intensity of use appropriate to, and reflective of its environment. Landscaping and its management, together with the engineering earthworks, controlled and provided through conditions (the Environment Agency bund requirement and setting plant within cut operation) would further assist with the assimilation of the plant AD plant and buildings.

I do not consider that the development proposals would result in the loss of distinctive features that contribute towards, and add value to, the landscape character of the area. The scale, height and massing of the structures proposed are appropriate to their setting and respect the character and appearance of the surrounding area.

Overall, I do not anticipate any significant landscape or visual impacts associated with the proposal or consider that the development proposals

would result in the loss of distinctive features that contribute towards and add value to the landscape character of an area.

Subject to the above planning conditions, I am satisfied that the development could be accommodated as proposed without significantly impacting upon the landscape character or visual amenity of the locality and wider area.

In light of the above, I am satisfied that the development would accord with the requirements of policy W7 of the DDWLP and policies BNE4 and E7 of the SDLP: Part 1.

Highway Impact

The most relevant development plan planning policy is considered to be DDWLP Policy W8: Impact of the Transport of Waste. Policy W8 recognises that the transport of waste, both at a site access and along its route, may cause disturbance resulting from noise, dust, vibration and spillage, as well as causing congestion and prejudicing road safety. In so doing, development is only considered acceptable if the methods and routes of waste transport will not cause significant disturbance to the environment, people or communities; the transport network is adequate to accommodate generated traffic; and the access arrangements and the impact of the traffic generated will not be detrimental to road safety.

Concern has been expressed through the representations received regarding highway impact. These relate to vehicular traffic impact, highway safety concerns regarding access and speeding/overtaking already taking place on road, spillage of slurry waste between the livestock and AD plant and impact on the Public Right of Way (PROW).

Upon submission of a detailed site access and forward visibility drawing showing a widening of the access onto the B587 to allow two way vehicle movement and a passing bay on the access track, the Highway Authority raised no objections subject to conditions and advisory notes.

The Highway Authority is satisfied that, subject to the imposition of appropriate conditions, there are no sustainable reasons for refusal based on highway safety or capacity grounds.

Whilst the concerns raised are genuine, they are not considered so significant to warrant a sustainable highway related reason for refusal of planning permission. Subject to the recommended conditions, I therefore consider that the development accords with national planning guidance and the provisions of the development plans, namely Policy W8 of the DDWLP, and it is recommended for approval subject to updated planning conditions reflecting the changes and requirements.

Heritage

Nearby designated heritage assets include Calke Abbey, church and stables, and its registered park, Melbourne Hall and gardens and Staunton Harold Hall, park and church and nearby Conservation Areas.

Historic England identifies this is a landscape with multiple heritage assets of the highest importance set with considerable care within a complex multi-period environment and expect setting issues to be carefully considered. It also refers to the NPPF paragraphs where relevant, emphasising the need to apply great weight (Paragraph 132) to the conservation of designated heritage assets where all harm must be clearly and convincingly justified (Paragraph 132) and weighed against public benefits (Paragraph 134) in the context of the statutory duties of the Waste Planning Authority.

When considering any planning application that affects a Conservation Area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on a local planning authority such that when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, it must have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it.

This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings.

The 2014 Court of Appeal decision, in the case of *Barnwell vs East Northamptonshire DC*, made it clear that in enacting Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Parliament's intention was that '*decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise*'.

The National Trust has reviewed the proposals and considers, based on the evidence provided, that the development is unlikely to have a significant impact on the setting and significance of Calke Abbey and park and taking account of the benefits of renewable energy generation, National Trust does not object to this planning application.

The location and setting of the AD development adjacent to other large farm type buildings and the existing and proposed landscaping is sufficiently distant and physically separate from the listed buildings that its effect would be

insignificant. Similarly, regarding effect of the AD and associated plant and buildings on the character and setting of the listed buildings.

The responses of the statutory consultees and DCC Conservation officers have not raised any concerns and, having also considered any landscape impact, it is considered that the development is acceptable regarding heritage impact.

It is therefore considered that the proposed development is in accordance with the NPPF, NPPW and policies contained in the DDWLP (W7, W9, W10) and Policy BNE2 of the SDLP: Part 1 and policies EV13, EV14 and EV15 of the 1998 LP.

Ecology

Whilst ecology is not covered in the ES, an ecology report was included in the application. The ecology report provides an ecological appraisal based on desk top studies and field surveys. Protected species surveys were not in general undertaken but an assessment of the site and surrounding area's suitability to support protected and notable species was. The field survey demonstrated that the application area comprised habitats of limited ecological value, mostly improved grasslands, but with arable, wetlands, woodland and building/hardstandings in the surrounding area. The ecological appraisal concluded that impacts on protected or notable species were also generally unlikely, with the exception of GCNs. The appraisal also considered designated sites in the wider area (with the nearest SSSI about 200m away) but ruled out the potential for impacts.

Natural England (NE), as a statutory consultee, initially raised concerns about the potential for impact on designated sites (particularly SSSIs) requesting further information to demonstrate the conclusions drawn by the ecology report. Derbyshire Wildlife Trust (DWT) also considered that given NE's concerns then they shared the same concerns regarding non-statutory sites, such as Local Wildlife Sites (LWS). NE's concerns were addressed by the submission of further information and the organisation subsequently accepted that the development and operation of the plant would be unlikely to adversely affect designated sites and withdrew their objection. DWT similarly confirmed that other non-statutory sites would not be affected.

