

**DEVELOPMENT CONTROL AND REGULATORY BOARD****18TH DECEMBER 2019****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2019/0419/06 (2019/CM/0066/LCC) – 14 th March 2019
PROPOSAL:	The proposed development is for an anaerobic digestion plant with associated infrastructure and an access road.
LOCATION:	Land at Green's Lodge Farm, Pickwell, Melton Mowbray, LE14 2QN
APPLICANT:	Mr. Simon Hazard and Mrs. Sally-Anne Hazard
MAIN ISSUES:	Highway impacts, loss of amenity, impacts on rights of way users and heritage assets and strategic planning policy
<u>RECOMMENDATION:</u>	That the Development Control and Regulatory Board resolves to advise the Planning Inspectorate that had the application fallen to be determined by the Board that it would have been refused.

Circulation Under Local Issues Alert Procedure

Mr. J. T. Orson, CC, JP

Officer to Contact

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PART B – MAIN REPORT

Description of Site

1. The application site is on land at Green's Lodge Farm, Stygate Lane, Pickwell, Melton Mowbray, Leicestershire. The site comprises 5.68 hectares of agricultural land and is located approximately 6.4km south-east of the edge of Melton Mowbray, 5.8km north-west of the edge of Oakham and 1.35km north-east of the village of Pickwell, which is the closest settlement to the site.
2. The application site is currently used as an arable field which the applicant states is grade three agricultural land. It is largely surrounded by mature hedgerows with occasional hedgerow trees. It is within Flood Zone 1 (land assessed as having a less than 1 in 1,000 probability of river or sea flooding).
3. The application site will be accessed from Stygate Lane approximately 300m south-west of the junction of Stygate Lane and the A606 Oakham Road. There is currently a farm track access at this point, but it is proposed to be upgraded as part of the development. The access road would run around 500m south east from Stygate Lane before turning south west and running around 850m to the application site.
4. Adjacent to the western boundary of the application site is an existing anaerobic digestion (AD) plant at the Belmont Farm piggeries. The AD plant produces renewable energy using methane produced from pig slurry arising from the Belmont Farm pig farm blended with imported maize.
5. The nearest residential property is located on Stygate Lane around 400m to the north-west of the built element of the proposed development and 350m south-west of the proposed access onto Stygate Lane. There are several isolated farm properties approximately 500m to the north and east of the site.
6. Footpath D68 runs south-west to north-east along the site's southern boundary and parallel to the 850m stretch of the proposed access road.
7. There are five Grade 1 and II* listed buildings in the surrounding landscape, including:
 - Cold Overton Hall – Grade I
 - Church of St John the Baptist, Cold Overton – Grade I
 - Church of All Saints, Pickwell – Grade I
 - Church of All Saints, Somerby – Grade I
 - Church of St James, Little Dalby – Grade II*

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Background

8. A planning application for a similar development was made in 2018 (ref. 2018/0425/06), although it was subsequently withdrawn before being determined. The key difference between the withdrawn application and the



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current proposal relates to the point of access off the public highway. The 2018 application sought permission for an access directly off the A606 Oakham Road, rather than Stygate Lane.

9. This planning application was validated by the County Council on 14th March 2019. Consultation responses from both Leicestershire County Highways Authority and Rutland Highways Authority sought further information and a request for this information was made to the applicant
10. In an effort to work positively and proactively with the applicant, Officers allowed substantial time for the requested information to be provided. However, the applicant (now appellant) has instead elected to submit an appeal to the Planning Inspectorate for non-determination of the application within the appropriate time periods. The appellant has made a costs application with the appeal.
11. Given that the Planning Inspectorate is now the determining authority for the proposed development, the purpose of this report is to establish what the Board's decision would have been if this application had been determined by the County Council. This decision will form the position the County Council will take in the appeal.

Description of Proposal

12. The proposed development includes the erection of an anaerobic digester, associated equipment and access track for the purpose of generating renewable energy, solid digestate for use in the mushroom growing industry, CO₂, largely for the food and beverage industry and biogas. The input material would be straw, grass, pig slurry and chicken litter. The renewable energy generating capacity is stated in the application supporting statement as being 40,000MW of biogas. This is assumed to be the total Mwh (megawatt hours) that the facility would be capable of generating in a year.

