Agenda Item 8

Leicestershire County Council

DEVELOPMENT CONTROL AND REGULATORY BOARD

7th August 2025

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE: **2023/CM/0053/LCC (2024/00041/03) - 21 December 2023**

PROPOSAL: **Proposed Anaerobic Digestion Plant, Associated Infrastructure, Lagoons and Feedstock Clamps**

LOCATION: **Marigold Farm, Welham Road, Great Bowden, LE16 7FN**

APPLICANT: **Great Bowden Green Energy Ltd**

MAIN ISSUES: **The need for additional capacity to manage agricultural waste and the need for low carbon, renewable energy; the principle of development in a countryside location; the loss of a residential property; traffic, access, and parking; odour; noise; landscape and visual amenity; lighting; heritage and conservation; pollution; public health; biodiversity and geodiversity; climate change; land contamination; flood risk, hydrology and hydrogeology; vibration; dust; agriculture/conservation of soil resources; economic growth and resilience; crime; minerals; and sustainability.**

RECOMMENDATION: PERMIT subject to the conditions set out in Appendix A.

Circulation Under Local Issues Alert Procedure

Dr. S Hill CC

Former Local Member Mr Barry Champion CC

Officer to Contact

Charlie Cookson (Tel. 0116 305 1085).
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PART B – MAIN REPORT

The Site and Surroundings

1. The application site is on land at Marigold Farm, Welham Road, Great Bowden, within the district of Harborough, Leicestershire. The site is located approximately 0.85 kilometres (km) to the north-east of the centre of Great Bowden, 2.8km north-east of the centre of Market Harborough, 1.75km south-west of the centre of Sutton Bassett, and 2.5km north-west of the centre of Dingley. Furthermore, the site sits approximately 0.7km to the west of the Leicestershire, North Northamptonshire border, with Sutton Bassett and Dingley of the aforementioned locations sitting within North Northamptonshire.

2. The site is made up of two sections, a larger 'southern' area which consists of the proposed anaerobic digestion facility, hereinafter referred to as the 'main compound', and a smaller 'northern' area which consists of a National Grid compound, with the two areas connected via underground pipework. The site of the main compound including the proposed anaerobic digestion facility is bound to the west by Welham Road, on the opposite side of which lies a waste facility and Dimlicote Farm. To the south and east, the site is bound by improved grassland and arable fields separated by hedgerows and fences. To the immediate north of the site lies Welham Lane Game Farm, in which the curtilage of the nearest residential receptor is situated; approximately 85 metres (m) north of the site. Welham Bush Poultry Farm is situated approximately 320m north of the main compound's site boundary.

3. The next closest residential properties are situated approximately 350m to the south-west of the site's boundary along Welham Road. The north-western boundary of the Hursley Park development (including housing estate and country park) is situated approximately 200m to the south-west.

4. The application site comprises 3.47 hectares (ha) of land. The northern and southern boundaries of the main compound are mostly defined by hedgerows with an area of scattered trees at the western end of the proposed development area. The western extent of the main compound predominantly consists of vacant buildings associated with its previous use as a mushroom farm, including old polytunnels, a derelict bungalow and extensive areas of concrete, tarmac and gravel hardstanding. The eastern extent of the main compound consists of undeveloped scrubland and a small pond in the north-eastern corner. Regarding topography, the land gently rises east to west from a low point of approximately 70.5m Above Ordnance Datum (AOD) on the eastern boundary to a high point of approximately 72.5m AOD at the western tip of the site, west of the existing bungalow.

5. The proposed main compound, which includes the anaerobic digestion facility, would be connected to a National Grid compound situated approximately 500m north by an underground gas pipe, from the main compound's eastern boundary, spanning approximately 550m in a northernly direction, beneath agricultural fields, Welham Lane, and Welham Bush Poultry Farm. The site of the national Grid compound comprises an agricultural field, with Public Footpaths A55 and A56 (part bridleway) adjacent to the west.

6. The site is accessed from the west off Welham Road, which runs in a north easterly direction from the connecting junction with the A6, approximately 120m to the south-west of the site's boundary. Welham Road also extends in a northerly direction until it meets Welham Lane close to Welham Bush Poultry Farm, and in a south westerly direction into Great Bowden via a bridge which crosses over the A6. Route 64 of the National Cycle Network (NCN 64) runs along this section of Welham Road and Welham Lane to the north of the main compound site. There is a short section of Welham Road which runs for approximately 90m north-east of the A6/Welham Road junction which does not form part of NCN 64.

7. The Great Bowden Borrowpit biological Site of Special Scientific Interest (SSSI) is situated approximately 590m to the west of the application site boundary. The application site lies within the SSSI Impact Risk Zone for the Great Bowden Borrowpit SSSI.

8. The Great Bowden Conservation Area is approximately 380m to the south. The closest listed heritage assets to the main compound are:

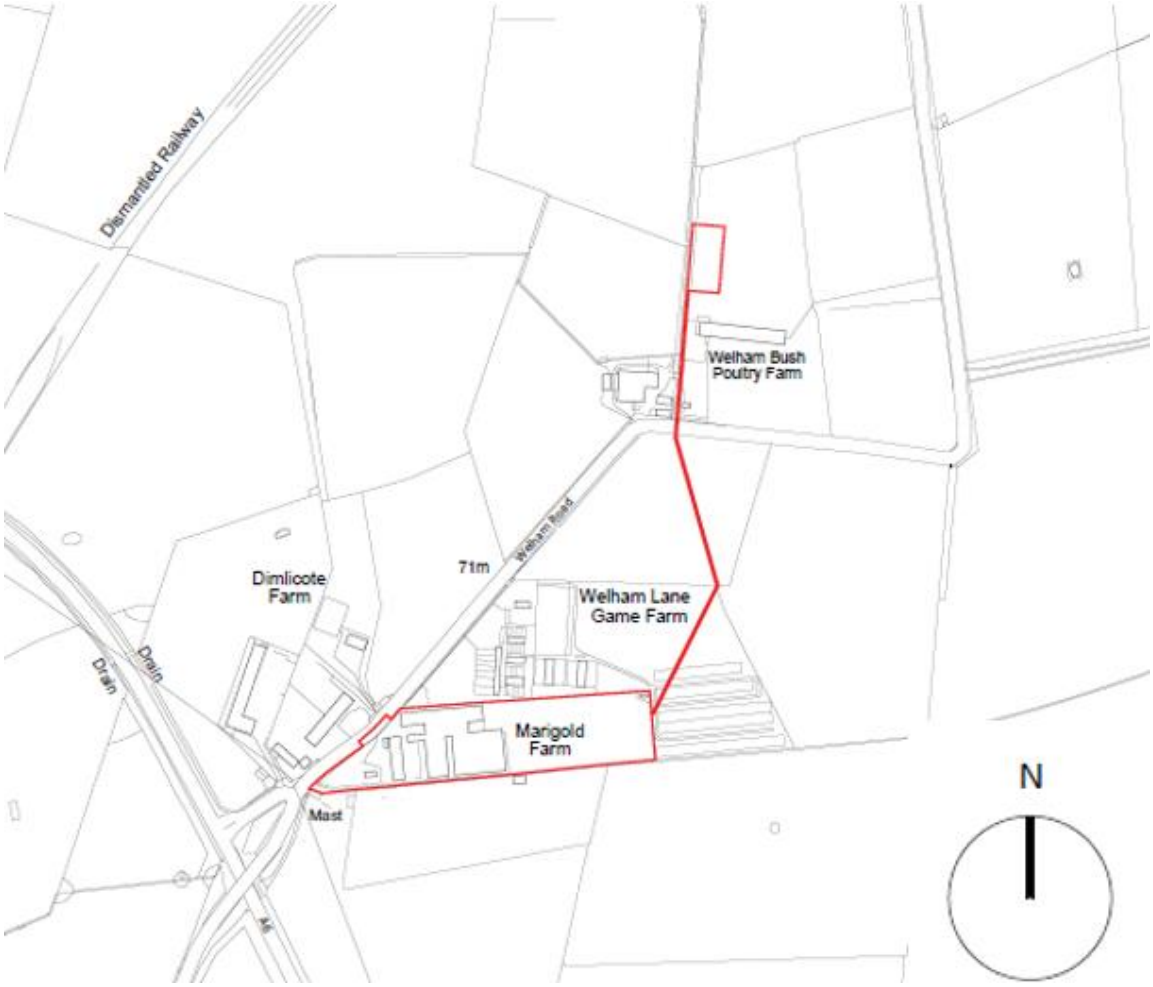
    - The Grange, Grade II listed, situated approximately 560m south of the application site boundary;
    - 17 and 19 Welham Road, Grade II listed, situated approximately 590m south-west of the application site boundary;
    - Nether Green Stables, Grade II listed, situated approximately 660m south-west of the application site boundary.

9. The main compound is situated within Flood Zone 1, indicating a low probability of flooding from rivers and the sea. Regarding the annual chance of surface water flooding at the main compound, most of the site is in an area of very low (less than 1 in 1000) risk of surface water flooding in a given year. Small areas of the western portion of the site are at low (1 in 100 to 1 in 1000) risk of surface water flooding in a given year. There is a thin strip of high probability risk of surface water flooding (1 in 30) which runs parallel to the southern site boundary. The proposed pipeline would run through areas predominantly within Flood Zone 1 until it meets the site of the National Gas compound, which sits within both Flood Zones 2 and 3. The western extent of the National Gas compound area has a high annual likelihood of surface water flooding.

10. None of the trees within the site are covered by tree preservation orders (TPO).

11. The site lies on land classified as Grade 3 on the Provisional Agricultural Land Classification map.

12. The entirety of the site sits within a Nitrate Vulnerable Zone.



Planning History

13. The site has a long planning history. As such, the relevant planning history to this application is summarised within this section of the report to aid the reader.

    a) "Change of Use and redevelopment for B2 (industrial) use, to include demolition of existing buildings". Ref: 15/00901/OUT – Refused 11th September 2015.
    b) "Change of Use to include demolition of existing buildings and redevelopment for B2 Use (revised scheme of 13/01765/OUT) – Refused 19th January 2015.
    c) "Removal of Condition 3 (agricultural occupancy) of 80/01332/3M. Ref: 13/01778/VAC – Permission granted 18th June 2014.

d) Change of use to include demolition of existing buildings and proposed redevelopment for B2/B8 uses. Ref: 13/01765/OUT – Application withdrawn 6th February 2014.
e) "Erection of single storey toilet extension". Ref: 03/00593/FUL – Permission granted 10th June 2003.
f) "Siting of portakabin for office use and reduction in length of storage sheds adjacent to northern boundary". Ref: 02/01336/FUL – Granted permission 28th October 2002.
g) "Marigold Farm Welham Lane Great Bowden Erection of sterilisation shed and biofilter treatment plant Marigold Farm Welham Lane Great Bowden". Ref: 92/01869/3P – Granted permission 10th March 1993.
h) "Erection of 6 no growing sheds and covered way". Ref 91/00091/3P – Granted permission 14th March 1991.
i) "Demolition of effete growing sheds, enlargement of car parking area, erection of 5 no growing sheds and covered way, siting of portakabin". Ref: 90/01519/3P – Granted permission 5th October 1990.
j) "Erection of cold storage building". Ref: 82/00830/3M – Permission granted 3rd August 1982.
k) "Erection of single 20' x 20' lean to existing general purpose building for horticultural use. Ref 81/01499/3P - Permission granted 22nd September 1981.
l) "Erection of 3 bedroom bungalow". Ref: 80/01332/3M – Permission dated 23 September 1980.
m) "8 growing sheds 4 spawnrunning sheds and basket store". Ref: 77/00747/3M - Permission dated 10th August 1977.
n) "The erection of a mushroom house". Ref: MU/04579/MUDC – Permission granted, date unknown.

Description of Proposal

14. The proposal is for the erection of an anaerobic digestion (AD) plant, associated infrastructure, lagoons and feedstock clamps, for the purpose of generating biomethane, which would be exported to the National Gas Grid via underground pipeline to a connection point approximately 500m north of the AD facility.

15. The applicant is proposing to lay the pipe to the point of the National Gas compound and would construct the 1.8m high weld mesh fencing enclosing the compound. Everything else within the fence line and the connection to the existing National Transmission System (NTS) is proposed to be constructed by National Gas.

16. The pipeline to the compound is considered to benefit from permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Schedule 2, Part 15, Class A (a), *'development by a gas transporter required for the purposes of its undertaking*

consisting of the laying underground of mains, pipes or other apparatus'. Therefore, this element of the proposal is not considered further within the report.

17. The 20x20m, 1.8m high weld mesh fencing enclosing the compound is considered to benefit from permitted development rights afforded by the GPDO, Schedule 2, Part 2, Class A(b), *'the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'.* Therefore, this element of the proposal is not considered further within the report.

18. The proposal has been screened in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is not deemed to constitute EIA development. The full screening assessment is provided in Appendix D.

Construction Phase

19. The construction of the development would include the following structures:

- Digester: Consisting of one concrete digester tank measuring 100.9m x 26m. The digester tank would measure 1.8m high above ground level and extends 2.8m below ground level. The tank is surmounted by a 6m high dome used for collecting and holding gas. Overall, the digester measures 7.8m high to the crest of the semi-circular, green coloured, dual-skinned plastic dome roof. Eight gas mixing compressors lie to both the western and eastern sides of the domed gas holder (four on each side, atop the digestor tank). Two de-grit membranes sit to the west of the gas mixing compressors situated on the western side of the domed gas holder, atop the digester tank. Two recirculating pumps adjoin the northern and southern side of the digestor tank. A 30m x 10m plinth is located at the front of the digester tank (its westem elevation), on which sit two feeders measuring 12.7m x 3m x 4.2m high.
- Earth bunded feedstock clamp measuring 141m x 40.7m x 3m high.
- Three feedstock bunkers measuring in total 19.6m x 9m x 5.2m high to the crest of the domed roof. Each feedstock bunker consists of 3.0m high grey concrete block walling, and domed canopy roofs in a light green colour.
- Twin straw processing system, the enclosure of which measures 36m x 11.2m x 6.8m high to the crest of the domed roof. The enclosure consists of 4.0m high grey concrete block walling, and a domed canopy roof in a light green colour. Two straw bale conveyors extend 20m westwards from the enclosure, whilst a processed straw bunker lies within the eastern extent of the enclosure.
- Digestate separation bunker measuring 8.8m x 6.4m x 4m high concrete walling. The bunker is surmounted by two digestate separators and associated gantry – increasing the height to 6m overall.
- Combined Heat & Power (CHP) unit measuring 15m x 3m x 3m high. The roof of the containerised unit features associated equipment including safety

railings, table coolers, exhaust gas heat exchanger and silencer taking the unit to a total height of 7m. The unit would be of a light green profile metal.

- Gas Upgrade Plant comprised of multiple components, including: a 5.5m x 3m x 3m high compressor; a 10.8m x 3m x 3.2m high membrane separator unit surmounted by a 3.5m high vent stack; 4 carbon vessels measuring 3.6m high with a radius of 0.95m; a chiller unit measuring 2.3m x 1.2m x 2.5m high.
- Carbon Dioxide (CO2) capture plant comprised of multiple components, including: a shed measuring 14m x 8m x 6.1m to the ridgeline; a Liquid Carbon Dioxide (LCO2) storage tank to the east of the shed measuring 14.6m long with a radius of 1.4m and overall height of 3.1m, with a capacity of 52m^3. Situated to the north of the shed and LCO2 storage tank sits; a stripper, reboiler and CO2 condenser measuring 2.6m x 2.6m x 7.5m high; a refrigerant condenser measuring 5.6m x 1.2m x 1.8m high; a LC02 quality measuring unit measuring 2.5m x 2m x 2.4m high; a dry cooler measuring 4.4m x 2.3m x 2.5m high.
- Process building with mono pitch roof measuring 15m x 10m x 5.2m to the highest point.
- 10.5m high flare stack atop a plinth.
- Two compressor units with green metal sidings measuring 2.3m x 4.4m x 2.4m high with a vent stack measuring 8.3m high in total.
- Gas Entry Unit (GEU) measuring 6.6m x 3.1m x 2.7m high with green metal sidings.
- Pressure reduction system measuring 2m x 1m x 2.2m high and would have a dark green metal cabinet.
- 2985m2 covered digestate lagoon. The surrounding earth banks would measure 2.8m high.
- 640m2 surface water lagoon. The surrounding earth banks would measure 0.5m high and has a volume of up to 5,000 cubic metres (m^3).
- In-situ bungalow. Situated to the south western corner of the site, proposed to be retained and refurbished to provide on-site employee facilities – note, the application as submitted does not seek for the bungalow to be for residential purposes.

20. The proposal would include the following noise attenuation features:

- 3m high, 2.5m long barrier to the north of each louvre of the gas upgrading compressor enclosure.
- 4m high, 11m long barrier to the immediate north of the digestate separator.
- 2.5m high, 11m long barrier to the immediate north of each rotor cut/feed pump device.