Based on the information provided by the applicant, I am also satisfied that the proposals should not result in significant adverse impacts on habitats beyond the site boundary, whilst impacts within the site would seem to be of limited ecological significance. Where impacts are foreseen, pre-commencement checks, mitigation, compensation and enhancement measures as proposed in the ecology report (sections 7.5 and 7.6 of the ecology report, including the production and implementation of a Construction Environmental Management Plan (CEMP) and Landscape Environmental Management Plan (LEMP) are

considered sufficient to address impacts subject to be secured by planning conditions.

The issues regarding GCN, raised by consultees during the initial round of consultation, remained outstanding since the ecological appraisal, undertaken February to April 2016, concluded that the waterbodies (which lie a short distance from the access track and construction area) have “good” suitability for breeding GCN. Consequently, it was uncertain whether GCN were present in the area and used habitats within the application site as terrestrial habitat. As such, the ecological report recommended that GCN eDNA analysis be undertaken within these ponds followed by more comprehensive GCN surveys if required. DWT also identified the need for further GCN surveys and maintained an objection without such surveys being undertaken.

The applicant suggested that instead of follow up GCN surveys, alternative approaches be undertaken. These included construction works in winter, or installing amphibian fencing without an NE Licence. DWT and officers disagreed with this approach as being unacceptable and unviable in timescale terms meaning that construction works would have needed to have been completed by the end of February this year.

Officers therefore recommended that further GCN survey work be undertaken prior to determination of the application. The applicant undertook the necessary eDNA survey work during spring 2017.

The letter report covering GCN eDNA surveys for six ponds near to this planning application site contains all of the information expected in a report of this kind. In particular, I am satisfied that the water sampling and subsequent eDNA analysis have been undertaken in accordance with the standard methodology, and the work and report is considered acceptable. The report provides the results of eDNA surveys undertaken at six waterbodies in close proximity to the application area. Two further ponds, located within 250m of the application site, were judged unsuitable for GCN and, as a result, I consider that the eDNA surveys have covered all potentially suitable ponds around the site.

The eDNA surveys have found no GCN eDNA within the water samples, and thus there is no evidence to suggest GCN are present within these ponds. When eDNA surveys are undertaken appropriately and in accordance with the recognised methodology, as is the case with this submission, it is accepted that a negative result can be considered as proof of the likely absence of GCN. The technique is considered sufficiently robust that where this is the case, a negative result can be considered as dependable as if the negative result had been achieved by traditional GCN survey techniques (egg search, torching, netting, bottle trapping) employed in the other approved survey methodology.

Given that the absence of GCN has now been satisfactorily established, no further survey work is required. However, I note that the applicant proposes undertaking the development under a CEMP, which was presented as 'Option 3' in the Mitigation Approach And Strategy For Great Crested Newts report (Clarkson and Woods, March 2017), and this approach is supported.

I would therefore recommended that planning conditions are used to secure the CEMP with regards to GCN and the implementation of pre-commencement checks, mitigation, compensation and enhancement measures as proposed in the ecology report sections 7.5 and 7.6, including the production and implementation of a CEMP and LEMP.

NE's initial concerns have been addressed and the objection withdrawn. DWT welcomes the results of the eDNA testing for GCN and acknowledges the proposal will proceed under a CEMP referred to in the Mitigation Strategy for Great Crested Newt prepared by Clarkson & Woods as Option 3. Subject to this being controlled through condition, there is no objection.

Following the submission of further information and surveys and having considered the above consultee comments, I consider that the proposed development complies with the NPPF, NPPW and development plan policies in the DDWLP (W5, W6), policies E7, SD1 and BNE3 of the SDLP: Part 1 and saved policies E4 and EV1 of the 1998 LP.

General Environmental Impacts

DDWLP Policy W6: Pollution and Related Nuisances. This policy seeks to avoid any material harm caused by contamination, pollution or other adverse environmental or health effects to people or communities; the site of the development; nearby land uses; or the wider environment. In so doing, it recognises the role the Environment Agency has and its controls through the permitting system.

The applicant, in response to concerns raised by consultees, produced further information regarding odour and bioaerosol dispersal. This information has been considered by consultees and it is noted that NE, the Environment Agency and the Environmental Health Officer have not raised any objections subject to conditions implementing the mitigation measures referred to in the application.

Hydrology

Chapter 7 of the ES presents an assessment of the effects of the application proposal with respect to hydrology and ground conditions. Consideration is given to the assessment of the development on the nearby surface water bodies, including the reservoir. The chapter recognises how the development could cause contamination through accidental leaks and spillages, with the potential to affect controlled waters and future site users, although the risk would be minimised by inherent measures built into the design. A bundled

swale is proposed to be constructed along the western boundary of the proposed development designed to intercept any potentially contaminated run-off directly flowing into the reservoir. The proposed mitigation measures incorporated into the design and construction minimises any potential for contamination with surface water run-off. It is noted that both the Environment Agency and Severn Trent Water have not objected subject to planning conditions.