Construction Phase

13. The construction of the development includes the following structures:
 - Five digester tanks (three primary digester tanks measuring 7m diameter and 14m high and two digesters with 14m diameter and 14m high) and a small tank for removing sediment from the digesters (measuring 4m diameter, 2m high);
 - One digestate store measuring 20m in diameter, 6m high with a 2m high dome;
 - The digesters, sediment tank and digestate store would be surrounded by a 2m high, 5m wide impermeable bund with a 1m wide flat top;
 - Gas bag with dimensions 35m wide and 45m long. The overall height of the gas bag is 3.5m with 2.4m above ground. The gas bag would have 2.3m high and 3.25m wide bunding around its perimeter;
 - Weighbridge with dimensions 4m wide and 14m long and weighbridge office with dimensions 3m wide and 12m long with a height of 2.5m;
 - Gas upgrade/injection equipment with dimensions 7m wide, 21.5m long and 15.3m high, which will be treated to reduce glare;

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- Compressors as part of the gas upgrade and injection equipment housed within a standard shipping container;
 - Operations building, which houses the Combined Heat and Power (CHP) unit, biofilter, separator and dryer, measuring 35m wide, 62.5m long and with a height of 7m to eaves and 10m to ridge;
 - Buffer tank measuring 14m diameter and 6.5m high, located within the operations building;
 - Gas flare measuring 4.2m high;
 - Three silage clamps each 30m long, 15m wide and 6m high;
 - A hardstanding storage area constructed from concrete;
 - Tanker filling station measuring 20m long, 2.6m high and 10m wide;
 - Car parking area;
 - Attenuation pond/detention basin; and
 - Access road into the site from Stygate Lane.
14. The proposed built structures would be olive green similar to RAL 6003 and agate grey similar to RAL 7038 in colour, where possible. The gas bag would be olive green in colour.
15. The main site would be surrounded by 1.8 high deer/livestock fencing and the entrance from Stygate Lane would have a 2m high, 10m wide gate. The gate would be set back by 20m from Stygate Lane to allow vehicles to safely pull off the highway in front of the gate. Any gaps in the hedgerow on the road side of the gate will be filled with fencing and planted with hedgerow species. The entrance to the main site from the access track would have a 2m high, 12m wide gate.
16. Low level lighting is proposed to be installed at the plant around the tanker filling station, operations building and weighbridge. The applicant proposes a concrete or tarmac finish for the access road.
17. Prior to the construction of any buildings on site, the site needs to be levelled using cut and fill. A balance of material that is cut from the site should equal material used to fill areas and to create the earth bunds referred to above. The bunds will be constructed to contain at least 110% of the contents of the largest tank and will be built in accordance with CIRIA 736 'Containment systems for the prevention of pollution' guidance.
18. In order to minimise the necessity to remove hedgerows the access road is designed to largely utilise the existing track currently used for agricultural purposes. However, some sections of hedgerow would need to be removed in order for the access track to allow vehicles to move between fields. Also, a section of hedgerow would need to be removed where the access track meets Stygate Lane to allow for adequate visibility. In total, approximately 60m of hedgerow would need to be removed. Hedgerow will only be removed outside of the bird nesting season and replacement hedgerow would be planted along the length of the access track. There will be areas of trees at Green's Lodge Farm that will act as screening for the development. No trees will need to be removed on the site or access track although one hedgerow tree may require lower limb pruning on one side where the gates into the main site would be located.

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19. Footpath D68 runs along the southern boundary of the proposed development site and parallel to a section of the existing agricultural farm track. The proposed access route would then run parallel to the footpath on the other side of the existing hedgerow. The section of access route immediately leaving the main site that runs next to the existing footpath will be 5.0m wide. The rest of the access route will be 4.0m wide increasing in width at the junction with Stygate Lane. A speed limit of 15mph is proposed on the access track to ensure the safety of any walkers on the adjacent public footpath.