21. The boundary trees/vegetation which surround the site are proposed to be retained. There is an area of scrub and semi-improved grassland to be retained at the south-west of the site, whilst the site's easternmost extent would see

retention of the pond, tall ruderal, and semi-improved grassland. The rest of the site would see the removal of trees/saplings/bushes, tall ruderal, semi-improved grassland, and scrub, replaced with the above-mentioned buildings, plant and machinery, and hardstanding.

22. The proposal would include the following highways works:

- Strip widening of the exit to the A6 link with a minimum 6.0m corner radius, using land within the highway boundary.
- Welham Road carriageway widening to a minimum of 6.5m between the site access and A6 link, using land within the highway boundary.
- Site access inbound corner radius increased to 10m with taper from Welham Road north-east, using land within the highway boundary.
- Provision of 4.5m x 47m visibility splay at the site access off Welham Road.
- Clearance of existing trees and shrubs on western boundary of the site. Cleared area to be landscaped with planting not exceeding 0.5m in height above carriageway level. Landscaped area to be dedicated and maintained as public highway.

23. The proposal would provide two trailer bays for HGVs and six 6m long bays for parking adjacent the process building.

Operational Phase

24. Once operational, the facility would be able to treat approximately 40,000 tonnes of feedstock per annum. This annual feedstock is proposed to comprise the following:

- Poultry manure – 9,000 tonnes
- Maize – 15,000 tonnes
- Straw – 16,000 tonnes

25. Poultry Manure: Making up approximately 22.5% of the overall input, one third (3,000 tonnes) would be sourced from a nearby poultry farm situated approximately 320m to the north of the site. The rest of the poultry manure would be imported from various farms within a 32km (20 mile) radius, including close to Kettering and Peterborough. There would be one sheeted-over HGV of poultry manure daily (2 movements – one in/one out). The manure would be brought to site to coincide with when the feeders are due to be filled and would be stored briefly in the feedstock bunkers.

26. Maize: Making up approximately 37.5% of the overall input, the closest farm the maize is likely to be imported from is close to Dingley, with the rest being imported from various farms within an 8km (5mile) radius. The applicant has stated it would

not be possible to ascertain the proportion of maize coming from each farm as this would depend on crop rotation, and contracts with farms can vary. No contracts are in place until such time as planning permission has been granted. However, the maize would be the only purpose grown feedstock as part of the proposal. HGV movements associated with maize are restricted to the months of October to November with deliveries taking place over 30 days per year which would result in an additional 36 daily movements during this peak.

27. When the maize is brought on-site to the feedstock clamps it would be covered quickly to avoid the crop from oxidising. If the crop begins to oxidise, the energy value of the crop decreases. When the digestion plant is 'fed' with the feedstock, the sheet from the leading edge of the clamp is lifted briefly to allow an agricultural teleporter to take enough material to put into the process.

28. Straw: Making up approximately 40% of the overall input, this would be sourced from farms within a 40km (25 mile) radius, including farms close to Desborough, Rothwell, Corby, Kettering, and Husbands Bosworth. The amount from each farm would depend on crop rotation and contracts with the farms. There would be 4 daily HGV movements associated with the straw feedstock. The straw would be delivered to site largely on a 'just in time' basis to avoid stockpiling on site and would be processed (crushed) by the on-site straw processing system for use in the anaerobic digestion process.

29. The proposal also requires circa 30,000 cubic metres (m^3) – 45,000m^3 of clean water annually to allow for processing. Up to approximately 15,000m^3 of this comprises reused water. Any shortfall in required water volume relies on taking potable water from the mains. It is therefore essential to capture as much surface water onsite as possible, to reduce reliance on the water mains. Surface water captured on site is fed into the Surface Water Lagoon. There would be no positive outfall from the site, as all surface water is fed into the anaerobic digestion process.

<u>The Process</u>

30. The proposed anaerobic digestion process would operate at the mesophilic (moderate) temperature range of around 42 degrees centigrade. The poultry manure, straw and maize (biomass) are mixed together with water, heated and then retained within the concrete digester tank for a period of up to 85 days. Within the tank, the biomass is broken down by mesophile micro-organisms in the absence of air, releasing a natural decomposition product of biogas. The biogas is collected in the green coloured dual-skinned plastic dome on top of the tank. It is then cleaned (removing the CO2 etc) creating biomethane and transported by pipeline and injected directly into the existing National Gas Grid pipeline, which runs to the north of the site.

31. At the end of the digestion process digestate is formed, consisting of a liquid and solid fraction. The solid fraction is a fibrous material held in partial suspension that is separated from the liquid fraction via a screw press within the digestate separation bunker.

32. The process is constant in that the feedstock is fed into the system at one end and the resultant digestate removed at the other while biogas is produced.

Outputs

33. As outlined above, the annual outputs consist of:

- Biomethane – 7 megawatts (MW)
- Liquid Digestate – 30,000 tonnes
- Solid Digestate – 24,000 tonnes
- CO2 – 10,000 tonnes

34. The combined outputs amount to 64,000 tonnes which at face value is higher than the 40,000 tonnes of feedstock input, however the shortfall is effectively made up from the water that is introduced as to make the process work.

35. As the biomethane would be transported by pipeline via the onsite gas entry unit and injected directly into the existing National Gas Grid pipeline, there would be no off-site vehicle movements associated with this output.

36. The liquid fraction, would also be used as a fertiliser, going back on the land where the maize is grown and the residual straw is taken from, when spreading is permitted. When spreading is not permitted, it would be stored in a covered lagoon on site. The liquid digestate would generate 8 HGV movements per day.

37. The solid digestate would be used as a fertiliser and soil improver, going back on the land where the maize is grown, and the residual straw is taken from. 4,000 tonnes of digestate would be back-hauled by the vehicles importing maize to the site during the October-November period. The remaining 20,000 tonnes would be stored in one of the feedstock bunker bays and would leave the site throughout the year, generating on average 6 HGV movements per day.

38. The captured CO2 from the process would be stored on site in liquid form and sold to the food and drinks industry via a dealer. It would generate 2 HGV movements per day. As the dealer is not the end user, the applicant cannot ascertain the exact end location of the CO2.

39. Through the combined heat and power unit, a small amount of the biogas is used to generate approximately 1,000 kilowatts (KW) of electricity which is used on site and the associated heat is used in the anaerobic digestion process.

Employment

40. The development would lead to the employment of two full time equivalent staff members.

Operating Hours

41. The process of anaerobic digestion operates 24/7; the hoppers which feed the digestion tank hold enough material for 24 hours. Actual work on-site is largely confined to the working week, other than for the removal of digestate. However, deliveries and exports would take place between 06:00 to 18:00, Monday to Saturday.

Planning Policy

National Policy

National Planning Policy Framework (2024) (NPPF)

42. The NPPF sets out the Government's planning policies for England and is a material consideration in planning decisions. Paragraph 11 requires plans and decisions to apply a presumption in favour of sustainable development. For decision making this means:

    a. approving development proposals that accord with an up-to-date plan without delay; or
    b. where there are no relevant policies or the policies which are most important for determining the application are out of date, granting planning permission unless:

        i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
        ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.

43. Section 4: Decision Making sets out the Government's policy with regard to decision making and states that local planning authorities should approach decisions on proposed development in a positive and creative way. Paragraph 56 requires local planning authorities to consider whether otherwise unacceptable development can be made so through the use of conditions or obligations.

Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

44. Sections of the NPPF considered relevant to the determination of the application are:

- Section 6: Building a strong and competitive economy (paragraph: 87(c));
- Section 8: Promoting healthy and safe communities (paragraphs: 96(b;c) and 105 (open space & recreation));
- Section 9: Promoting sustainable transport (paragraph 116 (considering development proposals));
- Section 12: Achieving well designed spaces (paragraphs: 135(a;b;c;f), 139(a;b));
- Section 14: Meeting the challenge of climate change, flooding and coastal change (paragraphs: 161, 163, ,168(a;b) (climate change); 181 (flood risk), 182(a;b;c) (sustainable drainage));
- Section 15: Conserving and enhancing the natural environment (paragraphs: 187(a;b;d;e;f); 193(a;b) (habitats and biodiversity); 196(a;c), 197, 198(a;c), 199, 201 (ground conditions and pollution));
- Section 16: Conserving and enhancing the historic environment (paragraphs: 207, 208 (proposals affecting heritage assets); 218 (considering potential impacts).

National Planning Policy for Waste October 2014 (NPPW)

45. Paragraph 7 of the NPPW states that when determining waste planning applications, waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies**.** Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the

assumption that the relevant pollution control regime will be properly applied and enforced.

46. Appendix B of the NPPW outlines the locational criteria that waste planning authorities should use for testing the suitability of sites in determining planning applications. These include the protection of water quality and resources and flood risk management, land instability, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions, odours, vermin and birds, noise, light and vibration, litter and potential land use conflict.

Planning Practice Guidance (PPG)

47. Climate Change (revision date 06 March 2014) (PPG-CC): Paragraph: 001 Reference ID: 6-001-20140306.

48. Flood Risk and Coastal Change (revision date 25 August 2022) (PPG-FRCC): Paragraph: 079 Reference ID: 7-079-20220825.

49. Renewable and Low Carbon Energy (revised date 06 March 2014) (PPG-RLCE): Paragraph: 001 Reference ID: 5-001-20140306; Paragraph: 003 Reference ID: 5-003-20140306.

50. Use of Planning Conditions (revision date 06 March 2014) (PPG-UPC): Paragraph: 001 Reference ID 21a-001-20140306; Paragraph: 006 Reference ID: 21a-006-20140306.

51. Waste (revised date 16 October 2014) (PPG-W): Paragraph: 002 Reference ID: 28-002-20141016; Paragraph: 051 Reference ID: 28-051-20141016; Paragraph: 055 Reference ID: 28-055-20141016.

The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (CCA):

52. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 created a legally binding climate change mitigation target for at least 100% reduction in greenhouse gas emissions (compared to 1990 levels) in the UK by 2050.

Biomass Strategy (August 2023) (BMS):

53. Sets out the role biomass can play in reaching net zero, what Government is doing to enable that objective, and where further action is needed.

Waste Management Plan for England (2021) (WMPE)

54. The WMPE sets out the Government's aim of securing greater reuse and recycling rates across all waste streams, thereby moving waste up the hierarchy.

The Development Plan

55. *Leicestershire Minerals and Waste Local Plan (adopted September 2019) (LMWLP).*

- Policy M11: Safeguarding of Mineral Resources
- Policy W1: Waste Management Capacity
- Policy W3: Strategic Waste Facilities
- 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 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
- Policy DM11: Cumulative Impact

56. *Harborough Local Plan 2011-2031 (adopted April 2019) (HLP).*

- Policy GD1: Achieving sustainable development
- Policy GD3: Development in the countryside
- Policy GD5: Landscape character
- Policy GD8: Good design in development
- Policy HC1: Built heritage
- Policy GI1: Green infrastructure networks
- Policy GI5: Biodiversity and geodiversity
- Policy CC1: Mitigating climate change
- Policy CC2: Renewable energy generation
- Policy CC3: Managing flood risk
- Policy CC4: Sustainable drainage
- Policy IN2: Sustainable transport

57. *Great Bowden Neighbourhood Plan (Review Version May 2020) (GBNP).*

- Policy H2: Settlement Boundary

- Policy H3: Windfall Sites
- Policy H6: Design Standards
- Policy T3: Cycle Routes and Bridleways
- Policy ENV6: Non-designated Heritage Assets
- Policy ENV7: Protection of Important Views
- Policy ENV8: Protection of Other Sites and Features of Natural Environmental Significance
- Policy ENV9: Biodiversity
- Policy ENV10: Footpaths and Cycleways
- Policy EMP2: New Employment Opportunities

Other Policy Considerations

58. Regulation 19 consultation has recently finished (06 May 2025) for the Proposed Submission Draft Harborough Local Plan 2020-2041 (Draft Local Plan) (DHLP). Therefore, the draft local plan holds some weight as a material consideration. The relevant policies from this document include:

    - Policy DS03: Development Strategy: Tackling Climate Change and Enhancing the Natural Environments
    - Policy SA01: Site Allocations
    - Policy AP04: Development in the Countryside (Commercial/ Non-Residential)
    - Policy AP05: Locating Renewable and Low Carbon Energy Development
    - Policy DM01: High Quality Inclusive Design
    - Policy DM02: Amenity and Wellbeing
    - Policy DM03: Heritage Asset Conservation and Design Standards
    - Policy DM04: Landscape Character and Sensitivity
    - Policy DM06: Transport and Accessibility
    - Policy DM07: Managing Flood Risk
    - Policy DM08: Sustainable Drainage
    - Policy DM09: Sustainable Construction and Climate Resilience
    - Policy DM10: Biodiversity and Geodiversity
    - Policy DM11: Managing Impacts on Land and Water Quality

Harborough District Council Landscape Character Assessment (August 2024) (HDCLCA).

59. Sets out a detailed framework for understanding, conserving, and managing the distinct landscape character areas across the district to guide future development and land use planning.

Consultations

60. **Harborough District Council Planning (HDCP)** – Comments.

61. Provided an initial response dated 30 January 2024 providing comments regarding the proposal's conformity with the polices of the HLP and GBNP.

HLP Policy Considerations

62. The site is located within the countryside. Policy GD3 permits development in the countryside where it is required for the following c) minerals and waste development and d) renewable energy production.

63. Policy GD5, Landscape Character, requires development to be located and designed in such a way that it is sensitive to its landscape setting and landscape character area. The site falls within the Welland Valley Landscape Character Area. Refer to the Council's Landscape Character Assessment 2007 for further information. It is considered that particular attention should be given to preserving and enhancing: the landscape setting of the village of Great Bowden and its landscape setting distinctiveness; the preservation of features of landscape importance in the vicinity; safeguards important public views, skylines and landmarks; and restores or provides equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of the development. There are elevated points in the landscape nearby to the site and it is considered that considerable care and attention will be needed to ensure that views and vistas into and out from the site are maintained and where possible enhanced. In the light of the information presented at the time of providing these comments, HDCP were not convinced that the proposal would achieve all of these local plan policy objectives and therefore express concern with the proposal as presented at the time.

64. Policy GD8, Good Design in Development, permits development proposals where it achieves a high standard of design which includes meeting a list of criteria, including points: e, g, m, n, amongst others. The proposal is likely to be a large modern facility that, taken together, would be noticeable in the landscape. As such, consideration should be given to ensure high quality design that effectively integrates the facility into its landscape setting. Failure to achieve this would be a cause for concern for HDCP.

65. Policy GI5 permits development proposals where there would be no adverse impact on protected species. Notwithstanding the considerable Preliminary Ecological Appraisal that has been undertaken, HDCP raised concerns whether sufficient detailed analysis of ecological matters has been undertaken and requests that the determining authority critically evaluates this.

66. Policy CC1 requires major development to demonstrate how it will be designed to mitigate climate change. HDCP requests that as much permeable surfacing and SuDs are incorporated into the development should it be permitted to allow the

natural management of surface water. HDCP requests that construction methods follow sustainable development principles and practices to minimise the impact of the facility on the environment. Materials sourced from sustainable sources should be used whenever practicable. Outlined that Harborough District Council have declared a climate emergency and are concerned whether sustainable development that contributes to combatting climate change can be achieved in the light of the information submitted at the time of commenting. Furthermore, the location of the facility will rely on private vehicle access which contributes to the HDCP's concerns that this proposal will not adequately contribute to combatting climate change.

67. Policy CC2 permits development for renewable and low carbon energy generation subject to several criteria including location and impact. HDCP is keen to ensure that full advantage is taken of the potential to generate low carbon energy if those objectives can be reconciled with location and impact. HDCP were concerned that full advantage was not being taken in the proposal, at the time of providing these comments, to achieve this.

68. Policy CC3 reflects the specific guidance contained within the NPPF and PPG with regards to managing flood risk. The policy sets out quite detailed criteria which HDCP would expect to be met in relation to this proposal. HDCP notes the relatively low-lying nature of the site and request that permeable material surfacing is used wherever possible on this site, should it be permitted, to ensure effective protection for the local area from any net increase in flood risk as a result of this development.

69. Policy CC4 requires major development to incorporate SuDs, HDCP request that, given the low lying nature of this site the use of SuDs is maximised including the use of permeable surfacing wherever possible.

70. Policy IN2 requires development to provide mitigating measures to deal with the impacts of development on the transport network and to provide safe access and sustainable transport options. HDCP notes the rural location of this development and the likely challenges to be able to provide sustainable transport to serve the site. HDCP raised concerns, as this is likely to be a significant facility in the district that will potentially attract considerable vehicle movements using access points from the strategic road network that could be considered sub-optimal for use by a potential significant increase in vehicles, including large vehicles manoeuvres. Also raised concerns in relation to increased traffic movements onto and from the A6 which is part of the 60mph strategic road network in the county. In light of such, HDCP propose the consideration of a new roundabout to be installed at an appropriate access point to secure the safe access and egress of traffic serving the site. Emphasised that Welham Lane is a popular walking and cycling route (part of National Cycle Route 64) and therefore requested to see safeguards put in place to protect the interests of these highway users should the proposal be

permitted and implemented. HDCP did not have specific views on what such measures should comprise and asked the County Highway authority to consider this matter.