Odour, Bioaerosols and Noise

Chapter 8 of the ES presents an assessment of potential odour and bioaerosol emissions during the operation of the AD plant. A specific assessment for the Greenwood Days and caravan site was undertaken concluding that the effect of the development at these locations would be negligible. The Environment Agency and Environmental Health Officer have not raised any objections subject to conditions. It is considered that the AD plant as an enclosed process will be less odorous than the current practice of spreading raw manure on the agricultural fields. An improvement in odour impact is therefore envisaged.

Regarding noise impact, there are a number of noise mitigations in the design and operation of the AD plant providing acoustic containment and include the containerisation of the CHP plant and the siting of the single silage clamp to the west of the existing agricultural outbuilding. The CHP plant is estimated to produce 71dB(A) at 1 metre. Considerable decrease would occur given the distance to any noise sensitive receptors, soft ground attenuation and physical obstructions between the source and any potential receiver. It is noted that the Environmental Health Officer has raised no objections to the application regarding noise and odour.

Given the above, the application is considered to comply with the NPPF, NPPW and development plan policies DDWLP W6 and Policy SD1 of the SDLP: Part 1.

Public Representations

As referred to above the following public representations have been received. These are either addressed above or below.

- Concerns that landscape archaeology is not referred to in archaeological consultant's report.
- Impact on wood craft outdoor training and tourism business.
- Impact on independent retailers, restaurants, pubs, local shops, farm shops and B&Bs.
- Impact on nearby campsite.
- Vehicular traffic impact.

- Highway safety concerns regarding access and speeding/overtaking already taking place on road.
- Spillage of slurry waste between herd and AD plant.
- Visual impact.
- Noise impact.
- Odour pollution.
- Inappropriately located given the location of the herd from which waste is derived.
- Pollution risk to drinking water supply at Staunton Harold Reservoir adjacent.
- Impact on public footpath.

Heritage

Following comments received an updated Heritage desk-based Assessment was submitted in September 2016. Historic England and DCC's Conservation Officer have not raised any concerns. As referred to above, it is considered that the separation of the development structures from the listed buildings, as well as the existing and proposed landscaping, is of a sufficient distance so that the character and setting of the listed buildings are considered not to be harmed.

The NPPF encourages sustainable development and recognises the need to support a prosperous rural economy which achieves sustainable growth through the expansion of all types of business and enterprises in rural areas. The development plan identifies how farm diversification assists in supporting economic viability, providing jobs and helping to maintain the vitality of rural areas whilst reducing the need to travel. Economic, social and environmental benefits of the proposed development are identified in the submitted Planning Statement.

Landscape Considerations

The public representation received asserts the development would result in visual intrusion into the area of a particularly attractive landscape. It is acknowledged that the development would occupy an open position within the immediate farmstead but would not detract from potential views from the wider landscape which is limited. Chapter 6 of the ES considers the potential landscape and visual impact, and concludes that the proposed development will sit within the receiving landscape without any significant effects upon its character. The extensive woodland belt surrounding the farmstead would screen the proposed development when viewed from the nearby caravan site/ Greenwood Days centre. Furthermore, the Tree Preservation Order designation of the tree belt fronting the adopted highway provides reassurance that this visual screening will remain and its removal resisted by the planning authority.

The zone of theoretical visibility in the ES identifies the potential locations from which any part of the proposed development may be visible. The undulating landform surrounding the site further reduces actual visibility. Little or no intervisibility to the Registered Park or Calke Abbey is envisaged and hence the character of such are not considered to be adversely affected.

Farm Diversification and Location

The representation(s) assert that the proposed development will change the land use from agricultural to industrial. The National Farmers Union and the Environment Agency acknowledge how AD plants provide an important function towards the delivery of sustainable farming practices. As such, farm based AD plants, such as that proposed, can be considered agricultural and not industrial in nature. The agricultural activity predates the planning history associated with Greenwood Days and the caravan site, and in any event the proposed development is considered not to adversely impact on any nearby businesses.

Locationally, the proposed development has been chosen to be centrally located to the primary feedstock source. In this location, the cattle manure is provided by Derby Hills Farm landholding. It is noted that the raw and untreated manure is currently being spread onto the fields where the development is proposed which may cause potential odour issues locally. The energy crop will be sourced from local farms. It is considered that the AD plant location is centrally located which in turn creates a sustainable reduction in the overall transport movements on the local highway network.

Traffic Movements

Representations were received regarding traffic and highway impacts. The application is supported by a Transport Statement. It is proposed that all vehicles will utilise an existing private track and the B587 approximately 550m east of the site. The B587 is subject to the national speed limit (60mph) in the vicinity of the access junction. At this point it is proposed to widen the access junction on the southern side requiring 23m of land (mainly vegetation) to be cleared and resurfaced and replaced with bound material.

The AD has a capacity of 17,500T per annum (pa) with 3,000T pa sourced from on-farm cattle manure with 14,000T of crop, crop residues and grass silage transported to the site from local farm holdings. The trips associated with the spreading of raw manure and storage and distribution of fertiliser will be replaced by the trips delivering the raw manure to the AD plant. Tractors and trailers will be used to carry the grass and silage from the individual holdings to Derby Hills Farm with deliveries made between Mondays and Saturdays (excluding bank holidays). The load carrying capability of the tractor and trailers will be between 10T and 14T per load for crop residues. The digestate distributed back onto farmland transported using 30T capacity tractors and tankers.