Operational Phase

20. Once operational the facility will be able to treat approximately 49,000 tonnes of feedstock per annum. This annual feedstock is proposed to comprise the following:
- Pig slurry – 15,000 tonnes;
 - Chicken litter – 10,000 tonnes;
 - Straw – 15,000 tonnes; and
 - Grass - 9,000 tonnes.
21. The pig slurry is proposed to be transported to the site via pipes from the adjacent pig farm. Belmont Farm has its own operational anaerobic digester using pig slurry from its farming operations as feedstock along with imported maize. The applicant states that the Belmont Farm AD plant is operating at capacity and that there is an excess of pig slurry, which is currently transported, using tractors and tankers, off the site for spreading onto local agricultural land. The applicant states that Belmont Farm is a separate company that appears to have no plans to extend its existing AD facility. The applicant states that the pipes from the slurry lagoons at Belmont Farm would be installed under permitted development rights, as according to the Town and County Planning (General Permitted Development) (England) Order 2015.
22. The chicken litter will be delivered in 28.5 tonne artic bulk lorry loads from sites located within a 20-mile radius of the proposed development. This would equate to 1.1 loads entering and leaving the site daily from Monday to Saturday. Straw would be delivered in 25 tonne loads on articulated flatbed lorries. Of the 15,000 tonnes of straw that would be used as feedstock for the digester, 2,500 tonnes would be grown by the applicant on land within 9km of the proposed site. The remaining 12,500 tonnes of straw would be supplied by a third party supplier within 20km of the site. This would result in 1.6 loads entering and leaving the site daily from Monday to Saturday. Grass would be delivered in 15 tonne tractor and trailer loads and would be sourced from the applicants' surrounding land. Half of the 9,000 tonnes of grass would be grown at Leesthorpe Farm, surrounding the site, and would be delivered directly to the AD plant without using the local road network. The remaining 4,500 tonnes would be delivered to the site from land within 9km of the site and would use the local road network. Grass would be brought to the site between May and October and would equate to 1.9 loads entering and leaving the site daily during this period.

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23. On the basis of the above, the proposed development would result in a total of 4.6 vehicle trips per day associated with the delivery of feedstock (9.2 vehicle movements per day).

Outputs

24. The resulting products from the anaerobic digestion process are digestate, heat, biogas and carbon dioxide (CO₂). Approximately 41,650 tonnes of digestate would be generated per annum, which will be separated into liquid and solid fractions. The solid fraction would be dried onsite using the heat from the AD process. This dry fibre can be used as a compost for mushroom growers, with the applicant stating that this type of material is currently imported from Holland. The applicants state that no contracts are in place for the dry fibre end product, with the closest mushroom grower approximately 18 miles from the site by road in Market Harborough. The applicants state that 10,000 tonnes of dried digestate would be sold to the mushroom growing industry annually and would be transported from the site in 28.5 tonne bulk lorries. This would result in an average of 1.1 HGV movements per day, Monday to Saturday.
25. The applicants state that they currently use synthetic fertilisers and sewage sludge on the land that they farm and the use of liquid and solid digestate from the proposed AD plant would replace this, with 6,697 tonnes of digestate to be spread to the applicants' land per annum. The digestate would be umbilically piped from the AD plant directly to these surrounding fields, thus would not require transportation via the road network.
26. The remaining 24,953 tonnes of digestate will be transported from the AD plant in 28.5 tonne loads to land that the applicants farm, within 9km of the site. This would result in an average of 2.8 HGV movements per day, Monday to Saturday. In the future the applicants state that they may look to backhaul the digestate on the transport used to bring in the feedstock, reducing the vehicular movements to and from the site. All HGVs entering and leaving the site would do so via the A606 and not through Pickwell village.
27. The heat generated in the plant would be used in the drying process and to maintain the AD operation. The CHP unit would be used to generate electricity from some of the biogas for use at the plant only. No electricity would be exported from the site. The applicant states that the remaining biogas (around 40,000MW or 4,000,000m³) would be transported by road (1.6 loads per day Monday to Saturday) for injection to the grid via SGN (Scotia Gas Networks), although it is not clear where this would take place.
28. Around 5,000 tonnes per annum of CO₂ will be produced which is proposed to be processed through liquefaction equipment contained in the operations building to enable it to be transported off-site in 25 tonnes HGVs (0.6 loads per day Monday to Saturday). It is proposed that it will be supplied to soft drinks manufacturers and, again, while no contracts are currently in place, the closest manufacturer is approximately 35 miles from the proposed site.