GBNP Policy Considerations

71. Outlined that the submitted documentation made no reference to the GBNP, an important part of the Development Plan which requires the appropriate amount of weight by the decision maker.

72. Policy H2 advises land outside the defined Settlement Boundary (which this site is) *"will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning polices".* Raised concerns that this considerable proposal in bulk and massing is proposed in a rural countryside location. Concerned that the provisions of this policy are not appropriately satisfied and ask that the County Planning Authority critically evaluate this.

73. Policy H3, whilst not an application for housing, this policy applies to all development proposals for infill and redevelopment sites, in particular points a,d, and e.

74. Policy H6 reflects Policy GD8 of the HLP in terms of development proposals demonstrating high quality design and layout, outlining requirements for good design from development proposals.

75. Policy T3 supports the enhancement of cycle routes to the village centre, to which the proposal should contribute. The proposal, through increases in traffic, may have a detrimental effect on National Cycle route 64. HDCP emphasises the importance of safeguards to protect the interests of walkers and cyclists should the proposal be permitted and implemented.

76. Policy ENV9 reflects Policy GI5 of the HLP in terms of development proposals protecting local habitats and species and increasing biodiversity.

77. Policy EMP2, notably points a, b, d, and e, could be relevant to this proposal as there is likely to be an element of new employment opportunities. It is recognised that the proposal could bring forward new employment opportunities into the district. However, based on the information submitted at the time of providing these comments, it was not considered that they outweigh the concerns set out above.

Summary

78. In the opinion of HDCP, the HLP supports the principle of re-using previously developed land and waste development / renewable energy proposals within the

countryside. However, HDCP are concerned that the proposal is likely to increase traffic movements: onto and off of the A6; Welham Lane; through Great Bowden village and could increase accidents, especially when turning right from the Welham Lane onto the A6 through an increase of large, slow-moving vehicles. There is also a concern that the increased traffic could impact upon the fleet movements of the HDC depot.

79. HDCP raised concern that the proposal could result in harm to nearby residents in terms of noise and odour and referred to comments from the Harborough Environmental Health Officer which represents a significant concern to HDCP. As such, it is questioned whether this proposal and the associated facility is in the correct place.

Further Comments

80. HDCP provided additional comments dated 12 September 2024 in light of the submission of further information from the applicant.

81. Within such, concerns were once again raised in relation to traffic generated by the proposal and emphasised the consideration of a roundabout to allow safe access and egress to the site.

82. Raised concern regarding the extent to which the proposal would give rise to an inappropriate increase in ammonia and associated nitrate density into local soil substrates and the risk of such increase in nitrate concentration contaminating local watercourses. There are newly set wildflower meadows near to the site and any increase in nitrate levels in local soils would be likely to have the effect of reducing the biodiversity of those new wildflower meadows. This could have the undesirable effect of reducing the overall richness of the existing, and potential future, biodiversity of the surrounding area to the application site.

83. Outlined incidents involving the District Council's Environmental Health Officers around window openings in the existing facility on the site being left open with the result that significant numbers of insects have been able to get into the local environment and cause some loss of amenity to local residents. This is an important issue to local people and therefore, should the new facility be recommended for approval, it is requested that the new facility is built as a sealed unit with appropriate air conditioning facilities to prevent windows and doors being opened and insects potentially escaping into the wider environment in the same way that has happened in the past

84. It is considered that there are a number of technical environmental health related issues that have been raised in the initial and second response of HDCP and Environmental Health. In the light of this, it is considered that if these environmental health related issues are not found to be capable of being satisfactorily mitigated

there would appear to the District Council to be sufficient grounds to justify a recommendation of refusal of this planning application.

85. **Harborough District Council Environmental Health Officers (EHO)** – Comments.

86. Provided two formal consultation responses, the most recent of which was separated into matters relating to noise and matters relating to odour:

Noise

87. Outlined that a worst-case approach to selecting background noise levels would have been preferable. The use of the modal background level was not necessarily inappropriate, but the EHO highlighted that a large number of readings fell below the chosen representative background level. The EHO clarified that they did not recommend using the lowest recorded value as the representative background level, nor did they state that the chosen figures were incorrect.

88. Confirmed they are comfortable with the assessment using another site.

89. In relation to deliveries of maize, outlined that ideally this would have been carried out during the busiest time, but accept that the factoring in of the increased number of vehicular movements has been used in the assessment. The applicant explains why undertaking the assessment during the busiest months for maize deliveries would delay the application, which is deemed an acceptable response.

90. In terms of the proposed barriers, confirmed the detail if already part of the model assessment is satisfactory. Agreed that there is no benefit to re-modelling with a lesser alternative and this has not been requested.

91. The EHO accepted the applicant's response regarding noise reduction through openable windows but noted that BS8233 includes a footnote (Note 3) which highlights that the level of sound insulation through a partially open window can vary significantly, depending on the window type and the frequency content of the external noise. The EHO explained that this is why they often provide a range of attenuation values.

92. In terms of assessing the likelihood of complaints, confirmed noise complaints will come into an Environmental Health Team, and it will be on those worse case scenarios that residents are disturbed. On a warm summer for example, when they may have windows and doors completely open, this noise reduction maybe much less, even negligible.

Odour

93. Confirmed having reviewed the consultant's response most of the points raised by the EHO have been covered, apart really from the low wind speed non prevailing wind question in relation to odour. From the EHO's perspective, the consultants have followed accepted guidance and used what they deem appropriate meteorological data. Given such, it would be difficult to continue to object.

94. Accepted that not all sites will be covered by nearby meteorological stations and local conditions do play an important part in odour dispersion. The chosen site of Wittering may be similar to the chosen site, and it is also accepted that the model requires data from a suitable site.

95. Accepted that downwind of the prevailing would give the most impact from odour. Downwind from a south-westerly is more often associated with higher wind speeds, and thus more dispersion. The sitting high-pressure systems with low wind speeds, do in the EHO's experience, often lead to more odour complaints, due to the more stable nature of the weather systems. The issue of low wind speeds and sitting high pressure systems is not acknowledged in the modelling, as prevailing winds are used to determine likely receptors.

96. The classification of the odour would be better described in the most offensive category, as if there was an episode or breakdown, this worse case odour is what would be potentially smelt locally. However, the EHO acknowledges that issues would only occur in abnormal operations.

97. Overall, it is accepted that the plant will be a fully enclosed system, and odour comments have been in relation to abnormal operations or deliveries etc. The main concern in terms of odour relates to the low wind speed sitting high pressure weather systems. The assessment relates to issues that are deemed as unlikely. The EHO would still have some concerns relating to the dispersion of odour at these low wind speeds but also accept that the methodology is in line with accepted guidance.

<u>Additional Input</u>

98. In light of the above, the applicant provided some further points of clarification to address the EHO comments. The EHO were formally re-consulted but did not provide an additional formal response. Although not submitted as part of the formal re-consultation process, the EHO subsequently provided a follow-up email stating, "*I have had another look at the reports and at the comments and responses. In terms of noise and odour my comments are really aimed at worse-case scenarios, and the responses back for both odour and noise obviously look at normal operations. There are comments relating to worse case such as abnormal or breakdown of the plant, and again these would be very unlikely and hopefully short-lived. I therefore have no further comments in relation to both noise and odour.*"

99. In advance of the report being published the EHO were consulted on the draft conditions seeking to control environmental health related matters which were raised both in their original response and more generally. The EHO confirmed the conditions appear very comprehensive and cover all aspects of concern.

100. **Great Bowden Parish Council (GBPC) –** Objection.

101. Provided an initial response dated 02 February 2024 raising an objection, the reasons for which can be broadly categorised by the following elements (please note reference to the NPPF was made in relation to the now superseded 2023 version):

Traffic and Highways

102. Raised contravention with policy 108 of the NPPF, regarding the lack of a safe and suitable site access given the proposal would lead to an increase in vehicular movements generated on a road unsuitable in width and design to cater for such an increase. Furthermore, outlined contravention with Policy CS11 of the Harborough Core Strategy in relation to the proposal not incorporating safe design in respect of intensification of the A road access and potential impacts on highway safety. The proposal could, "*result in an unacceptable increase in traffic turning onto or off an A road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety*". Further detail is provided below:

103. "*The proposed development would be served by an existing access onto Welham Lane, which is an unclassified, adopted road, subject to the national speed limit. From the junction with the A6 access road, Welham Lane is a narrow, single track lane that provides vehicular access to a small number of farms and other commercial businesses, as well as linking to a public right of way to the east. There is poor inter-visibility between vehicles heading eastbound from the A6 access road junction to the west of the site and those exiting from the access road on the eastern boundary of the site. Given the lack of a viable passing point along the 50m lane between the two points, this could lead to drivers having to reverse back up over 50m down the narrow lane, or around the ninety degree bend back in to the site, risking collisions with other vehicles accessing the development or with existing traffic. An intensification of use of the site, generating additional vehicle movements, would serve to increase this risk further. There are obvious limitations with regards to Welham Lane's geometry for two-way traffic, specifically its width, which at its narrowest point is approximately 3m, and its widest point is 3.3m. In addition to this the road is bound by soft verges (no kerb) and has no footways. The LHA has also previously conducted a site visit and there is visible evidence of vehicles over running the carriageway. In principle, carriageway widths should be appropriate for the particular context and uses of the road. Furthermore the LHA*

has long considered that Welham Lane is unsuitable for two-way traffic, and especially two-way HGV-traffic."

104. Raised contravention with Policy EMP2(e) of the GBNP whereby new development should, "*not generate severe levels of traffic movement*". Stated, "*The Transport Statement as part of the application states that the development would at its peak receive 15000tonnes during the busiest 30 days of the year using Artic Vehicles this is 1000 HGV movements per day (500 in each direction) if 20 tonne vehicles are used this figure rises to 1500 vehicle movements a day. This is at odds with the developer's statement that these would be spread throughout the working day with a maximum of 4 two-way HGV movements per hour"*.

105. Raised concerns that feedstuff materials proposed to be used would typically be transported by tractors and trailers, rather than HGVs. Concern that this could increase the number of vehicle movements, a number of which would be slow moving vehicles which could lead to tailbacks and overtaking on the single lane (in each direction) of the A6. Furthermore, given the tight nature of the turn off from the A6 junction, vehicles carrying agricultural loads would be required to slow to very low speeds causing further disruption. Concerned that these issues would be worse on the single track Welham Lane, having significant public use, including its designation as SUSTRANS National Cycle Network Route 64.

106. With reference to Section IN5, paragraph 1.29 of the 6Cs Design Guide, highlighted cause for concern given the, "*significant increase of vehicles turning at the junction of the A6 and Welham Lane could lead to a highway safety danger as vehicles on the A6 are travelling at high speeds*".

107. Stated, "*The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 & Policy IN6 of the 6Cs Design Guide seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 and the 6Cs Design Guide reflects Government guidance contained in the NPPF*". Outlined the nearest public transport being a bus stop situated approximately 1km from the site and the requirements of Section IN6, paragraph 1.41 of the 6Cs Design Guide. The footway links for walking to and from the site are very limited, raising concerns that vulnerable pedestrians would be put at risk when walking to this site. Therefore, the majority of trips are likely to be car-borne raising concern over the sustainability of the site.

108. Referred to previous applications proposed off Welham Lane where the Local Highways Authority had raised concerns. These include application reference:

2009/1253/03 and 2010/0023/03. Application reference: 20/01497/FUL was recommended refusal on highways grounds.

109. Attention drawn to the refusal of application reference: 15/00901/OUT, which was previously made at the site due to highways impacts. Noted that as part of the Transport Assessment submitted with application reference: 15/00901/OUT, the previous use as a mushroom farm generated a total of 40 car trips and 10 HGV trips per day on average. Therefore, there is concern that trip generation is predicted to rise significantly due to the proposed development, which could lead to added congestion on the highway and associated safety issues.

110. Given the above, GBPC believe the application conflicts with policy and should be refused.

Air Quality and Odour

111. Questioned statements made within the submitted Qualitative Odour Risk Assessment (dated 2023). In particular, the assessment states, "*With regard to odour, the main potential source of emissions will be associated with the loading of feedstock into the AD Plant. Agricultural odours, including those associated with livestock rearing, are likely to be characteristic of the wider area*". However, it is claimed there is no activity producing smells on this scale nearby.

112. Outlined the policy requirements of W4, W6, and DM2 of the LMWLP, and questioned compliance with such given the close proximity to a number of residential properties, and where the majority of the population of the village of Great Bowden are within 1km of the site.

113. Outlined the policy requirements of Policy EMP2(d) of the GBNP and referenced other AD Plant across the UK where odour and poor air quality are reported despite, "*proposes made during planning that this would not be the case*". A number of case studies have been provided.

114. Given the above, GBPC believe the application conflicts with policy and should be refused.

Water Pollution

115. Outlined the requirements of paragraph 109 of the NPPF in relation to water pollution and stated the application contravenes this policy.

Flooding and Drainage

116. Referenced that the submitted application form suggests the proposal would not increase the risk of flooding elsewhere and is not in an area at risk of flooding, however questioned that the submitted Landscape and Visual Statement (dated

June 2023) notes that, "*the application site and its immediate surroundings fall into Group 3, River Valley Floodplains, more specifically into 3A, Floodplain Valleys landscape character type.*"

117. Outlined concerns that introducing buildings, structures and hardstanding onto the current undeveloped parts of the site would increase the risk of surface water run-off and associated impacts on neighbouring properties. Concerned that, during intense rain, the proposal would be unable to capture enough rainwater to avoid impacts of surface water run-off on neighbouring properties.

Landscape and Heritage Impact

118. Outlined the policy requirements of DM5 of the LMWLP and EMP2(b) of the GBNP and suggested these requirements are not met given the number of objections from residents.

Ecology and Biodiversity

119. Highlighted that the Great Bowden Borrowpit SSSI is approximately 800 metres west from the site. Furthermore, highlighted that the recommendations outlined within the submitted Preliminary Ecological Appraisal by Archer ecology (March 2023) had not been acted upon, such as the Reptile Survey.

Safety

120. Reference to examples of accidents at other AD facilities in England: In 2014 Harper Adams University, Shropshire, processing tower collapse; 2017 Colwick, Nottinghamshire, slurry tank explosion; 2023 Cassington, Oxfordshire, lightning strike explosion and fire. GBPC also added, "*the proposed site is in the bottom of the Welland Valley and nearby residents confirm they have been the subject of lightning strikes whilst in occupation.*"

121. General concern raised that residential dwellings are within 100m of the site, the proposal increases risk and should be refused on safety grounds.

Boundary Ownership

122. Raised concerns regarding the ownership of the drainage ditch between the site and the neighbouring property; "*The neighbours state that they have previously established ownership of this drainage ditch. Despite this, the applicant shows this as belonging to the property they are making the application on.*"

Further Responses

123. A second response was provided on 28 August 2024 in light of further information submitted by the applicant, maintaining an objection and repeating the reasons outlined in the previous response.

124. A third response was provided on 11 September 2024, maintaining an objection and providing specific comments on the additional information submitted.

125. GBPC comments on the 'revised Odour Assessment' include the following:

1) The applicant's report uses only one assessment method. The assessment methods utilised involve a large number of assumptions. The Institute for Air Quality Management recommend more than one method is used and the results are compared to achieve a fair assessment.
2) The report fails to take into account the 2 nearest receptors.
3) There is no construction phase assessment.
4) Ammonia risk has not been assessed correctly so this is a risk to the nearby SSSI.
5) The report fails to take into account the handling of the stored material while being unloaded, removed and moved.
6) The report, "cherry picks" assessment methods and data and is not in accordance with guidance issued by Institute for Air Quality Management.

126. GBPC comments on the 'revised Traffic Assessment' include the following:

1) The additional highways information paints a positive picture but ignores the reality of slow moving vehicles leaving and joining a fast road (A6).
2) Referenced application 20/01497/FUL (proposal for the erection of a light industrial building on a neighbouring site on Welham Lane) which was refused on highways grounds. In consideration of this refusal, questioned what has changed since to improve the situation.
3) Given the above-mentioned points, the application contravenes Policy EMP2(e) of the GBNP.

127. GBPC also highlight that the Design and Access and supporting documentation makes no reference to the Neighbourhood Plan and conclude by stating, "*This proposal is the wrong type of operation for the site given the proximity to the village and especially very nearby residents.*"

128. **North Northamptonshire Council –** No objection.

129. Raised no objection subject to consultation with Sutton Bassett Parish Meeting and Dingley Parish Council, and that due consideration is given to the impact of the development on residents of these settlements in relation to noise, traffic, and the emission of odours.

130. **Dingley Parish Council –** Comments.