The worst case scenario estimates that there could be an increase of up to 14 tractors and trailers per day. On a busiest day, when both the feedstock and digestate are being transported from the site, the net increase could be a maximum of 14 vehicles (14 in and 14 out). This assessment has not discounted the trips that will be replaced by the development associated with transportation of chemical fertiliser and cattle slurry to and from the site.

The Highway Authority has raised no objection, subject to planning conditions to the proposed development on highway safety and capacity grounds, and it is concluded that the development will not have a material impact on the safety or operation of the local highway network.

The PROW footpath Melbourne FP32 starts from the adopted highway and passes along the established farm track which will be used for the access to the proposed development. The PROW ends at the woodland to the west of the site (near the reservoir). The condition of the footpath between the main road and reservoir, and it not being a through route, suggests that it is not heavily used. As part of the development the access track would be upgraded with passing bays and landscaping improving the route of the current PROW.

Conclusion

The farm owner operates an established agricultural business. The proposed development will enable the existing agricultural business to expand its capabilities and evolve in line with the latest environmental requirements regarding sustainable treatment and management of its raw cattle slurry waste, as well as securing the resulting economic benefits from the renewable energy source.

The farming business seeks to diversify in order to provide additional income stream. The development would contribute positively to the economics of the agricultural business whilst providing a full time permanent job. The farmer is working in partnership with the applicant who is progressing the application on his behalf.

The applicant seeks to introduce an on-farm sustainable waste management facility and associated wood drying shed. The development would manage existing agricultural waste by converting raw manure and crops (biomass) in an AD plant. The process will minimise odour since the digestion is undertaken in an enclosed environment. The AD process would produce liquid and solid digestate which would be injected/spread on agricultural fields instead of the traditional raw manure application currently being undertaken. This would further reduce any local odour impact that currently may be occurring. The digestate would be used by other farms aswell from which some of the biomass would arise.

The development proposes a CHP which can generate electricity for export to the National Grid. The AD process also produces heat as does the CHP. This

energy is proposed to be used in part in the wood drying facility to be undertaken in an adjoining building.

The rural character of the area is sensitive regarding environmental and heritage constraints nearby which include SSSIs/Special Areas of Conservation (SACs)/Landscape designations, listed buildings and Conservation Areas. Following additional information and clarification from the applicant Historic England, NE, the Environment Agency and DWT are satisfied regarding any potential impacts that may occur regarding their particular interests.

Issues and concerns raised by consultees have been addressed by the additional information provided by the applicant or are capable of being addressed by planning condition(s). These include protected species interests relating to GCN which has delayed the determination of the application because of the survey requirements being seasonally related. Similarly, public representations received have been considered by officers and appropriate weight regarding material planning matters has been given.

The proposed development is an on-farm related waste operation. The AD process represents sustainable waste development. Issues and concerns raised have been addressed through negotiation with the applicant who has provided information for consideration and were reconsulted where deemed appropriate and necessary.

The development complies with national and local policies on waste and minimises odour. Subject to planning conditions, the development is considered acceptable and in line with the economic and environmental threads referred to in the NPPF, as well as complying with relevant development plan policies in the DDWLP, the SDLP: Part 1 and the 1998 LP.

(3) **Financial Considerations** The correct fees of £4,235 and £1,690 have been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the planning conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File Nos 9.1592.2 and 9.1592.3
Application documents and those arising from Regulation 22 (of the EIA Regulations 2011), public representations received, consultee responses on site files reference 9.1592.2 and 9.1592.3 and Derbyshire County Council's website under the planning application reference CW9/0416/9 and CW9/1216/78.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **authorise** the simultaneous granting of planning permission in respect of each of the planning applications [(A) and (B)] analysed in this report, subject to the following respective sets of:

Draft conditions for Application (A) CW9/0416/9

Commencement

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

Reason: The condition is imposed in accordance with section 91 of the Town and Country Planning Act 1990, as amended.

Approved Plans

- 2) The development shall only be undertaken in accordance with the following documents and plans or as otherwise required by the conditions below:
 - 1 App form and certificates dated 29 April 2016
 - Drawing no: BRS.6250_01E entitled 'Site Location Plan'
 - Drawing no: BRS.6250_02K entitled 'Site Plan' Drawing no: BRS.6250_03H entitled 'Elevations'
 - Drawing no: BRS.6250_11A entitled 'Site Component Elevations'
 - Drawing no: SP01 entitled 'Site Access Arrangement and Forward Visibility'
 - Drawing no: BRS6250_15 Rev A entitled Planting Proposals
 - Environmental Statement Volumes 1 and 2 dated March 2016
 - Environmental statement Volume 1 Addendum dated September 2016
 - Environment Statement Non-Technical Summary dated March 2016
 - Design and Access Statement – (Pegasus Group) dated April 2016
 - Planning Statement – (Pegasus Group) dated March 2016

- Transport Statement – (Transport Planning Associates) dated April 2016
- Aboricultural Impact Assessment and Protection Plan Rev C– (Pegasus) dated 2 August 2016
- Drawing no: BRS6250_14 Rev A entitled Tree Retention /Removal and Protection Plan
- Ecological Survey - (Clarkson & Woods) dated April 2016
- Mitigation and Approach Strategy for GCN – (Clarkson & Woods) dated March 2017
- Great Crested Newts eDNA - Test Results – (Clarkson & Woods) letter dated 25 April 2017
- Archaeological assessment – (Cotswold Archaeology)
- Heritage Desk-Based Assessment – (Cotswold Archaeology) dated August 2016
- Air Quality Assessment – (Waterman Infrastructure & Environment Ltd) dated September 2016
- Flood Risk Assessment and Drainage Strategy (Clive Onions) dated 14 April 2016

Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application.