Operating Hours

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29. The usual operating hours for the facility would be 07.00 to 18.00 Monday to Saturday with movements to and from the site taking place during these hours. The anaerobic digester would be in operation 24 hours per day.

Employment

30. The applicants state that the development will lead to the employment of five full time equivalent staff members.

Environmental Considerations

31. The application was accompanied by the following technical assessments:
- Highway Impact Assessment;
 - Flood Risk Assessment;
 - Ecological Assessment, including great crested newt survey;
 - Heritage Assessment;
 - Landscape Assessment;
 - Odour Management Plan; and
 - Lighting, planting and site layout plans.

Planning PolicyLocal

32. The relevant local development plan policies are contained within the Leicestershire Minerals and Waste Local Plan (adopted September 2019) and the Melton Local Plan (adopted October 2018).

Leicestershire Minerals and Waste Local Plan

- 33.
- Policy W1: Waste Management Capacity;
 - Policy W4: Non-strategic Waste Facilities;
 - Policy W5: Locating Waste Facilities;
 - Policy W6: Biological Treatment of Waste Including Anaerobic Digestion and Open Air Windrow Composting;
 - Policy W7: Facilities for Energy and Value Recovery from Waste;
 - Policy DM1: Sustainable Development;
 - Policy DM2: Local Environment and Community Protection;
 - Policy DM5: Landscape Impact;
 - Policy DM6: Soils;
 - Policy DM7: Sites of Biodiversity/Geodiversity Interest;
 - Policy DM8: Historic Environment;
 - Policy DM9: Transportation by Road;
 - Policy DM10: Public Rights of Way; and
 - Policy DM11: Cumulative Impact.

Melton Local Plan

- 34.
- Policy SS1: Presumption in Favour of Sustainable Development;
 - Policy SS2: Development Strategy;
 - Policy EC2: Employment Growth in the Rural Areas (Outside Melton Mowbray);

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- Policy EN1: Landscape;
- Policy EN2: Biodiversity and Geodiversity;
- Policy EN3: The Melton Green Infrastructure Network;
- Policy EN8: Climate Change;
- Policy EN10: Energy Generation from Renewable and Low Carbon Sources; and
- Policy EN13: Heritage Assets.

NationalNational Planning Policy Framework

35. The revised National Planning Policy Framework (NPPF) was published 19th February 2019 and sets out the Government's planning policies for England. The NPPF does not contain specific policies on waste. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment (including the minimisation of waste and pollution). The NPPF sets out that decisions should provide for a net gain to biodiversity.
36. The National Planning Policy for Waste published in October 2014 and the Waste Management Plan for England published December 2013 set out the Government's ambition to work towards a more sustainable and efficient use of waste and the desire to move the management of waste up the waste hierarchy.
37. In 2011 the Government published its '*Anaerobic Digestion Strategy and Action Plan - A commitment to increasing energy from waste through Anaerobic Digestion*' document.

Material Planning Considerations

38. Somerby Parish Neighbourhood Plan (SPNP) is at the pre-submission consultation draft stage (published in June 2019). The following draft policies are relevant to this proposal, although the weight that can be afforded to them is limited due to the current stage of the SPNP:
 - Policy Cd1: Building Design Principles;
 - Policy Env 4: Local Non-Designated Heritage Assets;
 - Policy Env 7: Settlement Character;
 - Policy Env 8: Local Landscape Character Areas;
 - Policy Env 10: Biodiversity and Wildlife Corridors;
 - Policy Env 11: Trees, Hedgerows and Green Verges;
 - Policy Env 12: Dark Skies and Tranquillity;
 - Policy Env 13: Footpaths and Bridleways;
 - Policy Env 15: Renewable Energy Generation Infrastructure; and
 - Policy EE1: Business Growth; and
 - Policy EE4: Farm Diversification.

Consultations

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Melton Borough Council

39. The Council notes that this proposal involves the erection of a large number of buildings within an area of undisturbed countryside and that careful considerations need to be given to impacts on the visual amenity of the area and surrounding landscape. The Council also wishes that consideration is given to the impacts on the loss of best and most versatile agricultural land and on the natural environment and human health.