131. *"Dingley Parish Council is very concerned that the proposed anaerobic digestion plant, which is expected to have 50 heavy vehicle movements per day, will result in an increase in HGV's through Dingley. The A427 is narrow through the centre of the village and struggles to accomodate* (sic) *two passing lorries. These often make contact, particulary* (sic) *at night, disturbing residents whose properties abutt* (sic) *the road and are already affected by heavy traffic vibrations. The Council would like to see all HGV's diverted onto the A6 and A14".*

132. **Mr Neil O'Brien MP –** Objection.

133. Traffic: Concern that the development would generate a maximum of 52 two-way HGV movements per day (26 in each direction) during the busiest 30 days of the year, spread throughout the working day with a maximum of 4 two-way HGV movements per hour. Outlined concern that this assumes 13 hours of continual deliveries, with no peaks or troughs, and each load unloaded with no delays or snags every half hour. Concern that feedstuff such as straw and maize are typically transported by tractors and trailers, rather than HGVs, and that this is what would be likely to happen in practice, generating more vehicle movements. Concern the lower speed of these vehicles could cause tailback and overtaking on the A6, particularly when navigating the turn off the A6. Concern regarding the impact on Welham Lane and its pedestrian users. Outlined conflict with Policy EMP2, "(3)" of the GBNP. Referred to the refusal of application reference 20/01497/FUL on Welham Lane based on highways concerns.

134. Air quality and smells: Questioned the claims in the Air Quality Assessment and stated there are no activities producing agricultural odours on such a scale in the area. Outlined conflict with Policy W6 and DM2 of the LMWLP and Policy EMP2(d) of the GBNP. Outlined a number of other cases in England and Wales where anaerobic digestion facilities have been reported producing odour and poor air quality, despite promises made during the planning process this would not be the case.

135. Flooding and drainage: Concern that despite the application form claiming the proposal would not increase the risk of flooding elsewhere and the proposal is not within an area at risk of flooding, the landscape and visual statement notes, "*the application site and its immediate surroundings fall into Group 3, River Valley Floodplains, more specifically into 3A, Floodplain Valleys landscape character type*." Outlined the neighbouring farm has previously experienced damage from surface water flooding and concern that building on the undeveloped part of the site would increase risk of surface run-off. Raised concern regarding the ownership of the drainage ditch between the site and the neighbouring farm. Reinforced the concerns raised within the Lead Local Flood Authority's response.

136. Landscape and heritage impact: Outlined conflict with Policy DM5 of the LMWLP and Policy EMP2(b) of the GBNP. Stated the significant number of objections from residents suggest the tests of these conditions are not met.

137. Ecology and biodiversity: Concern regarding the potential impact on the Great Bowden Borrowpit SSSI and that reptile and bat surveys are recommended/ warranted but had not been conducted.

138. Safety: Concern the proposal is not a safe distance from nearby residential properties and outlined a number of incidents which had occurred at other anaerobic digestion facilities in England.

139. **Dr Sarah Hill CC (local member for Market Harborough East)–** Has been notified of the application.

140. **Mr Barry Champion CC (Former County Councillor for Market Harborough East) –** Has been notified of the application.

141. **Leicestershire County Council Highways Authority (LHA) –** No objection subject to conditions and/or planning obligations.

142. Confirmed the LHA are satisfied that the proposed access arrangements are sufficient to serve the proposed development and accepted that trip generation details provided by the applicant are a likely reflection of the movements which would be associated with the proposed development.

143. Confirmed the proposed development would result in modest increases in Ration to Flow Capacity (RFC) values and the A6/Welham Lane junction, so there would still be significant capacity for the junction to operate efficiently with minimal queuing in all scenarios.

144. Confirmed the onsite parking facilities are acceptable and given the nature of the proposed development and that a Servicing and Delivery Plan would be provided via condition to control the movement of HGVs the LHA had no further comments in relation to the internal layout of the site.

145. Requested: a pre-commencement condition relating to the provision of a Construction Method Statement; pre-occupation condition relating to the provision of a Delivery and Service Management Plan; pre-occupation condition relating to off-site works on Welham Road; pre-occupation condition relating to the implementation of access arrangements; pre-occupation condition relating to the provision and maintenance of vehicular visibility splays at the site access; and a pre-occupation condition relating to the provision of off street car and/or HGV parking provision with turning facilities.

146. **Leicestershire County Council Public Rights of Way (PROW) –** Comments.

147. The appropriate licenses may need to be applied for in order to open up the surface of the bridleway (highway surface) and apply for a temporary closure. If any incidents or circumstances arise whereby the construction phase causes problems for the public, then there are powers available under the provisions of the Highways Act 1980 to work to resolve them.

148. **Leicestershire County Council Lead Local Flood Authority (LLFA) –** No objection subject to conditions.

149. Requested pre-development conditions relating to the provision and approval of a surface water drainage scheme and details in relation to the management of surface water on site during construction.

150. Requested a condition requiring details in relation to the long-term maintenance of the surface water drainage system within the development prior to first use of the development.

151. **Leicestershire County Council Ecology –** No objection subject to conditions.

152. Confident that sufficient information has been provided in relation to the biodiversity of the site and that the protected species and/or habitats found on site would not be impacted with appropriate mitigation and enhancements.

153. In relation to Biodiversity Net Gain (BNG), as the application was submitted prior to February 2024, the development is not subject to mandatory BNG. However, to comply with the NPPF a measurable net gain for biodiversity should be demonstrated post development (1% rather than 10%).

154. The current metric shows the proposed development would result in a net loss of -41.22% in habitat units. It is also noted that hedgerows have not been included in this version and five hedgerows are present across the site. An updated metric should be provided which demonstrates a measurable net gain for both habitat and hedgerow units.

155. Therefore, conditions requiring implementation in strict accordance with the submitted ecological documents, including photographic evidence of bird and bat box installation, and the provision of a Biodiversity Offsetting Management Plan (BOMP) prior to development commencing are recommended.

156. **Leicestershire County Council Landscape –** No objection subject to a condition securing the submission of a detailed landscaping scheme.

157. **Leicestershire County Council Archaeology –** No objection subject to conditions.

158. Requested a pre-development condition requiring a programme of archaeological works including an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage is to be completed in accordance with a written scheme of investigation (WSI) which has been submitted to, and approved in writing by, the Waste Planning Authority.

159. **Leicestershire County Council Public Health –** Comments.

160. Outlined the application is not within an Air Quality Management Area (AQMA), with the closest being Kibworth AQMA.

161. Outlined health data for the area's postcode: Chronic Obstructive Pulmonary Disease (COPD) prevalence (all ages) for 2023/24 is 1.6%, lower (better) than the England value of 1.9% and the East Midlands value of 2.0%. Mortality rate from COPD, all ages for 2021-2023 is 26.8 per 100,000 in Harborough which is lower (better) than the England value of 44.1 per 100,000 and East Midlands value of 43.9 per 100,000.

162. 2023/2024 data for Asthma for Harborough is 7.0% higher (worse) than the East Midlands value of 6.8% and England value of 6.5%. Under 75 mortality rate from respiratory disease considered preventable for 2021-2023 for Harborough is 9.1 per 100,000, lower (better) in comparison to 17.8 per 100,000 for East Midlands and 18 per 100,000 for England.

163. Outlined air quality data for the area's postcode: Fraction of mortality attributable to particulate air pollution in 2023 for Harborough was 5.4% in comparison to the East Midlands value of 5.6% and England value of 5.2%. Fine particulate matter in 2023 for Harborough was 7.2 µg/m3 (per cubic metre of air) compared to the East Midlands value of 7.5 µg/m3 and the England value of 7.0 µg/m3.

164. Outlined the area's index of multiple deprivation score, with the area ranking 32,499 out of 32,844 in England (1 being most deprived and 32,844 being least deprived).

165. **Environment Agency (EA) –** Comments.

166. The proposal would require a permit under Schedule 1, Section 5.4 of the Environmental Permitting Regulations (England and Wales) 2016. The EA would consider the following areas of potential harm when assessing the permit: Techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, energy, accidents, noise and monitoring; emission benchmarks for combustion products, temperature and pH;

air quality impact assessment, including odour and Habitats Regulations Assessment.

167. **Natural England (NE) –** No objection.

168. Considered that the proposed development would not damage or destroy the interest features for which the Great Bowden Borrowpit Site of Special Scientific Interest (SSSI) has been designated. The modelling outputs outlined within the submitted Dispersion Modelling Assessment (dated July 2024) indicate that the proposal would not give rise to an increase in ammonia concentration or nitrogen deposition of more than 1% of the relevant critical load and level at the Great Bowden Borrowpit SSSI. Therefore, the development alone is considered unlikely to have a significant adverse effect on this SSSI.

169. It is noted NE have not received consultation upon any other development which may impact upon the air quality of Great Bowden Borrowpit SSSI which fit the criteria set out in their previous response dated 29th January 2024. As such, NE raised no further concern in relation to in combination effects.

170. **National Highways –** No objection.

171. The A6 near the site does not form part of the Strategic Road Network and is not a National Highways asset.

172. **National Grid Electricity Transmission –** No objection.

173. Provided profile drawings outlining the height clearance considerations when travelling beneath National Grid lines and guidelines to be followed when carrying out works.

174. **National Gas Transmission –** No objection.

175. There are no National Gas Transmission assets affected in the area**.**

176. **Active Travel England (ATE) –** No comment.

177. The application does not meet the statutory thresholds for ATE's consideration.

178. **UK Health Security Agency (East Midlands Health Protection Team) (UKHSA) –** No comment.

179. UKHSA are not a statutory consultee and would not normally comment on this type of application unless there are specific chemical and environmental hazard concerns which have the potential to impact the health of local communities. Impacts on public health from local air quality, noise and contaminated land fall

under the remit of the local planning authority and it is their responsibility to decide whether or not to comment on these aspects of the planning application.

180. **Health and Safety Executive (HSE) –** Comments.

181. HSE does not advise on safety grounds, against the granting of planning permission in this case.

182. **Severn Trent Water Limited (Ltd); Cadent Gas Ltd; Leicestershire & Rutland Wildlife Trust; Sustrans; Sutton Bassett Parish Meeting –** No comments received at the time of writing this report.

Publicity and Representations

183. The application has been publicised by means of two site notices, press notice (Harborough Mail) and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

184. 13 representations were submitted directly to Harborough District Council (at the time of writing this report). These representations are included in the summary of representations below.

185. A second round of publicity was conducted on 22 August 2024 in light of the submission of additional information from the applicant. Those who had raised representations during the first consultation were re-consulted.

186. In total, 330 representations have been received, 1 in support, 316 raising objections, and 13 raising comments.

187. The first consultation period ran from 15 January 2024. A summary of the objections are set out below. However, given the number of representations and length of such once filtered, a full, detailed summary has been included within Appendix B.

a. Highways and traffic: impacts on Welham Road and Welham Lane; impacts on National Cycle Network Route 64; impacts on the Welham Road Bridge (over the A6); impacts on the A6/Welham Road junction; impacts on local road infrastructure and capacity; parking; construction phase; refusal of previous applications on highways grounds; concern with the submitted Transport Statement, Rev C, dated June 2023; highways and traffic mitigation.
b. Odour: impacts of odours from transport and delivery; impacts of odours from storage; impacts of odours from the spreading of digestate; odour mitigation; concern with the submitted Qualitative Odour Risk Assessment.

c. Ecology and local environment: impacts on Hursley Park Country Park; impact on nearby ecological projects; concern with the submitted Preliminary Ecological Appraisal.
d. Climate change and pollution: spreading of digestate.
e. Public health.
f. Noise: concern with the submitted Sound Assessment Report.
g. Landscape and visual amenity: design, materials and finishes.
h. Flood risk and drainage: surface water; drainage; concern with the submitted Flood Risk Assessment and Drainage Strategy.
i. Heritage and conservation.
j. Light pollution.
k. Pests.
l. Use of maize, straw, and poultry manure.
m. Risk of accidents/incidents.
n. Employees.
o. Land ownership.
p. Concerns with the submitted application form.
q. Reference to other anaerobic digestion facilities.
r. Economic impacts.
s. Conflict with national and local policy.
t. National Grid Connection and Compound

188. In addition to the above representations, a number of specialist documents/reports were submitted in response to application. These included:

a. Air Quality and Odour Review: Marigold Farm Anaerobic Digestion Plant, dated Feb 2024
b. Letter of objection by planning agent, dated Feb 2024.
c. Review of the highway and transportation related issues dated Feb 2024.

189. These reports were forwarded to the relevant technical consultees and applicant for consideration and comment.

190. One representation was received in support outlining biomass as an important contributor to UK's energy mix.

191. A second round of publicity was conducted on 22 August 2024 in light the submission of additional information from the applicant, whereby those who had raised representations were re-consulted. Likewise, a summary of objections are included below, with a full, detailed summary set out in Appendix C.

a. Highways, traffic and proposed mitigation measures
b. Odour
c. Public health

d. Ecology and local environment
e. Pollution
f. Heritage and conservation
g. Landscape and visual impacts
h. Pests
i. New residential development
j. Light pollution
k. Pests
l. Conflict with national and local policy
m. Planning conditions

192. In addition to the above representations, a specialist report was submitted in response to application: Review of Air Quality and Odour Assessment, dated August 2024. This report was forwarded to the relevant technical consultees and applicant for consideration and comment.

193. The issues raised from both consultation periods are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

194. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

195. The application relates to proposed anaerobic digestion plant, associated Infrastructure, lagoons and feedstock clamps in a countryside location. The plant would import and process 9,000 tonnes of poultry manure, 15,000 tonnes of maize, and 16,000 tonnes of straw annually. As a result, the plant would produce 7mw of biomethane annually which would be piped to a National Gas compound via connecting pipework and injected directly into the National Transmission System. The proposal would also produce and export 30,000 tonnes of liquid digestate, 24,000 tonnes of solid digestate, and 10,000 tonnes of CO2 annually.

196. The issues for the determination of this proposal can be summarised as: the need for additional capacity to manage agricultural waste and the need for low carbon, renewable energy; the principle of development in a countryside location; the loss of a residential property; traffic, access, and parking; odour; noise; landscape and visual amenity; lighting; heritage and conservation; pollution; public health; biodiversity and geodiversity; climate change; land contamination; flood risk, hydrology and hydrogeology; vibration; dust; agriculture/conservation of soil resources; economic growth and resilience; crime; minerals; and sustainability.

Need for Development

Renewable and low carbon energy

197. In relation to the need for renewable and low carbon energy, paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and should, amongst other things, help to: support renewable and low carbon energy and associated infrastructure. This is underpinned by the legally binding climate change mitigation target created by the CCA for at least 100% reduction in greenhouse gas emissions in the UK by 2050.

198. The proposal would utilise the process of anaerobic digestion, the inputs of which primarily consist of agricultural waste, to produce biogas which is cleaned to produce biomethane. This is proposed to be injected directly into the National Transmission System. The site would produce 7mw of gas per annum. Chapter 2 of the BMS outlines that sustainable biomass is a versatile low carbon resource that is needed to meet the UK's net zero target, helping to displace the use of fossil fuels in hard-to-decarbonise parts of the economy and by delivering negative emissions. Chapter 7 of the BMS explains that biomethane is a renewable gas capable of contributing to increasing energy security, by virtue of being produced domestically, sustainably, and delivering steady production volumes, provided feedstock supply is stable. The Government recognises biomass will continue to play an important role in optimising the path to net zero and increasing energy security.

199. Paragraph 161 of the NPPF outlines that the need to mitigate and adapt to climate change should be considered in assessing planning applications, accounting for the full range of potential climate change impacts. Importantly, paragraph 168(a;b) of the NPPF states, "*a) local planning authorities should: give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future; b) recognise that small-scale … projects provide a valuable contribution to cutting greenhouse gas emissions".*

200. The PPG-CC states that addressing climate change is one of the core land use planning principles which the NPPF expects to underpin both plan-making and decision-taking (Reference ID: 6-001-20140306). As per PPG-RLCE, increasing the amount of energy from renewable and low carbon technologies will help ensure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change, and stimulate investment in new jobs and businesses (Reference ID: 5-001-20140306). PPG-RLCE subsequently states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable (Reference ID: 5-001-20140306).

201. In consideration of the above, there is a demonstrable need for low carbon renewable energy, including anaerobic digestion, particularly in achieving net zero

and increasing energy security. Significant weight is offered through paragraph 168(a) of the NPPF to the benefits associated with renewable and low carbon energy generation in achieving net zero; the use of biomass plays an important role in optimising the path to net zero and increasing energy security. Notwithstanding such, there is a duty to have regard to the local environmental impact of low carbon renewable energy infrastructure, which is assessed further throughout the report.

Waste

202. In relation to the need for additional capacity to manage agricultural waste, Policy W1: Waste Management Capacity, of the LMWLP outlines that provision will be made for a sufficient range of waste facilities within the County to manage the equivalent of the predicted arisings for the County up to and including 2031 and to meet the recycling, composting and recovery targets as a minimum, subject to any new arisings forecasts published in the Council's Annual Monitoring Reports (AMR). These are presented within a number of tables within the supporting text of Policy W1. In this instance, the supporting text for Policy W1 (paragraph 4.10) and Table 10 of the LMWLP are pertinent. Table 10 (reproduced below) identifies a shortfall for the whole plan period up to 2031 of around 650 tonnes per annum (tpa).