Availability of Plans

- 3) From the commencement of development, and until completion of the restoration of the site, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be kept available on the site for inspection during the prescribed working hours.

Reason: To ensure that the site operators are fully aware of the terms of the planning permission.

Form of Development

- 4) In the event that input materials (feedstock) for the digester process cease to include a continuing supply sourced from manure and crops originating on the land of no less than an average X % *[percentage figure to be determined provided by Strategic Director]* by weight over any 12 month period, all use of the anaerobic digester and its buildings and wood drying building under this permission shall end forthwith.

An accurate written record shall be maintained of the proportions by weight of material delivered from each contributing farm unit of the origins of the supply of the feedstock (based on information provided by the records kept in accordance with condition 10 below) and all information under this record shall be provided to the Waste Planning

Authority as annual returns in writing with the first return being provided no later than 12 months from the date of issue of this permission and subsequent returns being provided every 12 months thereafter for the duration of the development.

Reason: In order that the development's location is justified the needs of Derby Hills Farm and does not become a stand-alone waste facility in open countryside.

- 5) No waste streams other than those detailed in the application shall be used in the AD plant.

Reason: In order that the development's location is justified by the needs of Derby Hills Farm and does not become a stand alone waste facility in open countryside.

Hours of Operation

- 6) Deliveries of waste to the site and digestate from the site, inclusive of movement of vehicles to and from the site, shall be confined to between the following times:

0700 hours and 1800 hours Mondays to Fridays; and
0700 hours to 1300 hours on Saturdays

No waste or biomass shall be delivered or accepted or digestate removed from site on Sundays or Bank or Other Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development.

- 7) The input of waste to the site shall not exceed 17,500 tonnes in any 12 month period.

Reason: To minimise the harm to the environment.

Records of Feedstock

- 8) From the date of the commencement of the use under this permission accurate written records shall be made and kept of the following details for each delivery of material to feed the digester process (feedstock):
- the weight of the feedstock being delivered (based on the difference between the fully laden weight of the vehicle or trailer containing the feedstock prior to its unloading and the unladen weight measured immediately after the unloading is completed);
 - the identity of the farm from which the feedstock being delivered originates; and
 - the date of the delivery;

and these records shall be made available for inspection by the Waste Planning Authority on demand at any reasonable time.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity.

Vehicle Records

- 9) Written records shall be maintained of the following details for all vehicles and trailers used for deliveries of feedstock under this permission:

- its fully unladen operating weight;
- its fully laden operating weight;

any current DVLA and these records shall be made available for inspection by the Waste Planning Authority on demand at any reasonable time.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity.

Design Materials

- 10) The development shall not be commenced until precise details of the external construction materials, finishes and colours to be used externally on walls and roofs of the anaerobic digester and its associated buildings have been submitted to and approved in writing by the Waste Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: For the avoidance of doubt, in the interests of visual/landscape amenity.

Highways

- 11) (1) The development under this permission shall not be commenced until the development of the access track passing bay and screening to support this development which is permitted by the planning permission in respect of the application coded CW9/1216/78 (which is also granted subject to conditions by the Waste Planning Authority on this day) has been duly completed in accordance with that permission.

(2) All those works under the development referred to under Part (1) of this condition, and together with the related forward visibility arrangements associated with the access track passing bay junction of the access track with the B587 highway, which are to be provided in accordance with the planning permission in respect of the application coded CW9/1216/78, shall be maintained free of impediments

throughout the working life of the digester which is to be provided under this permission.

Reason: In the interests of highway safety and amenity.

- 12) The development shall not be commenced until a scheme for cleaning the wheels and undersides of vehicles to be used for deliveries of waste to the site and digestate from the site to the extent that they are at all times kept clean enough to prevent mud and other material being deposited on the public highway has been submitted to and approved in writing by the Waste Planning Authority. Cleaning facilities shall be installed in accordance with the approved details before deliveries commence and the other requirements of the scheme shall be implemented and maintained for the duration of the development hereby permitted.

Reason: In the interests of highway safety, safeguarding local amenity.

- 13) The total number of vehicle movements associated with the development hereby permitted shall not exceed the following limits:

32 movements (16 in and 16 out) per day (Monday to Friday)

16 movements (8 in and 8 out) per day (Saturdays)

No vehicle movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

Reason: In the interests of highway safety, safeguarding local amenity.

Surface Water and Pollution

- 14) The development shall not commence until a scheme for the treatment of dirty, foul and surface water at the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme, which shall also include a programme of implementation, shall then be implemented in accordance with the approved scheme and maintained for the duration of the development.

Reason: In the interests of preventing pollution.