Somerby Parish Council

40. The Council considers that the policies within the Melton Local Plan are adverse to this application. While not raising an objection on highway grounds subject to all deliveries and exports being via the A606 and not Pickwell village, the Council considers that the development across five hectares will have an enormous visual impact. It also considers that the impacts of the access road need to be considered due to the use of concrete or tarmacadam for the surfacing. If approved the Council wishes to see conditions imposed that limit the throughput to that proposed in the application and also require a planting scheme and low-level lighting across the site.

Whissendine Parish Council

41. The Parish Council objects to the proposal on grounds of highway safety and is concerned about pollution risks to the local watercourses.

Rutland County Council - EHO

42. No objection.

Highway Authority (CHA) – Leicestershire County Council

43. Originally issued a holding objection requesting additional information relating to survey data from the traffic counts and speed survey so this can be verified. The CHA also asked the Applicant to clarify whether the level of trips associated with 'additional materials from other farms' relate specifically to vehicle movements on Stygate lane. The CHA also requested drawings indicating appropriate visibility splays at the site access and revised vehicle tracking should be provided for the site access and passing bays as well as using the junction of Stygate Lane/ A607.

Rutland County Highway Authority

44. Originally issued a holding objection. It has concerns regarding the accident record of the junction between Stygate Lane and the A606 and requested further information regarding vehicle movements and junction improvement works.

Environment Agency

45. No objection.

Landscape Advice (Leicestershire County Council)

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46. The Landscape Officer considers that the proposal will not have a major adverse impact on the surrounding landscape and raises no objection subject to conditions relating to the retention of vegetation where possible and a detailed planting scheme.

Ecological Advice (Leicestershire County Council)

47. No objection subject to conditions regarding a planting scheme and prior approval of external lighting, which should ensure that light spill is less than 1 lux on ecological features such as trees, hedgerows etc.

Heritage Advice (Leicestershire County Council)

48. The Heritage Officer wishes it to be noted that, when taking decisions on planning applications, there is an over-arching statutory obligation under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings and that Section 16 of the NPPF is a material planning consideration. The officer goes on to note that recent case law makes it clear that the duty imposed in the Act requires, in considering whether to grant permission for development that may cause harm to a listed building or its setting, the decision maker should give great weight to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. There is still a requirement for a planning balance, but it must be informed by the need to give appropriate weight to the desirability of preserving the asset and its setting.
49. The Heritage Officer has provided an assessment of the impacts of the proposal on heritage assets and concludes that the scale of harm to the local heritage assets in this case will be less than substantial. Even so, the harm that would be caused to the heritage asset needs to be weighed in the planning balance as per the requirements stated above and in accordance with the Development Plan.

Historic England

50. No comment.

Local Lead Flood Authority (LLFA) Leicestershire County Council

51. No objection.

Rights of Way - Leicestershire County Council

52. Unless the route of Footpath D68 is diverted away from the access road then the Rights of Way officer would object due to the impacts on users and the character of the footpath. The Applicant has confirmed that it is amenable to applying for a formal diversion of Footpath D68 to take it to the south of a hedge that runs immediately adjacent to the proposed new access road.

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Publicity and Representations

53. The proposal has been advertised by site notices posted on 9th April 2019 and a notice in a local newspaper published on 11th April 2019.

Representations Received

54. A total of 49 letters of representation have been received, all of which raise an objection to the current proposal. The main issues raised are:
- the impacts of the proposal on local heritage assets;
 - impacts on the local highway network and highway safety;
 - visual and landscape impacts on the local area, including its 'dark skies';
 - impacts on local amenity by way of noise, odour and artificial lighting;
 - industrialisation of the countryside;
 - lack of benefits to the local community;
 - hydrology;
 - viability; and
 - should not be using crops as a 'waste' product.

Assessment of Proposal

55. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration of this application relate to impacts upon heritage assets, the local highway network, landscape, noise, public rights of way, the contribution of the proposal to the County's waste management infrastructure and the appropriateness of the location. Other considerations include benefits from employment, the moving of waste up the hierarchy and wider benefits associated with anaerobic digestion.