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.

203. The supporting text (paragraph 4.10) for Policy W1 states, "*The vast majority of agricultural waste … is dealt with on site. Only a small percentage (0.57% of the total) needs to be transferred off site for management at specialist waste facilities. Table 10 displays the estimated shortfall, however, the tonnes required may be of such a small scale that they would not justify the existence of a new specialised facility. The shortfall could be taken up by existing waste facilities, but a small-scale recycling or recovery facility well located to managing agricultural wastes may be a more sustainable option than relying upon existing facilities*". Paragraph 7 of the NPPW also reiterates that waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

204. It is therefore acknowledged that the need to manage additional agricultural waste is low. Supporting text in the LMWLP highlights the use or extension of existing facilities to meet the identified capacity shortfall but also acknowledges that it could be bridged by a small-scale facility well located to managing agricultural wastes.

Principle of Development - Location

205. Policy W3: Strategic Waste Facilities of the LMWLP provides support for new strategic waste facilities, including extensions to existing waste facilities which would in combination with the existing use(s) create a strategic facility. Paragraph 4.24 of the supporting text to Policy W3 outlines that waste facilities will be considered as strategic where they have all of the characteristics outlined by points A-D:

A. facilities which have the capacity to make a significant contribution to Local Authority Collected Waste (LACW) or Commercial and Industrial (C&I) waste recovery by reducing the amount of residual waste going to landfill or are of a very specialist nature;

B. facilities that offer potential for the co-location of complimentary waste facilities and/or end users of recovered materials or energy;

C. facilities which have potential to deal with LACW and/or C&I waste; and

D. facilities of sufficient area and characteristics to deliver a strategic function.

206. Given the proposal is to utilise agricultural waste, and that not all the input would be waste, it is not considered to fall within all of points A-D and would not be subject to Policy W3 of the LMWLP. Therefore, Policy W4 of the LMWLP is the appropriate policy against which to assess this application.

207. Policy W4: Non-strategic Waste Facilities of the LMWLP seeks to locate non-strategic waste facilities within or close to areas where major growth is planned. The policy states that planning permission will be granted for new non-strategic waste facilities, including extensions to existing waste facilities, within the following areas taking into account the principles set out in Policy W5:

i. the Broad Locations for Strategic Waste Facilities, that is, in or close to the urban areas of Loughborough/Shepshed, Hinckley/Burbage and Coalville and close to the urban area of Leicester;

ii. in or close to the main urban areas of Melton Mowbray and Market Harborough; and

iii. within major growth areas.

208. The supporting text to Policy W4 (paragraph 4.25) provides further clarification on small scale facilities stating, "*Such smaller non-strategic waste facilities will be sought in the first instance within the Broad Locations for strategic waste facilities but also in other key urban areas within the County – Melton Mowbray and Market Harborough; both urban areas are seeking to accommodate over 3,000 further homes and will be the focus for new employment areas within the district/borough*".

209. Marigold Farm does not fall within one of the broad locations for strategic waste facilities outlined by W4(i), but is close to the main urban area of Market Harborough (W4(ii)). It is not within a major growth area (W4(iii)). Overall, due to the site's proximity to Market Harborough, the proposal accords with the criteria set out in policy W4 (ii).

210. As one of the criteria in the first part of Policy W4 has been met, the second part of the policy does not require assessment. Nevertheless, because the facility would primarily source waste from rural rather than urban areas, for completeness, consideration is given to second part of the policy which states that waste facilities outside of the areas identified in the first half will only be granted where they accord with the following:

    a. facilities for the biological treatment of waste including anaerobic digestion and open-air windrow compositing;

    b. the treatment of wastewater and sewage;

    c. landfilling of waste; or

    d. facilities that require a more dispersed location to provide a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits subject to the principles set out in Policy W5. Such a proposal must demonstrate there is an overriding need for the development and that this cannot be met within the urban areas set out above in (i) to (iii).

211. The application proposes an anaerobic digestion plant, associated infrastructure, lagoons and feedstock clamps, therefore according with Policy W4(a). Furthermore, the supporting text to Policy W4 (paragraph 4.26) of the LMWLP states, "*Not all waste management facilities can or should be located in the largest urban areas. Some facilities, such as the biological treatment of waste … subject to conformity with the rest of the Local Plan would be acceptable in more rural areas*". The application site lies within the countryside/open countryside as defined by Policy GD3 of the HLP and Policy H2 of the GBNP. Both policies will be assessed in detail further within the report. Therefore, in principle, support is provided by Policy W4 for the countryside location of the proposal, subject to conformity with the rest of the development plan.

LMWLP Policy W5: Locating Waste Facilities

212. Policy W5 of the LMWLP is the next relevant waste policy which can also be analysed in two parts. Firstly, it states that planning permission will be granted for waste facilities in accordance with the objectives of Policy W4 upon the following:

i. on land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated either as a consequence of proximity to the existing waste management uses or the co-location of waste management facilities;

ii. on existing or planned industrial/employment land;

iii. on previously developed, contaminated and/or derelict land; and

iv. on existing mineral working sites.

213. The Marigold Farm application site is not of a description that would meet the requirements of Policy W5 i, ii, and iv. In consideration of point iii, the western half of the application site predominantly consists of vacant buildings associated with the site's previous use as a mushroom farm, including old polytunnels, a derelict bungalow and extensive areas of concrete, tarmac and gravel hardstanding. Given the site's previous use and its current poor condition, it is likely this ground could be contaminated. Notwithstanding such, the eastern extent of the site consists of undeveloped scrubland and a small pond in the north-eastern corner. Both areas make up significant elements of the application site, therefore the proposal would partially accord with Policy W5(iii) of the LMWLP.

214. Given the above, it is necessary to review the second part of Policy W5, which states, "*Land not included in (i)-(iv) above 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*".

215. The need for the proposed development has already been established. Regarding the establishment of a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits, it is first necessary to understand the waste which would be managed at the site. In this instance the poultry manure and straw residue mixed together are classified as the waste elements of this proposal.

216. In relation to the poultry manure, the proposed input would constitute 9,000 tpa. This would equate to approximately 22.5% of the overall input. One third (3,000

tonnes) would be sourced from a nearby poultry farm situated approximately 320m to the north of the site. There is, therefore, a link between the proposed location and some of the waste to be managed. However, it is noted that the nearby farm exports poultry manure to another AD plant 32km away, and whilst the proposal would in theory provide a much closer connection for this poultry manure to be managed, the proposed development would not intrinsically prohibit the farm from continuing to export poultry manure this distance which would negate any environmental, transport or locational benefits which may otherwise arise.

217. The rest of the poultry manure would be imported from various farms within a 32km (20 mile) radius, including within the Kettering and Peterborough areas.

218. Regarding the residual straw, the proposed input would constitute 16,000 tpa (approximately 40% of the total input). This would be sourced from farms within a 40km (25 mile) radius, including farms close to Desborough, Rothwell, Corby, Kettering, and Husbands Bosworth. The applicant has stated that it would not be possible to ascertain what proportion of residual straw would come from the closest farm as the amounts from each farm would depend on crop rotation and contracts with farms would vary.

219. A significant proportion of the waste feedstock would be imported from up to 32km for the poultry manure, and up to 40km for the straw residue. These are extensive distances in a countryside location. Whilst some material would be imported from within close proximity, including within 320m of the site, the majority of the waste feedstock would not be.

220. As part of managing waste at the site, it is important to also consider the outputs produced by the process. The process would produce 7mw of biomethane annually, which would be transported by pipeline and injected directly into the existing National Gas Grid pipeline. This means there are no vehicle movements associated with the biomethane and the site is largely defined by its proximity to the gas injection point. Therefore, the site's proximity to the National Transmission System provides clear transportational, operational and environmental benefits associated with the production of biomethane.

221. However, it is also important to consider the other outputs (solid digestate, liquid digestate, CO2). Whilst approximately 4,000 tonnes of the solid digestate (approximately 17% of the solid digestate) would be backhauled annually, the majority of solid digestate and liquid digestate would not. As these are to be spread on land in which the maize and straw originates, the digestate would be transported distances of up to 40km. Furthermore, as the CO2 is collected by a dealer who is not the end user, it is not possible to ascertain the locations the CO2 would be transported. Therefore, a close link which would result in transportational, operational and environmental benefits associated with the digestate, and CO2 are not demonstrated.

222. When considering the waste inputs and associated outputs of the process as a whole, it is deemed that there is some link, but not enough to say that there is a clear link, between the location of the proposed site and the waste managed which would result in transport, operational and environmental benefits. Whilst there is policy evidence which points towards an overriding need for low carbon, renewable energy, Policy W5 of the LMWLP emphasises that there should be both a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits, **and** an overriding need for the development which cannot be met within the urban areas set out in (i)-(iii) of Policy W4. In this instance, both of these elements cannot be clearly demonstrated, and therefore there is some conflict with Policy W5 of the LMWLP, in relation to the portion of the site which is not considered to be previously developed, contaminated and/or derelict land.

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

223. Policy W6 of the LMWLP states, "*Planning permission will be granted for waste facilities for anaerobic digestion, open air composting, and other forms of biological treatment 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*".

224. As set out above, the site is within the area set out in (ii) of Policy W4, in that it is close to Market Harborough. As such, Parts (i) and (ii) of Policy W6 do not apply. Essentially, Policy W6 is silent on waste facilities for anaerobic digestion which do fall within those areas identified in Parts (i)-(iii) of Policy W4.

225. It is noted the supporting text to Policy W6 (paragraph 4.35) states (in relation to the biological treatment of waste), "*it does provide an opportunity for agricultural wastes to be treated alongside other wastes. For example, anaerobic digestion can take poultry and bovine manures and produce a digestate which is less odorous and more readily available to plants than the untreated, raw manure. A more rural location also allows the end product, i.e. the soil improver, to be applied to land in the vicinity of the waste site thereby reducing the distance travelled by the resultant product. It is expected that proposals in rural areas will need to justify the selection of the site in terms of the opportunities for treating agricultural wastes and the spreading of the end product on adjacent land. Where operations include the spreading of compost or other residues over land, the material spread must meet the recognised quality standards to be no longer regarded as waste (BSI PAS 100 for compost and BSI PAS 110 for digestate from anaerobic digesters)*".

226. The location of the project is defined by the relationship to the gas injection point and the proximity of a small proportion of the poultry manure and the applicant's ability to source the straw as a residue. In relation to treating agricultural wastes in this location, it is accepted that the proximity to the farm 320m north would provide locational benefits, however imports from this farm would represent a minority of the waste feedstock, with the rest being imported from distances of up to 32km for the poultry manure, and up to 40km for the straw residue.

227. With regard to the end products, this consists of biomethane, solid and liquid digestate, and CO2. The proximity to the National Transmission System provides locational benefits given it eliminates the need for biomethane to be transported off site. Regarding the solid and liquid digestate, the process is described as cyclical in that the solid and liquid digestate go back on the land where the maize is grown and the residual straw is taken from. The closest maize farm is likely to be in the Dingley area to the south-east, however, the maize is also sourced from farms within an 8km (5 mile) radius, whilst the straw residue would be sourced from farms within a 40km (25 mile) radius. Therefore, the spreading of end product would not be on adjacent land, and in many instances would be transported some distance from the site. The exact end destination which the CO2 would be transported to are unknown. In relation to the spreading of material meeting the recognised quality standards, this would be controlled and monitored by separate mechanisms to planning, in this case by Environmental Permitting Regimes.

228. Therefore, whilst there is some justification as to the selection of the site in terms of the opportunities for treating the 3,000 tonnes of poultry manure from the farm situated 320m north of the site, and the site's proximity to the National Transmission System, there is uncertainty about the source location of much of the feedstock, and the destination of digestate and CO2 outputs. This is largely due to the commercial contracts having to be secured, which is unlikely to take place until there is more certainty about the development and delivery of the facility. Overall, Policy W6 is silent on AD proposals which meet the locational requirements of Policy W4, as this proposal does.

Countryside

229. The application site lies within the countryside as defined by Policy GD3 of the HLP. Policy GD3 permits development in the countryside where it is required for: c) minerals and waste development; d) renewable energy production. This is repeated within Policy AP04 of the DHLP, whereby development within the countryside, will be permitted for f) minerals and waste development and g) renewable energy production. The requirements for such a facility have previously been established when assessing need. In summary, there is strong policy support for renewable energy production. However, the requirement for managing waste

in this location has been partially demonstrated. Overall, the proposal is considered to accord with Policy GD3 (d) of the HLP, and Policy AP04 of the DHLP.

230. The application site lies within open countryside as defined by Policy H2 of the GBNP. Policy H2 states, "*Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies*". A number of these core local and national policies have been assessed above; however, it is noted that concerns have been raised by HDCP in relation to this policy and the proposal's bulk and massing in an open countryside location. This concern is considered within the 'Landscape and Visual Impact' section further on in the report and is not considered to influence the principle of development.

231. Policy CC2 of the HLP states that development will be permitted for renewable and low carbon energy generation where:

a. *"it is an appropriate technology for the site;*

b. *it does not create a significant noise intrusion for existing dwellings;*

c. *it includes measures to mitigate against any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any equipment/infrastructure;*

d. *it does not contribute towards an unacceptable cumulative visual impact from renewable energy developments when considered in conjunction with nearby developments and permitted proposals within the District or adjoining local authority areas; and*

e. *adequate conditions are imposed and/or a legal agreement is entered into ensuring that once the use ceases operating permanently, it is fully decommissioned and the site appropriately restored."*

232. Policy AP05 of the DHLP largely reflects points c-e of the above. In relation to this, and to points b-e of Policy CC2 of the HLP, these are assessed further within this report. In order to determine whether anaerobic digestion is an appropriate technology for the site, it is not only important to consider the site's functionality, as has been discussed above in relation to feedstock supply and grid access, but also the environmental and community impacts of the proposal. Therefore, this policy will be considered throughout the report.

<u>Loss of Residential Property</u>

233. Planning permission for a three bedroom bungalow was granted by HDC in 1980 (Ref: 80/01332/3M), which is located at the western extent of this application site.

Condition 3 of the 1980 permission restricted occupancy of the dwelling to "…*a person employed, or last employed, locally in agriculture…*". In 2014 permission was granted for the removal of this condition (Ref: 13/01778/VAC), meaning the bungalow no longer had any agricultural occupancy ties.

234. This planning application as defined in the description of development is for a "*Proposed Anaerobic Digestion Plant, Associate Infrastructure, Lagoons and Feedstock Clamps*" and the red-line defining the extent of the application site encompasses the bungalow. There is no reference to ancillary residential use within the description of development.

235. There is little reference within the submitted documents to the bungalow, but the Design and Access statement includes a line stating "…*a bungalow at the western end of the site which will be occupied by a company employee*…". There is no reference to the occupation of the bungalow being on a residential basis. Furthermore, the bungalow has not been treated as a residential receptor in the technical assessments when considering impacts (e.g. noise). As such, the application is assessed on the basis the bungalow would no longer form a residential dwelling.

236. Part c. of Policy EMP2 (New Employment Opportunities) of the GBNP states that in supporting additional employment opportunities, new development will be required not to involve the loss of dwellings. The proposed development is contrary to this policy.

237. Regard is had to Paragraph 61 of the NPPF which supports the Government's objective of significantly boosting the supply of homes and that an overall aim should be to meet an area's identified housing need. In addition, the NPPF requires local planning authorities to identify a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing. Harborough District Council housing supply sits at 3.55 years (annual requirement of 759 dwellings), as of January 2025, which is below the minimum five year supply required by the NPPF.

238. The loss of the use of the bungalow as a residential dwelling is contrary to the Government's overall aim of boosting the supply of homes, particularly in the context of Harborough's current housing supply. However, it is also recognised that the loss of a single dwelling in the context of having to delivery 759 dwellings per annum is insignificant. In addition, it is also noted that a residential dwelling in this location would not ordinarily be acceptable (as stated by HDC in the decision notice Ref: 13/01778/VAC). As such, the loss of the use of the bungalow as a residential dwelling is afforded very little weight.

239. Given that planning permission has not been sought for the continued use of the bungalow as a residential dwelling, and that no technical assessment (e.g. noise impact) as to its suitability for such use has been undertaken, it is recommended

for clarity that a condition precluding the use of the bungalow for residential use is attached to any permission granted.

Principle of Development - Conclusion

240. Overall, in establishing the principle of an anaerobic digestion facility in the proposed location, there is partial conflict with Policy W5 of the LMWLP, as some of the site is undeveloped scrub land, as well as conflict with Policy EMP2 of the GBNP and the NPPF due to the loss of a residential dwelling. Whilst some conflict with these policies is noted, it is important to consider that part of the site is previously developed, which does comply with Policy W5. Balanced against the identified conflict, paragraph 168(a) of the NPPF states, "*a) local planning authorities should: give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future".* This is a material planning consideration of significant weight. When considered in line with the UK's legally binding net zero targets established through the CCA, it is deemed that on balance, any partial noncompliance with Policy W5 is outweighed by the delivery of low carbon, renewable energy. Furthermore, the countryside location of the proposal is deemed to accord with Policy GD3 of the HLP and Policy H2 of the GBNP.