- 15) There shall be no foul or contaminated discharge from the site into either groundwater or any surface waters, whether direct or via soakaways on or adjoining the site.

Reason: In the interests of preventing pollution.

Noise

- 16) Noise levels shall be monitored at 4 monthly intervals from the date of the commencement of development at noise sensitive properties to be agreed in advance in writing by the Waste Planning Authority. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within (*1 month*) of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of local aural amenity.

- 17) No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In the interests of local aural amenity.

Dust

- 18) No soils shall be stripped until a scheme and programme for the monitoring and suppression of dust have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of:
- a) Arrangements for the measurement of wind speed on the site;
 - b) Dust monitoring points around the site boundary;
 - c) Monitoring frequency;
 - d) Dust monitoring procedures and the identification of maximum airborne dust levels;
 - e) Procedures to be adopted if airborne dust levels exceed the levels in [d] above;
 - f) Measures for the suppression of dust caused by the movement/processing of movement of soil and overburden.

The approved scheme and programme shall then be implemented in its entirety before the commencement of any soil movements

Reason: To reduce the impacts of dust disturbance from the site on the local environment.

Odour Suppression Scheme

- 19) No intake of waste to the site shall take place until a detailed odour suppression scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall then be implemented in accordance with the approved details which shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: Avoidance of malodour in the interests of local amenity.

Trees

- 20) The development shall not be commenced until the relevant trees identified in the Arboricultural Impact Assessment and Protection Plan - Rev C produced by Pegasus' and detailed on Tree Retention /Removal and Protection Plan have been appropriately protected in accordance with details that have been submitted to and received the prior written approval of the Waste Planning Authority. Tree Protection Areas shall be maintained throughout the operational life time of the AD plant and wood drying building.

Reason: In order that the long term health of the trees are unaffected by the development.

- 21) The development shall not be commenced until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be appropriate to the scale and duration of the development hereby permitted and shall include details of:

- a) An induction and personnel awareness of arboricultural matters;
- b) Identification of individual responsibilities and key personnel;
- c) A statement of delegated powers;
- d) Timing and methods of site visiting and record keeping, including updates;
- e) Procedures for dealing with variations and incidents; and
- f) A programme of implementation.

The scheme shall then be implemented in accordance with the approved details.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity

- 22) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained trees branches, stems or roots be pruned.

Reason: In the interest of the visual amenity of the local area.

Protected Species and Birds

- 23) Within 2 months of the commencement of the development bird and roosting bat boxes shall be provided in accordance with a scheme which has been submitted to and received the prior written approval of the Waste Planning Authority. The number of bird and bat boxes shall be a minimum of that recommended in the Ecological Survey report by Clarkson & Woods April 2016. The approved scheme shall then be fully implemented and maintained during the operational lifetime of the AD plant and wood drying building.

Reason: To ensure that species and habitats are protected during construction and the ecological value of the wider site is enhanced during its operational phase.

- 24) The development shall not be commenced (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Waste Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) A programme of implementation.

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity

- 25) In the event that Great Crested Newts, or any other protected species, are encountered at the site during works proceeding under the CEMP all site works shall cease immediately. Site works shall not recommence

until appropriate authorisation has been submitted to the Waste Planning Authority.

Reason: In order that measures are put in place so that protected species are not adversely affected by the development.

Lighting

26) The development shall not be commenced until details of external lighting proposed to illuminate the development and access has been submitted to and approved in writing by the Waste Planning Authority. The details shall include the location, height, design, sensors, luminance and proposed hours of operation. The details shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) Show how and where external lighting would be installed, through the provision of appropriate lighting contour plans and technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) Detail the proposed hours of operation.

The scheme shall then be implemented in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity

Earthworks

27) The development shall not be commenced until details of all earthworks have been submitted to and approved in writing by the Waste Planning Authority. These details shall include topsoil stripping and storage, the proposed grading and mounding and bund creation of land areas including the levels and contours to be formed, showing the relationship of proposed mounding and bund creation to existing vegetation and surrounding landform and buildings. The development shall then be implemented in accordance with the approved details.

Reason: In order that the development can assimilate into the rural landscape setting.

Soil Stripping

- 28) The development shall not commence until a scheme relating to the stripping of top soil, its storage and the constructional bund details submitted for approval by the waste Planning Authority. The approved details shall be fully implemented within 6 months of the commencement of development.

Reason: in the interests of soil management and prevention of pollution containment

Landscape

- 29) The development shall not commence until a landscape scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of operations/construction of the development. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter throughout the operational lifetime of the AD plant and wood drying building.

Reason: To improve the appearance of the site in the interest of visual amenity.

- 30) Prior to the first planting season following the commissioning of the anaerobic digester and its buildings, a scheme of landscape maintenance and aftercare for a minimum period of 5 years shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of the arrangements for its implementation. The scheme shall then be implemented in accordance with the approved details.

Reason: To ensure that the landscape planting is effectively secured in the medium term.

- 31) All planting and seeding comprised in the approved details of landscaping which shall die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species (for the purposes of this condition 100% replacement is required). If any plants fail more than once they shall be replaced on an annual basis for 5 years.

Reason: To ensure that the landscape planting is effectively secured in the medium term.