Policy W6 - Biological Treatment of Waste Including Anaerobic Digestion and Open Air Windrow Composting

56. Policy W6 is the key policy for this type of development and it states that planning permission will be granted for waste facilities for anaerobic digestion, outside of those areas set out in (i) - (iii) of Policy W4 where the proposal is an appropriate distance from any sensitive receptors and is located on either:
- (i) land meeting the requirements of (i)-(iv) of Policy W5, or
 - (ii) land associated with an existing agricultural, livestock, or food processing use where it is demonstrated that there are close links with that use.
57. It is considered that the proposal is outside those areas set out in (i) - (iii) of Policy W4 and therefore it is necessary to consider whether the proposal meets either subsections i or ii in Policy W6. The site does not meet the locational requirements of subsections i to iv of Policy W5 and therefore to conform to the requirements of Policy W6, the proposed site must be land associated with an existing agricultural, livestock, or food processing use where it is demonstrated that there are close links with that use. This is discussed in further detail below.

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General Location and Policy and Need

58. In terms of need for additional capacity to manage agricultural waste, Paragraph 4.10 and Table 10 of the Leicestershire Minerals and Waste Local Plan are pertinent. It is evident from Table 10 (reproduced below) that the identified shortfall for the whole plan period up to 2031 is around 650 tonnes per annum.

Year	Gross Requirement (tpa)	Capacity (tpa)	Shortfall/ Surplus (tpa)	New facilities required (no. & tpa)
2020/21	6,477	6,224	-253	1 of 300
2025/26	6,664	6,524 ¹	-140	1 of 150
2030/31	6,856	6,674 ²	-182	1 of 200
Plan Period	6,856	6,224	-632	1 of 650

¹ Assumes 300 tonnes per annum (tpa) of capacity added in response to the 2020/21 requirement.

² Assumes 150 tonnes per annum (tpa) of capacity added in response to the 2025/26 requirement.

59. A key aim of the Minerals and Waste Local Plan is to direct new waste developments to specific areas of the County and to suitable priority locations. Given the type of operations proposed the site does not meet the criteria of a 'strategic' site and, therefore, Policy W4 is the starting point for assessing its suitability in terms of location. The proposed site is a greenfield agricultural

site in the countryside. Policy W4 sets out that some types of waste management facility cannot be readily located in the priority locations; anaerobic digestion is one of these types of facilities. Therefore, there is no conflict with Policy W4.

60. Policy W5 lists those types of land to be considered for locating new waste sites. There are four land types stated as being acceptable, none of which are greenfield countryside locations. However, Policy W5 goes on to state that other land types will be considered *'where there is a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits, and there is an overriding need for the development which cannot be met within the urban areas set out in (i)-(iii) of Policy W4.'*
61. The proposal includes 15,000 tonnes of surplus slurry from the adjacent pig farm, which the Applicant states cannot be managed at the pig farm's established AD plant due to it being at maximum capacity. This equates to around 31% of the total inputs. There is, therefore, a link between the proposed location and some of the waste to be managed, although it is necessary to consider the location of other waste streams to be processed and the location of the end products to fully understand any transport, operational and environmental benefits.
62. The bulk of the waste streams would be imported from up to 20km away, with 4,500 tonnes from adjacent grassland and the rest from up to 9km away. Therefore, while there is some material to be imported from adjacent farmland,

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the majority will not be, with a 20km zone including land on the eastern fringe of Leicester, western edge of Stamford and north of Melton Mowbray. It also includes land close to Rockingham to the south. Therefore, it is considered that it has not been demonstrated that there is a close link between the inputs and the location of the proposed site.

63. With respect to outputs, out of 41,650 tonnes per annum, it is proposed that 10,000 tonnes per annum would be exported to mushroom farms. However, no contract is in place and the closest mushroom farm is stated as being 18km to the south near Market Harborough. Around 25,000 tonnes per annum of digestate is proposed to be spread to adjacent farmland and other land within 9km of the site, which would be beneficial and replace other imports on local roads. 5,000 tonnes per annum of CO₂ would be exported off site a distance of at least 35 miles, which is a significant distance from a countryside location, with around 4 million cubic metres of biogas also being exported for injection into the main grid. The location of this is not stated, although it is likely to be at a significant distance from this rural, isolated location. It is considered that again, while a majority of output would be used within 9km of the application site, the remaining outputs would travel significant distances from the site and a close link between the outputs and the location of the proposed site has not been proven.
64. Overall, while there would be some benefits arising from the location of the site adjacent to the Belmont Pig Farm AD facility, it would be preferable in planning policy terms for that facility to be extended to manage its own waste rather than a standalone facility be built in this rural, countryside location, with only limited links to surrounding and close land.
65. In the light of the foregoing it is considered that while there may be a need to manage the 15,000 tonnes per annum of pig slurry arising from the adjacent site, there isn't a demonstrable overriding need for the remaining throughputs to be processed at this location. It is therefore considered that the proposal conflicts with Policies W5 and W6.