Traffic, Access and Parking

241. Policy DM9 of the LMWLP supports waste development involving the transportation of material by road where it is the only practicable and environmentally preferable option; where access arrangements impact on road safety from traffic would be safe; where the highway network is able to accommodate the traffic generated and the impact on the environment of local residents is acceptable; where the proposal is in close proximity to the County's lorry network; and in the case of new facilities, where the proposal is in close proximity to the waste arisings that would be managed.

242. Parts (l) and (m) of Policy GD8 of the HLP state that development will be permitted where safe access, adequate parking and servicing areas are ensured; and that safe efficient and convenient movement of all highway users are ensured, including cyclists, pedestrians and horse riders. Part 1 of Policy IN2 of the HLP outlines that development proposals should have regard to the transport policies of the Local Transport Authority (LCC LHA) (and where appropriate, adjoining transport authorities) and where there are impacts on the national road network be aligned with policies of Highways England (now known as National Highways). Proposals should seek to maximise the use and efficiency of existing transport facilities and where necessary provide mitigating measures to deal with the impacts of development on the transport network, both within and outside the District. Part 2 (a) of Policy IN2 of the HLP states development proposals will be

permitted, subject to the provision of safe access, servicing and parking arrangements having regard to highways authority guidance and standards.

243. Policy H3 (e) of the GBNP supports development for infill and redevelopment sites where they provide safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in a severe direct or cumulative impact on congestion or road and pedestrian safety unless appropriate mitigation measures are undertaken. In addition, Policy EMP2 of the GBNP supports additional employment opportunities and, at Part (e) requires new development to not generate severe levels of traffic movements and provide on-site car parking for all employees and visitors.

244. Policy DM06 of the DHLP relates entirely to transport and accessibility and supports development subject to safe, connected and convenient movement across the transport network; that it provides safe access, servicing and parking arrangements and ensures that additional traffic movements are not detrimental to highway safety or result in severe cumulative impact on the highway network. The policy also requires major development to be supported by a Transport Assessment and supports sustainable transport modes and mitigation for any adverse impacts.

245. Part 2 (a) of Policy GI1 of the HLP outlines that traffic free cycle routes, and long-distance recreational paths and bridleways will be safeguarded by ensuring that development does not compromise their integrity or value. Part 2 (b and c) of Policy IN2 of the HLP state development proposals will be permitted, subject to the provision of measures to facilitate and encourage safe access by cycle and on foot and the protection of existing pedestrian, cycle and equestrian routes. Policy ENV10 of the GBNP outlines that development proposals should include measures to facilitate and encourage safe access by cycle and on foot; and the protection of, connection to, and extension where practicable of existing pedestrian and cycle routes. Part 1 (a) of Policy DS03 of the DHLP states development will be permitted where it prioritises sustainable active travel modes. Part 3 (b) of Policy DS03 of the DHLP states that existing green and blue infrastructure networks must be retained and, where possible, enhanced including (…) traffic free cycle routes, and long-distance recreational paths and bridleways. Part 2 (e) of Policy DM01 of the DHLP states that development will be permitted where it ensures safe and accessible movement for all users, including the promotion of opportunities for sustainable public transport and active travel modes like walking and cycling.

246. Paragraph 116 of the NPPF makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

247. To support the planning application, the applicant has provided a Transport Statement which covers, *inter alia*, the existing transport policy context; existing site conditions; traffic surveys on Welham Road and the A6/Welham Road (link road) junction; traffic collision history; vehicular access, visibility splays and swept path analysis; parking; and trip generation. The application has also been supported by Road Safety Audit and Vehicle Swept Path Assessments of the access arrangements.

248. As the site is a former mushroom farm, there would have been vehicle movements associated with that operation. However, the submitted Transport Statement acknowledges that there is no operational activity from the site at present, and therefore previous vehicle movements associated with the site have not been taken into account within the assessment. As such, there would be an increase in vehicular movements compared to the current status of the site. The following table sets out the HGV traffic forecasts:

HGV TOTALS	HGVs/DAY (1-way)		HGVs/HOUR (1-way)	
	TYPICAL DAY	PEAK DAY 30-days/yr.	TYPICAL DAY	PEAK DAY 30-days/yr.
MAIZE	0	18	0	1
STRAW	2	2	0	0
POULTRY	1	1	0	0
LIQUID DIGESTATE	4	4	0	0
SOLID DIGESTATE	3	0	0	0
$C0_2$	1	1	0	0
TOTALS	**11**	**26**	**1**	**2**
HGVs (2-WAY)	***22***	***52***	***2***	***4***

Totals may not sum exactly due to rounding of decimal places

249. The LHA has comprehensively considered the proposed development and all supporting information, having provided a total of six formal consultation responses over the course of the assessment of the application, a number of which have resulted in further information having to be submitted.

250. With regard to the site access and off-site highways works, the LHA has reviewed the Stage 1 Road Safety Audit and design response and confirmed that the proposed access arrangements are sufficient to serve the proposed development.

251. In relation to trip generation, the LHA note that on a typical day the site would generate 22 HGV movements and six light vehicle movements, and during the peak 30 days of the year the maximum number of HGV movements would rise to 52 per day. Taking this level of trip generation into account, the LHA has considered the capacity of the A6/Welham Road junction to accommodate the additional traffic and confirm that there is significant capacity for the junction to operate efficiently with minimal queuing in both current and future scenarios.

252. The LHA has confirmed that the proposed internal layout including parking arrangements are acceptable subject to conditions.

253. In conclusion, the LHA advise that the impact on highway safety would not be unacceptable, and when considered cumulatively with other development the impact on the road network would not be severe and, on this basis, the development does not conflict with paragraph 116 of the NPPF. The LHA also recommend a series of conditions relating to the submission of a Construction Method Statement; a Delivery and Service Management Plan (which will be required to include, but not be limited to: HGV routeing arrangements; vehicle types and tonnage; timing of deliveries; unloading/loading arrangements; control of dust and dirt; wheel wash facilities); the delivery of offsite improvements to Welham Road; the full implementation of access arrangements and visibility splays; and the delivery of hard surfaced HGV parking and turning within the site, in line with the submitted details, prior to occupation.

254. A specialist report outlining highways concerns dated 13 February 2024 was presented to the Waste Planning Authority. The report was passed onto the LHA which confirmed that, given the date of the report and that it does not consider the proposed highway mitigation works, and the Junction Capacity assessment on the A6 Junction which were later submitted at the request of the LHA, the content of the report would not alter the LHA's current observations.

255. National Highways were consulted on the proposed development but offered no comment as the A6 near the site does not form part of the Strategic Road Network and is not a National Highways asset.

256. Many objections have been raised relating to a number of highways related concerns. Many of these were raised during the first consultation period, since which numerous amendments were made to the proposal and additional information was provided by the applicant, which led to the LHA providing no objection. Notwithstanding such, the general themes of these objections are addressed below for clarity.

257. Regarding the site access, the site is accessed via an existing access point from Welham Road. Visibility splays are to be provided through the removal of existing trees and shrubs across the western boundary of the site, the cleared areas are to be landscaped with planting not exceeding 0.5m in height above carriageway level. The landscaped area would be dedicated and maintained as a public highway. Furthermore, the site access inbound corner radius would be increased to 10m with a taper from Welham Road to the north-east (using land within the highway boundary). These improvements have been developed in liaison with the LHA and the LHA have confirmed they are satisfied with these arrangements. Conditions would be imposed to ensure that the visibility splays and access arrangements are

provided prior to occupation of the site and that the visibility splays are permanently maintained with nothing within those splays being higher than 0.6m above the level of the adjacent footway/verge/highway (as required in the Leicestershire Highway Design Guide - LHDG).

258. In relation to routing, this will be secured through the Delivery and Service Management Plan condition and would limit HGV access and egress of the site to the A6/Welham Road Junction. Traffic generated by the development would not use Welham Road or Welham Lane to the north of the site, other than for imported poultry waste from Welham Bush Poultry Farm. Furthermore, HGVs associated with the development would not use Great Bowden or the bridge which crosses the A6.

259. There have been concerns raised in relation to the potential highways related impact on the Great Bowden bridge which crosses the A6. However, given the routing of traffic outlined above, HGVs associated with the proposal would not use Great Bowden or this bridge. There is concern that such conditions controlling this could be broken and would be unenforceable. However, if a breach of condition were to occur, the Waste Planning Authority has established enforcement powers to address such. Therefore, speculative concerns about future non-compliance carry very limited weight in the determination of this application.

260. Regarding Welham Road and Welham Lane, a limited stretch would be affected by the development. Traffic associated with the proposal using the approximate 470m stretch of Welham Road and Welham Lane between the site access and the poultry farm to north would account for 3,000 tonnes of feedstock (7.5% of the total feedstock to be used, and one third of the total poultry manure feedstock). There would be one HGV trip associated with the poultry manure per day. Therefore, depending on the mix and timing of deliveries, this could mean that some days see no HGV movements associated with the development along this section of Welham Road/Lane. Furthermore, the movements of waste along Welham Road and Welham Lane to/from the poultry farm already take place. The proposed development would not add to these movements but would divert some of the existing loads into the proposed site. As such, the impact of traffic on this specific stretch of Welham Road and Welham Lane as a result of the proposal is considered negligible. The majority of the traffic generated by the proposal would be using the approximate 220m section of Welham Road between the A6/Welham Road Junction and the site access only. In response to vehicle tracking undertaken by the applicant, widening of this section of Welham Road is proposed. This would include, strip widening of the exit to the A6 link with minimum 6.0m corner radius, additional strip widening of entry from A6 link, and Welham Road carriageway widened to minimum 6.5m between the site access and A6 link. The proposed widening would use land within the highway boundary. These features have been reviewed by the LHA and are deemed acceptable. A condition has been imposed

to secure these works prior to the development being occupied and routing will be secured via the Delivery and Service Management Plan condition.

261. Of particular concern amongst those raising representations is the potential impact on the safety of users of the National Cycle Network (NCN) Route 64 which runs along Welham Road and Welham Lane. In consideration of the above, the stretch of NCN Route 64 which could face the largest impact is the section which runs from the site access to the segment of Welham Road which links to the A6, south-west of the site. This is approximately an 130m stretch of NCN Route 64. Sustrans (the charity who manage the NCN) did provide a representation as part of the initial publicity period outlining reservations regarding the interaction of HGVs and non-motorised users of NCN Route 64. Since this representation a host of additional highways information has been provided by the applicant and the LHA has comprehensively reviewed the proposal, including its potential impact on the NCN. Whilst Sustrans' are the charity which manage the NCN, it is the LHA who hold statutory responsibility for assessing impacts on the public highway and associated cycle infrastructure and any implications for the NCN in this context fall within the LHA's remit to assess. Likewise, a representation questioned whether Cycling UK were consulted as part of the determination process. Cycling UK are a national advocacy group not a statutory consultee. Whilst they can comment as part of the public consultation process like any member of the public or interest group, there is no duty on the Waste Planning Authority to consult them specifically. Active Travel England were consulted however they confirmed that the proposal does not meet the statutory thresholds for their formal consideration and therefore offered no comment.

262. Concerns are raised regarding the safety of pedestrians using Welham Road and NCN Route 64 (including those approaching from the direction of Great Bowden where the road descends) and the importance of such as a key access to public rights of way and local countryside. The proposed access to the site and amendments to Welham Road, including visibility splays and carriageway widening to accommodate the unlikely event of two-way movements of large, articulated vehicles, has been reviewed by the LHA and deemed appropriate. The carriageway widening will improve passing opportunities and mitigate potential risks to non-motorised users. Although representations make reference to Sustrans' design principles, including full segregation and cyclist priority, the LHA has not identified these as necessary or proportionate in this case. Accordingly, these concerns are not considered to give rise to a highway safety issue. The Delivery and Service Management Plan, which would be conditioned, will include provisions to manage the timing of vehicle deliveries and departures, helping to prevent queuing or vehicles coming to a standstill on the public highway. These operational controls, alongside the proposed carriageway widening and access improvements, are considered appropriate by the LHA and would minimise disruption and ensure the safe flow of traffic.

263. A representation raised concern that the proposed carriageway widening could reduce driver caution and lead to increased speeds. Whilst the theory of such is understood, the widening proposed here is limited in extent and intended to facilitate safe two-way vehicle movements between the A6 and the site access. The LHA did not identify any safety concerns or risk of speed related impacts arising from the proposed improvements.

264. Regarding the Welham Road/A6 junction, a junction capacity assessment has been undertaken. The LHA has reviewed the modelling file and is satisfied that the geometry of the junction accurately reflects the design of the existing junction. The base traffic flows for the model have been obtained from a classified turning count undertaken at the A6 junction on Thursday 11 April 2024. Having reviewed the model, the LHA is satisfied that the results confirm that the existing junction currently operates within capacity (2024) and would continue to do so at the assessment year (2031) which factor in background traffic growth factors with the proposed development in place. The proposed development would result in modest increases in Ratio to Flow Capacity (RFC) values at the junction, so there is still significant capacity for the junction to operate efficiently with minimal queuing in all scenarios. Therefore, the junction capacity assessment concludes that no improvements are required for this junction. It is acknowledged that a number of objections have raised safety concerns relating to this junction, particularly in relation to the speed of the A6, the turning movements of HGVs and tractors with trailers, and visibility at the junction. Specific concerns include slow-moving vehicles turning right onto 60mph road, the absence of a diverging taper of central island, and the potential for unsafe overtaking/delays. Reference has also been made to accident data at the junction and the lack of a swept path analysis at this junction. Ultimately, the LHA has assessed the proposal and have stated that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, raising no objection subject to conditions. The LHA has also not identified a need for physical intervention at this junction. In the absence of an objection from the statutory consultee, the proposal is not considered to give rise to an unacceptable highway safety risk at this location.

265. Regarding trip generation, the LHA is satisfied that the figures provided by the applicant are a likely reflection of the movements which will be associated with the proposed development. Notwithstanding such, conditions have been imposed to restrict the amount of imported feedstock to 40,000 tonnes per annum, as well as restricting the total number of HGV movements (in and out) to/from the site to not exceed 52 during any 24-hour period and recording such movements. These will help to ensure that trip generation figures remain accurate and constant throughout the life of the development. Concern has outlined that the trip generation figures do not account for potential peaks, troughs or delays. The Delivery and Service Management Plan, secured via condition at the request of the LHA, will include provisions to manage the timing of vehicle deliveries and departures to help ensure

movements remain consistent with the assumptions set out in the Transport Statement and reduce the potential of queues. Furthermore, concern has been raised about the wider traffic impacts on the A6 corridor; however, vehicle movements related to the development are not considered to be of a scale that would significantly affect strategic junctions or traffic flow on the wider road network. Again, subject to conditions, no objection has been raised by the LHA. There has also been concern raised around the accuracy of the feedstock volume and subsequent vehicle numbers within the Transport Statement, citing comparison with an anaerobic digestion facility at Cassington which allegedly produces 2.1MW from 50,000 tonnes of feedstock, solid and liquid waste. In response, the applicant has clarified that the example used has an electrical output, not thermal (gas). The technologies used for gas production also differ and the energy profile of each feedstock significantly differs. For example, liquid feedstock can have a quarter of the energy value of maize and straw. In the absence of contrary technical evidence, there is no basis to reject the figures in the Transport Assessment as provided.

266. Concern has been raised that some of the feedstock is typically transported by tractors and trailers, rather than HGVs which could generate additional vehicle movements given the payload/capacity of such are usually less. The applicant has clarified that all imports and exports, with the exception of some maize deliveries, will be undertaken using HGVs as set out in the Transport Statement. Whilst some maize will be delivered by HGV depending on availability, a portion of the maize may be delivered by a Fastrac (or equivalent) and trailer units. These vehicles would be capable of carrying loads of approximately 20 tonnes. Given such, it is accepted that this would have a negligible impact on the overall traffic movements. Notwithstanding such, the Delivery and Service Management Plan condition, which has been included at the recommendation of the LHA, will add further control of specific vehicle types and tonnages.

267. The proposal would have 6 car parking bays, with each 6m in length to the south of the process building. There are 2 trailer bays situated to the east of the CO2 storage tank. The LHA has reviewed these arrangements and confirmed that the car parking bays exceed the requirements in the LHDG and are therefore acceptable. Regarding the trailer bays, the LHA notes that, given the nature of the proposed development and that a Servicing and Delivery Plan will be provided to control the movement of HGVs, the LHA has no further comments in relation to the internal layout of the site. Given the facility would employ the equivalent of 2 full time members of staff, the level of parking proposed is considered proportionate to the operational needs of the site and allows for sufficient capacity to accommodate occasional visitors, thereby avoiding the need for off-site parking. A condition has been included to ensure that off-street car and HGV parking provision with turning facilities has been provided, hard surfaced and demarcated in accordance with the relevant plan prior to first occupation of the site.