Draft Conditions for Application (B) CW9/1216/78

Commencement

- 1) The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development shall only be undertaken in accordance with the following documents and plans or as otherwise required by the conditions below:
 - 1 App form and certificates dated 13 December 2016
 - Drawing no: BRS.6250_17A entitled 'Site Location Plan' Drawing no: BRS.6250_18A 'Application Plan'
 - Drawing no: BRS6250_15 Rev A entitled Planting Proposals Planning Design and Access Statement – (Pegasus Group) dated December 2016
 - Transport Statement – (Transport Planning Associates) dated April 2016
 - Drawing no: SP01 entitled 'Site Access Arrangement and Forward Visibility' Arboricultural Impact Assessment and Protection Plan Rev C– (Pegasus) dated 2 August 2016
 - Drawing no: BRS6250_14 Rev A entitled 'Tree Retention /Removal and Protection Plan'
 - Ecological Survey - (Clarkson & Woods) dated April 2016
 - Mitigation and Approach Strategy for GCN – (Clarkson & Woods) dated March 2017
 - Great Crested Newts eDNA - Test Results – (Clarkson & Woods) letter dated 25 April 2017
 - Environment Statement Volume 1 Addendum Chapter 6 Landscape & Visual dated September 2016
 - Heritage Desk-Based Assessment – (Cotswold Archaeology) dated August 2016
 - Air Quality Assessment – (Waterman Infrastructure & Environment Ltd) dated September 2016

Reason: To ensure that the development under this permission is carried out in accordance with the details in the application coded CW9/1216/78 which was submitted in respect of it, and also in accordance with those details in the application coded CW9/0416/9 which are approved under the planning permission for that development (for which the application coded was CW9/1216/78 submitted in support), so far as they are also relevant to the development under this permission.

Availability of Plans

- 3) From the commencement of development, and until completion of the restoration of the site, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be kept available on the site for inspection during the prescribed working hours.

Reason: To ensure that the site operators are fully aware of the terms of the planning permission.

Highways

- 4) (1) The works under this development to provide arrangements for vehicular access and egress and forward visibility at the junction with the B587 highway under this permission as shown on drawing number SP01 [job number 1601-60] shall be completed prior to completion of the remainder of the development.
- (2) These works shall incorporate construction of an industrial vehicular crossover within highway limits in accordance with Derbyshire County Council's highways specifications and provision of 2.4m x 215m visibility splays in each direction, the area forward of which shall be cleared and maintained thereafter clear of any obstruction between 600mm and 2m relative to the nearside carriageway edge. (3) These works shall not commence until all Highway Authority authorisations and any legal agreements with the Derbyshire County Council as Highway Authority and any landowners other than the developer and other authorisations as may be required to achieve full accordance with the requirements in this condition at (1) and (2) above have been obtained.

Reason: In the interests of highway safety by providing for improved radii and sufficient space for two way vehicle movement.

- 5) Immediately following the completion of construction of the passing place forming part of this development the designed forward visibility between the passing place and the site entrance as indicated on drawing number SP-01 shall be created by clearance of all

relevant obstructions to the sightline for the access track between the heights of 600mm and 2m relative to the adjacent access track and the sightline shall be maintained thereafter clear of any obstruction.

Reason: In the interests of highway safety particularly to ensure intervisibility between drivers and prevent the need for vehicles to reverse along the track or onto the public highway which would be detrimental to highway safety and the safety of pedestrians using the route of the public footpath which runs along the track.

- 6) There shall be no gates within 15m of the B587 highway boundary and any gates shall open inwards only.

Reason: In the interests of highway safety.

Tree Protection

- 7) The development shall not be commenced until the relevant trees identified in the Arboricultural Impact Assessment and Protection Plan - Rev C- (Pegasus) and detailed on the Tree Retention /Removal and Protection Plan – (Pegasus) have been appropriately protected in accordance with details that have been submitted to and received the prior written approval of the Waste Planning Authority. Tree Protection Areas shall be maintained throughout the operational life time of the AD plant and wood drying building.

Reason: In order that the long term health of the trees are unaffected by the development.

- 8) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and received the prior written approval of the Waste Planning Authority. The scheme shall be appropriate to the scale and duration of the development hereby permitted and shall include details of:
- a) An induction and personnel awareness of arboricultural matters;
 - b) Identification of individual responsibilities and key personnel;
 - c) A statement of delegated powers;
 - d) Timing and methods of site visiting and record keeping, including updates;
 - e) Procedures for dealing with variations and incidents; and
 - f) A programme of implementation.

The development shall then be implemented in accordance with the approved scheme.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity.

- 9) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained trees branches, stems or roots be pruned.

Reason: In the interest of the amenity of the local area.

Protected Species and Birds

- 10) Within 2 months of the commencement of the development bird and roosting bat boxes shall be provided in accordance with a scheme which has been submitted to and received the prior written approval of the Waste Planning Authority. The number of bird and bat boxes shall be a minimum of that recommended in the Ecological Survey report by Clarkson & Woods April 2016. The approved scheme shall then be fully implemented and maintained during the operational lifetime of the AD plant and wood drying building.

Reason: To ensure that species and habitats are protected during construction and the ecological value of the wider site is enhanced during its operational phase.