Highway Impacts

66. The proposed access on Stygate Lane is considered to be acceptable in principle, although the Highway Authority has requested further plans demonstrating acceptable visibility splays. Further information was requested by both Leicestershire and Rutland County Highway Authorities in terms of traffic data and junction improvement works where Stygate Lane joins the A606.
67. However, prior to this requested information being submitted by the Applicant, an appeal was lodged on the grounds of non-determination. The additional information originally requested was submitted as part of the appeal and this has been consulted upon. At the time of writing this report, formal responses have not been received from the highway authorities but these will inform the position the County Council takes in relation to highway impacts.
68. This report is seeking a resolution from the Development Control & Regulatory Board as to what decision it would have taken had the application been determined by it. At the time of writing this report it is not known whether the

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objections of both highway authorities would have been removed. Should responses be received prior to the Board meeting, Members will be provided with an update.

Heritage Impacts

69. There are several listed buildings and structures and non-designated buildings of local heritage interest within the theoretical zone of visibility of the site. The advice from the council's Heritage Officer is that there would be some harm to the setting of these heritage assets. However, the Heritage Officer concludes that the harm would be 'less than substantial', although it is noted that even in this situation, great weight should be given to the conservation of such assets and, where a development proposal will result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
70. Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, which includes effects on the setting of the heritage assets. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
71. Policy DM8 states (*inter alia*) that '*there will be a presumption against minerals and waste development that will be detrimental to the significance of a heritage asset. Any harm to heritage assets will require clear and convincing justification. Where a proposal would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset (including archaeological features) and its significance.*' Policy EN13 is also relevant and states (*inter alia*) that '*the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:*
 - A) *seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.*
72. While the impacts on local designated heritage assets are considered to be less than substantial, Policy DM8 has a presumption against waste development that will be detrimental to the significance of a heritage asset, as does bullet point A to Policy EN13. However, there is a clear caveat in Policy DM8 and paragraph 196 of the NPPF that a clear and convincing justification/public benefit for the development proposals would overcome the in-principle policy objection where the impacts are less than substantial.

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73. It is considered that there is a planning judgement to be made where less than substantial impacts would affect designated assets as to whether the benefits of the development proposed are such that the harm is outweighed. The benefits in this instance include employment, the moving of some waste up the hierarchy and the production of compost, digestate, CO₂ and biogas. This has to be weighed against the great weight that is given to the conservation of the heritage assets and that the development would result in less than substantial harm to them.
74. Furthermore, it is considered that the benefits could reasonably be provided by a facility situated in a location much closer to the source of inputs and/or outputs, where there would be much less, if any, impacts on local designated heritage assets and the local highway network. As set out above, it is considered that there is not a reasoned justification for using such an isolated, countryside location and the public benefits do not outweigh the harm. Therefore it is considered that the development would be in conflict with Policies DM8 and EN13 and the NPPF.

Visual and Landscape Impacts

75. The Council's Landscape Officer has considered the proposals and, subject to conditions, considers that the proposal would not have a major adverse visual impact on the surrounding landscape. Notwithstanding this, the proposed development will have an urbanising effect on this rural location, particularly in cumulation with the adjacent AD facility at Belmont Farm. While the visual impact of the proposal in itself may not be so severe as to warrant a refusal on landscape grounds alone, there remains some conflict with Policies DM5 and EN1, as there will be a further urbanising effect within this rural landscape and this needs to be considered in the planning balance.

Noise, Odour and Emissions to Air

76. The site is reasonably well distanced from residential properties and there have been no concerns raised by the technical consultees in relation to noise, odour and emissions. The site will require an Environmental Permit issued and regulated by the Environment Agency prior to accepting any waste and this permit will place controls on the operator with regard to these matters. It is considered that there are no identified significant impacts arising from the proposal and no conflict with Policy DM2.