268. Regarding accessibility and sustainable transport methods to the site, objectors have raised concern about the lack of dedicated sustainable transport infrastructure, including wheelchair accessible parking spaces, cycle parking and electric vehicle charging points. Whilst such facilities are encouraged by policy, the scale and nature of the proposed development are critical in this context. The facility would employ only two full-time members of staff and is not expected to generate significant regular visitor traffic. The submitted Transport Statement acknowledges that, although the site is in a rural location, it could be accessed by foot, cycle or public transport in principle. However, given the limited staffing requirements, the level of demand for non-car access is expected to be minimal. On this basis, the absence of designated sustainable transport infrastructure is not considered to conflict with relevant policy objectives.

269. GBPC make reference to the 6Cs Design Guide within their consultation response. This is no longer used by Leicestershire County Council and has been replaced by the Leicestershire Highways Design Guide. Reference is also made to the Local Transport Plan 3. However, these do not form part of the adopted development plan, and no conflict has been identified with such by the LHA in their assessment of the application.

270. Highways related impacts related to construction are to be assessed and controlled through the Construction Method Statement condition at the request of the LHA which requires a plethora of information which shall be adhered to throughout the construction period. This information would be submitted for the written approval of the Waste Planning Authority prior to any development commencing on site.

271. A significant focal point of objections was previous applications on or near the site that were refused on highways grounds, questioning what had changed since those decisions. Whilst this concern is noted, each planning application must be assessed on its own merits, based on the specific development proposed and the supporting technical evidence provided. The LHA has confirmed that its assessment process is evidence led and consistent with current local and national guidance. The current application includes supporting information specific to the proposal which has been reviewed by the LHA and found to be acceptable. Whilst past decisions may provide context, they do not determine the outcome of new applications, which are considered independently on the basis of the current advice.

272. Reference to the potential degradation of local roads, including Welham Road and Lane, from an increase in HGV usage is noted, however the maintenance of the public highway falls within the responsibility of the LHA and is not a matter for control through the planning system. There is no evidence to suggest that the traffic generated by the proposal would give rise to an unacceptable level of wear or degradation beyond that which would normally be managed through routine

highways maintenance. In relation to the deposition of material on roads, the Construction Method Statement and the Delivery and Service Management Plan will help outline, and where necessary secure, the provision of wheel wash facilities and transportation methods to help mitigate the spillage of material. Furthermore, a condition is proposed which would require the surfacing of the site access to be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

273. Questions have been raised as to who would let HGVs on site outside of the hours of 09:00 to 17:00. The applicant has confirmed that the site would be manned 24/7 through a combination of staff working normal daytime hours and the occupation of the existing bungalow on site out of hours.

274. Concern has been raised that highways impacts could be worsened during peak hours and during winter. The Delivery and Service Management Plan, secured via condition, would provide flexibility to manage the timing of vehicles movements and reduce the likelihood of clustering during peak hours. The LHA has not identified a requirement for additional seasonal controls or raised concern that the site would generate unacceptable impacts under typical winter conditions.

275. Whilst a representation has raised concern about the ability of vehicles to pass horses in accordance with Highway Code guidance, the LHA has not identified any shortfall in road width or safety in this regard subject to the proposed conditions.

276. Concerns have been raised about driver conduct however individual driver conduct remains the responsibility of the operators and is subject to existing road traffic legislation, not planning.

277. It is acknowledged that within HDC's initial response, they proposed consideration for a potential roundabout in order to mitigate highways impacts. However, this feature does not form part of the development proposal and has not been considered further.

278. Reference to conflict with Policy T3 of the GBNP has been made in objections. However, this policy supports the delivery of new cycle routes and bridleways, particularly towards Welham Lane and the village centre. As the proposal does not significantly affect or relate to these corridors, and no new cycle infrastructure is proposed, the policy is not considered directly relevant to the determination of this proposal.

279. Representations have suggested that in order to make the proposal suitable and safe for horses and walkers and to preserve the existing cycle route, a footpath should be installed from the bridge to beyond the new development. Both the LHA and PROW have reviewed the application, and proposed works to Welham Road. No requirement for a new footpath has been identified through the consultation

process and this is not considered to be necessary by the LHA or PROW in the acceptability of the proposal.

280. As part of the consultation response from North Northamptonshire Council, they requested due consideration be given to the villages of Sutton Bassett and Dingley in relation to the impact of the development on residents from traffic. Dingley Parish Council also outlined concern that the proposal could cause an increase in HGVs travelling through Dingley and requested that all HGVs be diverted onto the A6 and A14. It is noted that Sutton Bassett and Dingley lie approximately 1.75km and 2.5km from the site respectively. At this distance, it becomes increasingly difficult to identify, influence and monitor precise HGV routes, particularly as contracts with the individual feedstock suppliers are yet to be finalised until such time as planning permission is in place and is liable to change. HGVs will inevitably need to use some local roads when accessing or departing from farms, and complete reliance on strategic roads may not always be practical or enforceable. However, a Delivery and Service Management Plan is to be secured by condition which will include provisions for routing and record keeping for HGV movements. It should be noted that the Highway Authority at North Northamptonshire Council recorded no comments on the proposal. There is not sufficient evidence in place before the Waste Planning Authority to suggest that the development would result in a significant or demonstrable traffic impact on these villages.

281. In consideration of the above and the relevant planning policy, points (i-iv) of DM9 of the LMWLP are demonstrated. However, point (v) relates to new waste management facilities being in close proximity to the waste arisings that would be managed to minimise the transportation of waste. As has been explained in the 'Principle of Development' section, whilst some sources would be in close proximity, including from the poultry farm located approximately 320m north of the site, not all of the waste arising are considered to be within close proximity. Although this means the proposal does not fully comply with criterion (v), the degree of conflict is not considered sufficient to warrant refusal, particularly given that the proposed development is not considered to conflict with Policies GD8 (l;m), IN2 (1; 2a,b,c), GI1 (2a) of the HLP; Policies H3 (e), EMP2 (e), and ENV10 of the GBNP; Policies DM01 (2e), DM06 and DS03 (1a; 3b) of the DHLP; and paragraph 116 of the NPPF.

Public Rights of Way

282. Policy DM10 of the LMWLP and paragraph 105 of the NPPF outline that permission will be granted for waste development where it is demonstrated that the proposal would protect public rights of way and access. Where disruption of a right of way is unavoidable, convenient and safe diversion or the creation of an alternative route both during operations and following restoration of the site will be required. The opportunity will be taken, wherever possible, to secure appropriate, improved access into the countryside. Paragraph 105 of the NPPF states planning

decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

283. For clarity, National Cycle Network (NCN) routes and public rights of way are distinct designations. Whilst they might sometimes overlap, NCN routes are not themselves classified as public rights of way unless they coincide with a legally recorded path. In this instance, the section of the NCN route 64 along Welham Road and Welham Lane does not overlap with a public right of way and has therefore been considered within the 'Traffic, Access and Parking', section above.

284. The closest public rights of way are Public Footpaths A55 and A56 (part bridleway). It is acknowledged that part of the underground pipework and the site of the National Grid compound run adjacent to these rights of way. However, as has previously been outlined, these elements of the proposal are considered to constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Schedule 2. In terms of the main compound site, Footpaths A55 and A56 are situated approximately 315m and 525m to the north respectively.

285. Notwithstanding such, LCC PROW have been consulted as part of the application process and outlined that the developers may need to apply for the appropriate licences to open up the surface of the bridleway (highway surface) and apply for a temporary closure. If any incidents or circumstances arise whereby the construction phase causes problems for the public, then there are powers available under the provisions of the Highways Act 1980 to work to resolve them. Informative notes to the applicant have been included within Appendix A to emphasise such.

286. In consideration of the above, direct effects on public rights of way as a result of the proposal are considered to be negligible and will be managed through mechanisms outside of the planning process. In relation to indirect impacts, the impacts of traffic generated from the proposed development have been assessed in the previous section, and matters relating to odour and the visual amenity for rights of way users are assessed in the relevant sections of this report. No unacceptable impacts are identified in relation to the continued use or enjoyment of the public rights of way network.

287. Therefore, the proposal is considered to accord with policy DM10 of the LMWLP and paragraph 105 of the NPPF.

Odour

288. Policy DM2 of the LMWLP is supportive of development which can demonstrate that the potential effects of odour to adjoining land uses and users would be acceptable. Policy DM11 of the LMWLP outlines that permission will be granted for waste development where it is demonstrated that cumulative impacts on the

environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable.

289. Policy GD8 of the HLP (e(ii)) and policy DM02 (1a) of the DHLP states development should not generate a level of unpleasant odour emission which cannot be mitigated to an appropriate standard.

290. Policy EMP2 (d) of the GBNP outlines new development should not increase odour levels to an extent that would unacceptably disturb occupants of near-by residential properties.

291. Paragraph 187 (e) of the NPPF outlines that new development should be prevented from contributing to unacceptable levels air pollution.

292. To support the planning application, the applicant has provided a Qualitative Odour Risk Assessment and Technical Note. The assessment notes that the main potential sources of odour at the site are associated with the loading of feedstock into the anaerobic digestion facility. The anaerobic digestion facility will operate a sealed internal process, with limited associated potential for the direct release of odour to the atmosphere. The feedstock for the facility will be delivered in an enclosed load every day and deposited into specifically constructed manure bunkers which are covered. The poultry manure will be fed into the digester tanks each day and therefore each new load will be fed on the same day it is delivered or, dependent upon the time of the delivery, the next morning, ensuring that no poultry manure is left in its bunker for more than a maximum period of 24 hours. The straw will be extruded on a daily basis and fed directly into the digester tanks making sure that all feed is cleared on the day that it is prepared. There is no odour associated with extruded straw. Although not noted in the assessment, once the maize is brought on-site to the clamp, it has to be covered quickly to avoid the crop from oxidising. It is in the best interests of the applicant to stop the crop from oxidising as once the crop begins to oxidise it loses its energy value. When the digestion plant is 'fed' with the feedstock the sheet from the leading edge of the clamp is lifted briefly to allow an agricultural teleporter to take enough material to put into the process. The liquid digestate would be stored in a covered digestate lagoon and the solid digestate would be stored in a bay within the covered feedstock bunkers until they are exported off-site. It is understood that the digestate would be dosed daily with a biodegradable bag of Ferric Oxide to keep the digestate slightly acidic to help mitigate the release of Hydrogen Sulphide. The applicant has stated that this all happens in the absence of oxygen so there are no releases to the atmosphere.

293. The Qualitative Odour Risk Assessment found that the source odour potential of the proposal is considered medium, and that there is an ineffective pathway to

receptors, with respect to the Institute of Air Quality Management (IAQM) guidance. The resulting risk of odour exposure at residential receptors is therefore considered to be negligible. The sensitivity of the proposed users of the site is considered to be 'high'. However, in line with the (IAQM) impact assessment criteria for a 'high sensitivity' receptor and a 'negligible risk' of odour exposure, this results in a 'negligible effect'. Therefore, an effect of this magnitude would be considered not significant and that the odour emissions associated with the operation of the proposal would not result in significant loss of local amenity and consequently the resulting risk of potential odour complaints is negligible. Given the findings of the assessment, no additional mitigation measures in relation to odour were proposed.

294. Both the Qualitative Odour Risk Assessment and technical note have been reviewed by the EHO, who in their most recent response outlined the documents cover most points of concern and have followed accepted guidance and used what they deem appropriate meteorological data. Given such, the EHO stated that it would be difficult to sustain an objection. They accepted that not all sites will be covered by nearby meteorological stations, and local conditions do play an important part in odour dispersion. The chosen site of Wittering observation station may be similar to the chosen site, and it is also accepted that the model requires data from a suitable site. They also accepted that downwind of the prevailing wind direction would give the most impact from odour but downwind from a south-westerly prevailing wind is more often associated with higher wind speeds, and thus more dispersion. The classification of the odour would be better described in the most offensive category, as if there was an episode or breakdown, this worse case odour is what would be potentially smelt locally. However, the EHO accepted that the plant will be a fully enclosed system, and their odour concerns are in relation to abnormal operations. Their main concern in terms of odour relates to the 'low wind speed sitting high pressure weather systems' due to the more stable nature of the weather systems; the issue of low wind speeds and sitting high pressure systems is not acknowledged in the modelling, as prevailing winds are used to determine likely receptors. The EHO would have some concerns relating to the dispersion of odour at these low wind speeds but also accept that the methodology used in the submitted assessment is in line with accepted guidance.

295. In response, the applicant provided a further point of clarification to the EHO's remaining concern. They outlined that the presence of continuous odour emissions is considered to be a prerequisite for any odour effect to occur during 'low wind speed sitting high pressure weather systems'. The delivery/loading of feedstock are identified as being the only potential source for odours at the site. These processes will take place for approximately 1-hours per day (with only 0.5-hour loading time), this window is insufficiently low for any potential odours to reach sensitive receptor locations during 'low wind speed sitting high pressure weather systems'.

296. The EHO was formally re-consulted in light of this but did not provide an additional formal response. The Waste Planning Authority has received a number of reports dated February 2024 and August 2024, submitted as representations which raise concern relating to odour and the submitted Qualitative Odour Risk Assessment and Technical Note. These reports were forwarded to the EHO for comment.

297. Although not submitted as part of the formal re-consultation process, the EHO subsequently provided a follow-up email outlining that they have re-reviewed the reports, comments and responses. Regarding odour, the EHO confirmed their comments are really aimed at worse-case scenarios, and the applicant's response primarily covers normal operations. However, there are comments relating to worse-case scenarios such as abnormal operations or breakdown of the plant, and the EHO is satisfied that these events would be very unlikely, and if they were to occur would likely be short-lived. Therefore, they have no further comments in relation to odour.

298. In advance of the report being published, the EHO was consulted on the proposed conditions seeking to control environmental health related matters including odour. Of note, given that poultry manure has been highlighted as the most odorous feedstock, the amount of poultry manure present on site at any single time has been conditioned to not exceed 175 tonnes. This ensures the volume of poultry manure used in the modelling of the Qualitative Odour Risk Assessment is not exceeded. A Feedstock Management Plan has been conditioned which will be submitted prior to first occupation of the site. This will include measures to minimise and manage the odour impacts of feedstock delivery, handling, storage, and processing which can be clearly monitored for the duration of the development by the Waste Planning Authority. Likewise, a Digestate Management Plan has been conditioned which will be submitted prior to exportation of digestate from the site. Again, this will include details of storage and export arrangements, handling, containment measures, and the prevention of odour which can be clearly monitored for the duration of the development by the Waste Planning Authority.

299. In the Waste Planning Authority's view, these conditions are considered appropriate for mitigating the potential impact of odour from likely sources on local amenity, including on receptors just north of the site. Whilst the EHO has emphasised a preference for the worst-case scenarios to be considered, such as abnormal operations or breakdown of the plant, it is acknowledged that such scenarios do not reflect the realistic, day-to-day operation of the site. The technical note outlines that these abnormal operational situations are considered within the Site's Operational and Management Plan. This is typically considered a separate mechanism to the planning process, with its contents usually going beyond what planning can regulate, focusing instead on operational compliance. The detailed regulation of pollution and accident risk lies with other statutory bodies, namely the EA and HSE. The facility will be subject to the Environmental Permitting regime, which sets out strict operational and safety requirements. In assessing the permit

required for the site, the EA will consider site management and the potential for accidents. Therefore, accounting for such regulatory controls, it is considered that these worst-case scenarios would be unlikely and, if they were to occur, would be promptly addressed.

300. Upon a review of all of the proposed conditions, the EHO has confirmed the conditions appear very comprehensive and cover all aspects of concern relating to odour.

301. Notwithstanding the above, matters relating to odour from the proposed development are also addressed through the Environmental Permitting regime, administered by the EA. As has been outlined in the consultation response from the EA dated 16th January 2024, the facility would require an Environmental Permit under Environmental Permitting Regulations (England and Wales) 2016. The permit process involves detailed technical assessment and ongoing regulation. Within the EA's response, they have stated that the following areas of potential harm will be considered when assessing the permit: techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, accidents, and monitoring; air quality impact assessment, including odour. Imperatively, paragraph 201 of the NPPF outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. This is emphasised by paragraph 7 of the NPPW which outlines that Waste Planning Authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Furthermore, PPG-W paragraph 051 states, "*The role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health*".