- 11) The development (including demolition, ground works, vegetation clearance) shall not be commenced until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Waste Planning Authority. The CEMP: Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
 - h) Use of protective fences, exclusion barriers and warning signs; and
 - i) A programme of implementation.

The approved CEMP: Biodiversity shall then be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity.

- 12) In the event that Great Crested Newts, or any other protected species, be encountered at the site during works proceeding under the CEMP all site works shall cease immediately. Site works shall not commence until appropriate authorisation has been submitted to the Waste Planning Authority.

Reason: In order that measures are put in place so that protected species are not adversely affected by the development.

- 13) The development shall not be commenced until a landscape scheme has been submitted to and received the prior written approval of the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter throughout the operational lifetime of the AD plant and wood drying building.

Reason: To improve the appearance of the site in the interest of visual amenity.

- 14) No fixed lighting shall be erected or installed until details of the location, height, design, sensors, luminance and proposed hours of operation have been submitted to and approved in writing by the Waste Planning Authority. The details shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - b) Show how and where external lighting would be installed, through the provision of appropriate lighting contour plans and technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
 - c) Detail the proposed hours of operation.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity.

Footnotes

- 1) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, prior notification shall be given to the Department of Economy, Transport and Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website:
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk, or telephone Call Derbyshire on 01629 533190.
- 2) The Highway Authority recommends that the first 15m of the access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
- 3) The application site is affected by a Public Right of Way (Footpath 32, as shown on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced. Further information can be obtained from the Rights of Way Duty Officer in the Economy, Transport and Environment Department at County Hall, Matlock.

Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.

If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the Planning Authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

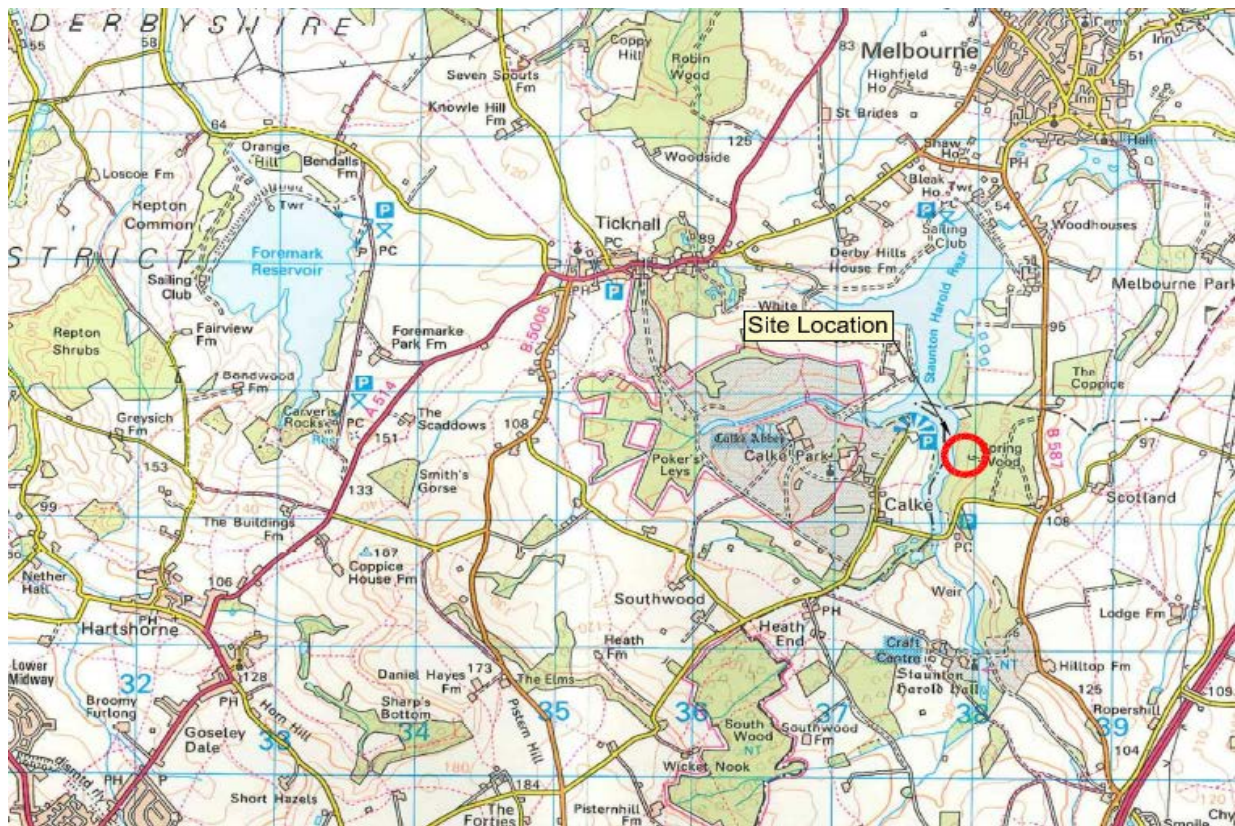
To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping-up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

- 4) The site is accessed through trees that are subject to a TPO and appropriate authorisation is required before any works to or within the vicinity are undertaken.
- 5) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August, inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

Derby Hills Farm, Springwood

CW9/1216/78 (Access) and CW9/0416/9 (Anaerobic Digester)



Application boundary block plan