Rights of Way

77. The access road would impact upon Footpath D68 and the Rights of Way Officer has stated that unless changes are made to the scheme or a diversion of Footpath D68 is agreed by the Applicant then the Officer would object to the proposal. The Rights of Way has suggested that a minor diversion of the footpath immediately to the south of a hedgerow would overcome her objection and the Applicant has agreed to pursuing such a diversion if permission is granted. Therefore, subject to appropriate conditions/S106 agreement covering this matter there is no conflict with Policy DM10.

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78. Policy EN3 states that where new development has an adverse impact on green infrastructure corridors or assets (which includes access routes such as public rights of way), alternative sites and scheme designs that have no or little impact should be considered before mitigation is provided. The need for and the benefits of the development will be weighed against the harm caused. In this case, the development would significantly affect the characteristics of the footpath and impact on the public's use and enjoyment of it. This impact weighs against the proposed development.

Ecological Impacts

79. Two ecological appraisals have taken place in relation to land in and around the application site and these have not identified any protected species. The County Ecologist is concerned about the potential impacts of external artificial lighting although it is considered that a condition requiring prior approval for such lighting could overcome this concern. Therefore, it is considered that subject to such a condition the development does not conflict with Policies DM2 and EN2.

Other Matters

80. The site is in Flood Zone 1 and subject to an appropriate drainage scheme there would be no significant impact from the development on flood risk on and off site.
81. The use of non-waste agricultural crops such as grass and straw has been raised as a concern by several representors. The AD process often requires a blend of feedstocks to maximise the efficiency of the process and its outputs and is not in itself a reason to refuse this application.

Conditions

82. As the appeal process progresses, the Council will be requested to submit a scheme of conditions that it would wish to be imposed on any permission that may be granted by the Inspector. The submission of the scheme of conditions is without prejudice to the final decision made by the Inspector and is likely to include conditions covering the following matters:
- Highway and access improvements and routeing (some of these works may need to be included in a separate S106 obligation);
 - Footpath diversion;
 - Artificial lighting;
 - Ecological protection;
 - Landscaping;
 - Hours of operation;
 - Vehicle movements;
 - Waste types and tonnages; and
 - External colour scheme for all structures.

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Conclusions

83. The proposed development would be on a greenfield, rural location with only limited links to the site's agricultural use and limited transport, operational and environmental benefits – in fact due to the site's rural location there may be an increase in overall mileage travelled for the inputs and outputs of the AD process. It is also considered that there is no overriding demonstrable need for the AD facility or for it to be located in this location, rather it is considered that the adjacent pig farm and AD facility are being used to attempt to justify the whole development.
84. There would be less than substantial harm on several designated heritage assets in the locality that needs to be weighed in the planning balance. It is considered that notwithstanding the benefits from employment, waste management and the outputs from the facility, the lack of overriding and demonstrable need mean that the proposal conflicts with Policies W5 and W6. In addition, the development conflicts with policies DM5, DM8, DM10 and EN13 due to the location of the proposal and the impacts on heritage assets, the urbanising harm to the landscape and the impacts on users of Footpath D68.
85. Objections on highway grounds were made by both Leicestershire and Rutland Highway Authorities, and the response to these holding objections were only submitted after an appeal on non-determination grounds was lodged. This information is currently being consulted on and an update will be provided to Members at the meeting of the Development Control & Regulatory Board.

Recommendation

86. That the Planning Inspectorate be advised that had the planning application been brought before the Development Control & Regulatory Board for determination, that the Development Control & Regulatory Board would have resolved to REFUSE the application for the following reason:
 1. The proposed development is in a rural, greenfield location with only limited links to this location. It has not been demonstrated that there is an overriding need for an anaerobic digestion facility or for it to be located in this location and, taking into account the less than substantial harm on designated heritage assets in the locality, harm to users of Footpath D68 and potential impacts from artificial lighting, the proposed development conflicts with Policies W5, W6 and DM8 of the Leicestershire Minerals and Waste Local Plan (2019) and Policy EN13 of the Melton Local Plan (2018).