302. A number of concerns have been raised in relation to the submitted Qualitative Odour Risk Assessment and technical note. A number of third-party reports dated February 2024 and August 2024 have also been submitted which review the submitted assessments and outline concerns with such. Such concerns include, but are not limited to, the omission of sensitive receptors, the use of Wittering meteorological station, the adopted assessment methodology, and consistency with guidance and good practice. The EHO has comprehensively reviewed the

submitted information, the context of the site and has been provided with the third-party reports. These were shared to ensure the EHO had full sight of the material and an opportunity to review any potentially new information. In response, the EHO did not identify any issues requiring revisions to their original comments and subsequently confirmed that the draft planning conditions comprehensively address the relevant considerations. On this basis, the proposed mitigation measures are considered appropriate and proportionate from a regulatory standpoint. With these measures, and further regulatory controls imposed by the EA in place, it is not considered that odour impacts would be so significant as to warrant refusal of planning permission.

303. The submitted air quality assessment is now marginally over two years old. Whilst technical guidance notes that such reports are generally valid for two years, this threshold is advisory rather than absolute and should be interpreted in the context of material changes. In this case, the report was submitted as part of the original application submission, and the delay in determination has resulted from procedural factors rather than changes in site circumstances. There is no available evidence to suggest that these parameters have materially shifted in a way which could undermine the assessment. Notwithstanding such, as has been outlined above, the proposal has been reviewed by the EHO, who is satisfied with the proposed conditions. Again, odour will be subject to regulation through the Environmental Permit, providing a further layer of control. Planning conditions including the Feedstock and Digestate Management Plans, will further ensure operational controls on odour. On this basis and considering the relatively short exceedance of the two-year period, the assessment is considered to retain sufficient evidential weight in informing the planning judgment on odour impacts in this context.

304. Concerns have been raised regarding the transport, delivery and storage of feedstock and digestate in relation to odour, and the amount of odour mitigation proposed. Although some information relating to feedstock and digestate management has been submitted as part of the application, the requirement for a standalone Feedstock and Digestate Management Plan via condition will ensure this information is clearly consolidated. The Waste Planning Authority would expect these plans contain, but not be limited to, vehicle containment, unloading/loading procedures, handling protocols to minimise exposure of materials to air, and timeframes and methods for on-site storage to minimise odour risk. The authority would also look for the inclusion of broad contingency provisions to account for foreseeable distributions such as temporary shutdowns to ensure the site continues to minimise the risk to amenity.

305. Prior to discharge, these plans will be reviewed in consultation with the EHO. This approach allows the Waste Planning Authority to monitor and enforce site operations against clearly defined parameters once the site is active and for the duration of the development, thereby providing greater transparency and

operational accountability. In response to concerns regarding long-term adherence to mitigation measures, it is noted that the Waste Planning Authority retains enforcement powers to ensure compliance with planning conditions, providing a clear mechanism to address any potential breach of condition. Again, the EA will also be regulating such through their own separate permitting regime. It is acknowledged that, as with any facility of this nature, mitigation measures cannot guarantee the complete elimination of odour under all circumstances. However, the proposed controls including those secured through planning conditions and regulated via other authorities are designed to minimise the risk of odour emissions, including during abnormal scenarios. This approach aligns with planning policy, where the emphasis is on minimising risks to an acceptable level.

306. In relation to the potential odour impacts of the poultry manure being imported from the poultry farm to the north of the site, it should be noted that this farm already exports poultry manure to another anaerobic digestion facility. Therefore, the movements of waste along Welham Road and Welham Lane to/from the poultry farm already take place. The proposed development would not add to these movements but would divert some of the existing loads into the proposed site. As such, the impact of odour from importing poultry manure from this site is not considered to exacerbate the existing conditions. Regardless, all imports of feedstock, including those from the poultry farm to the north, will be subject to the requirements of the Feedstock Management Plan.

307. Concern has been raised regarding the potential of odour from the spreading of digestate. The spreading of digestate is regulated under separate environmental legislation under the remit of the EA. Furthermore, the application site and its surroundings are located within a nitrate vulnerable zone (NVZ). NVZ are areas designated as being at risk of agricultural nitrate pollution. Where land is located within an NVZ, landowners are required to have regard to relevant legislation (the Nitrate Pollution Prevention (Amendment) Regulations 2016) and follow more detailed guidance in respect of the use and storage of nitrogen fertilisers, including anaerobic digestate. These matters fall under the regulation of the Environment Agency.

308. Representations have questioned whether there would be any odour impacts associated with the flare stack. For clarity, the flare is a safety feature of the anaerobic digestion plant, with the purpose of burning off excess biogas if pressure builds in the system. The Flare only operates when the gas entry system is down, and on-site gas storage is full. Given such, any potential odour release from the flare is anticipated to be in exceptional scenarios and not part of the day-to-day operation of the facility. In-fact, the submitted Dispersion Modelling Assessment, in order to represent a worst-case scenario in relation to likely operational impacts, has assumed that the Flare would run 52-hours per year (1-hour per week). Notwithstanding such, emission benchmarks for combustion products,

temperature and pH will be considered by the EA when assessing the sites Environmental Permit.

309. In relation to cumulative effects of odour, the submitted Qualitative Odour Risk Assessment considers baseline conditions for odour, acknowledging that agricultural activities predominate in the vicinity of the site and are likely to be the primary source of baseline odour emissions in general area. The assessment also includes analysis of cumulative effects of the directional winds and wind speeds. Again, the EHO has reviewed the proposed planning conditions and confirmed they are comprehensive. When considered in conjunction with controls expected through the Environmental Permitting regime, the proposal is not considered to result in a cumulative odour impact that would be so significant as to warrant refusal.

310. An objection has referenced a separate energy-from-waste facility where chicken manure is required to be stored under negative pressure, and queries why a similar requirement is not applied in this case. However, each planning application must be assessed on its own merits, taking into account the specific context of each individual proposal. The facilities referenced are not directly comparable and in this case, appropriate odour controls are secured via planning conditions and regulatory regimes, as has been outlined by the EHO and EA's inputs.

311. Concerns have been raised that odour emissions may be more pronounced during warmer months or at different times of the day. Whilst these seasonal and temporal variations are understood, the meteorological data used within the submitted Qualitative Odour Risk Assessment was obtained over a 10- year period from January 2013 to December 2022. Furthermore, the key controls over odour as outlined within this section are designed to function year-round. The EHO has reviewed the proposal and controls, and considers such measures comprehensively address the relevant odour risks.

312. A request has been made for a council officer to visit another anaerobic digestion facility unannounced to experience the impacts of odour firsthand. Whilst noted, planning applications must be determined on their own merits. Observations from other sites cannot replace site-specific evidence or formal assessment.

313. As part of their consultation response North Northamptonshire Council requested due consideration be given to the impact of the development on residents of Sutton Bassett and Dingley in relation to the emission of odours. The proposed development sits 1.75km south-west of the centre of Sutton Bassett, and 2.5km north-west of the centre of Dingley. Given these separation distances, and the presence of the above-mentioned controls, the risk of significant odour impacts at these locations is considered to be low. It is also noted that North Northamptonshire Council Environmental Health recorded no comments regarding the proposal.

314. Overall, in consideration of the above, the proposal is not considered to conflict with; Policy DM2 and DM11 of the LMWLP; Policy GD8 (e(ii)) of the HLP; Policy EMP2 (d) of the GBNP; Policy DM02 (1a) of the DHLP; and Paragraph 187 (e) of the NPPF.

Noise

315. Policy DM2 of the LMWLP is supportive of development which can demonstrate that the potential effects of noise to adjoining land uses and users would be acceptable. Policy DM11 of the LMWLP outlines that permission will be granted for waste development where it is demonstrated that cumulative impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable.

316. Policy GD8 (e(ii)) of the HLP and policy DM02 (1a) of the DHLP state development should not generate a level of noise which cannot be mitigated to an appropriate standard. Policy CC2 of the HLP (1b) suggests development for renewable and low carbon energy generation will be permitted where it does not create a significant noise intrusion for existing dwellings. Part 2 (g) of Policy IN2 of the HLP states development proposals will be permitted, subject to the provision of mitigation for residential amenity, including traffic noise. Policy DM02 (1b) of the DHLP outlines that development with 24-hour operations must not have an unacceptable impact which cannot be mitigated to an acceptable level on residential amenity or other existing development within the immediate and wider surrounding area.

317. Policy H3(f) of the GBNP outlines that development proposals for infill and redevelopment sites will be supported where they do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of noise. Policy EMP2 (d) of the GBNP outlines new development should not increase noise levels to an extent that would unacceptably disturb occupants of near-by residential properties.

318. Paragraph 198 (a) of the NPPF states planning decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

319. As part of the application, a Noise Assessment has been submitted. The assessment acknowledges that the anaerobic digestion process itself is quiet and outlines the primary sources of sound for consideration as HGV movements, telehandler movements, rotor cut and feed pumps, gas mixing compressors, the

combined heat power unit, gas upgrading systems, straw processors and extruders, and digestate separators.

320. The process of anaerobic digestion operates 24/7, however nighttime operation is restricted to the rotor cut and feed pumps, gas mixing compressors, combined heat power unit, gas upgrading, and digestate separators. Deliveries and exports would take place between 06:00 to 18:00 hours, Monday to Saturday. Actual work on-site is largely confined to the working week, other than for the removal of digestate.

321. Section 3.0 of the report proposes that all significant noise generation areas be provided with acoustic enclosures and acoustic louvres and that no louvres or doors should be located so as to face north, as this is towards the nearest dwellings. Furthermore, enclosures should be provided to the combined heat power unit area, the gas upgrade compressor area, the carbon dioxide capture plant, and the 8no gas mixing compressors. The loudest operations within each enclosure should be positioned to the south end in each case, with acoustic louvres facing south as much as is possible. The 2no rotor cut and feed pump areas should be barriered to the north, as should the gas upgrade compressor doors / louvres and digestate separators. The straw processing and extruding area should be partially enclosed in order to prevent direct radiation of sound towards the northern dwellings. Vehicles using the site should have no reversing bleepers whilst manoeuvring onsite. In order to secure and assess these features, a condition has been imposed requiring a scheme setting out further details relating to the noise mitigation measures outlined above prior to development commencing.

322. The submitted Noise Assessment is undertaken on the basis that the proposal would include a number of noise attenuation features including: 3m high, 2.5m long barrier to the north of each louvre of the gas upgrading compressor enclosure; 4m high, 11m long barrier to the immediate north of the digestate separator; 2.5m high, 11m long barrier to the immediate north of each rotor cut/feed pump device. These features are depicted on the proposed site layout plan, however a condition has been attached to ensure that these measures are erected prior to first occupation of the site.

323. The report used two residential receptors close to the site. Location 1 was within the garden of one of the houses associated with the game farm to the north of the site which is considered to be suitably representative of both of those houses. Location 2 was within the garden of one of the closest houses to the south of the site on Welham Road which is considered to be suitably representative of all of the houses in this vicinity. In the daytime (0700 to 2300 hours), external noise levels are expected to be 41dB LAeq at the nearest dwellings as a result of the proposed operation. This, added to the 49dB LAeq that is already present, yields a result of 50dB LAeq. This is well within the garden criteria of British Standard 8233: 2014, ‘Guidance on sound insulation and noise reduction for buildings’ (BS8233:2014), and internal noise levels will be around 35dB LAeq inside the dwellings, assuming

a partially open window. Most of this noise is not related to the site. This meets the BS8233 criteria. At nighttime (2300 to 0700 hours), external noise levels are expected to be 32dB LAeq at the nearest dwellings as a result of the proposed operation. This, added to the 41dB LAeq that is already present, yields a result of 42dB LAeq. Internal noise levels will be around 27dB LAeq inside the dwellings, assuming a partially open window. These values have been conditioned to ensure both daytime and nighttime noise levels at these locations are not exceeded. In terms of site context, the report notes that the previous agricultural use of the application site would also have generated sound of an industrial nature, with similar operational characteristics. This was likely experienced at the assessment location during the previous use of the site, and thus the proposed new operations are not thought to introduce sound of a notably different character to the pre-existing local acoustic climate.

324. Overall, the results of the assessment show that the operation of the site will likely generate a sound impact of around +5dB, which is adverse impact in the term of British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' (BS4142:2014) but is a less than significant adverse impact. This magnitude of impact can be considered acceptable in BS4142:2014 terms.

325. The EHO has reviewed the submitted Noise Assessment and associated information. Some points of clarification were sought throughout the process, however their most recent position largely accepts the responses from the applicant and Noise Assessment. Further commentary on the matter was provided by the applicant, which the EHO was consulted upon but did not provide further specific comment. Notwithstanding such, in advance of the report being published, the EHO was consulted on the draft conditions including those seeking to control noise related matters which were raised in their original response. The EHO confirmed these conditions were comprehensive and cover all aspects of concern from the EHO.

326. In relation to the condition restricting the hours of deliveries and exports, the EHO has reviewed the condition and concluded that the given the access point is very close to a busy dual carriageway (A6), the hours provided should not cause additional noise concerns, thus raising no objection.

327. Furthermore, it is recommended that a condition is imposed outlining additional measures to ensure that the operations carried out on the site do not give rise to noise nuisance/disturbance in the locality. Such measures include: the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile; the location and organisation of on-site operations so as to minimise any noise impact on nearby properties; the minimisation, so far as is practicably and legally possible, of the level and

penetration of noise emissions from reversing warnings fitted to vehicles; no use of pure tone audible reversing bleepers.

328. In the response from North Northamptonshire Council, it requested due consideration is given to the impact of the development of residents of Sutton Bassett and Dingley in relation to noise. Given the above noise modelling was based and found to be acceptable on receptors in much closer proximity to the site than those in the Sutton Bassett and Dingley areas, it is not considered that the proposal would give rise to significant noise impacts on these more distant locations.

329. Concerns have been raised in relation to the noise impacts associated with the construction phase of the development. However, both a Demolition Works Management Plan and a Construction Method Statement has been conditioned which requires best practice measures for noise mitigation during demolition and construction to be submitted to, and approved by, the Waste Planning Authority prior to demolition/construction starting on site.

330. An objection has been raised regarding the potential for noise from the development to startle passing horses. Whilst the concern is acknowledged, there is no evidence to suggest that noise levels would be of a magnitude or character likely to cause such effects. The application site and surrounding area are already characterised by agricultural and light industrial activity including traffic and machinery noise and the proposed operations are not anticipated to introduce a substantially different acoustic character to the area.

331. In consideration of the above, and subject to compliance with the proposed conditions, the proposal is considered to accord with: Policies DM2 and DM11 of the LMWLP; Policies GD8 (e(ii)); CC2 (1b); IN2(g) of the HLP; Policies H3(f) and EMP2 (d) of the GBNP; Policies DM02 (1a; 1b) of the DHLP; Paragraph 198 (a) of the NPPF.

Landscape and Visual Impact

332. Policy DM2 of the LMWLP is supportive of development which can demonstrate that the potential effects of visual intrusion to adjoining land uses and users would be acceptable. Policy DM5 of the LMWLP seeks to ensure that proposals for minerals and waste development are well designed, contributing positively to the character and quality of the area in which they would be located.

333. Policy GD5: Landscape Character of the HLP seeks to avoid detrimental / unacceptable impacts to local landscape and its character. Policy GD8: Good design in development of the HLP seeks to secure a high standard of design for all development, including inter alia, respecting the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form. Policy CC2 (1d) is

supportive of development for renewable and low carbon energy generation where it does not contribute towards an unacceptable cumulative visual impact from renewable energy developments when considered in conjunction with other nearby developments within the district or adjoining local authority areas.

334. Policy H6: Design Standards of the GBNP seeks to ensure a high quality of design, layout and materials in order to make a positive contribution towards the special character of the parish. Proposals should have regard to the following design principles: to enhance and reinforce the local distinctiveness and character of the area in which a development is situated and show how the general character, scale, mass, density and layout of the site or building fits in with the aspect of the surrounding area (a); follow a consistent design approach in the use of materials, fenestration and roofline with materials chosen to add to the quality or character of the surrounding area (b); and use appropriate enclosure materials (g). Policy EMP2 of the GBNP is supportive of additional employment opportunities where: it is sited in existing buildings, on areas of previously developed land or within the settlement boundary for Great Bowden (a); be of a size and scale not adversely affecting the character, infrastructure and environment of the village and the wider Plan area, including the countryside (b); and contribute to the character and vitality of the local area (f). Policy ENV7 of the GBNP outline three important views within the area in which development proposals should not have a significant adverse impact upon.

335. Draft Policy DM01 of the DHLP is supportive of development where it respects and enhances the context and characteristics of the individual site and local wider environment (2(a)); protects and enhances existing natural assets as an integral part of the development (2(b)); and is sympathetic to the local vernacular, including in terms of building materials, and is individual and innovative where appropriate (2(c)). Draft Policy DM02 of the DHLP requires development to protect the wellbeing of occupiers of development and those in existing development by, inter alia, adopting appropriate screening or other measures to prevent adverse impacts on the character and appearance of the locality and other land uses. Draft Policy DM04: Landscape Character and Sensitivity of the DHLP requires development to be located and designed to ensure that it is sensitive to its landscape setting and character area by respecting and, where possible, enhancing local landscape, the landscape setting of settlements; avoiding the loss of, or substantial harm to features of importance in the landscape; safeguarding important public views, skylines and landmarks; and restores or provides equivalent mitigation for damaged features and /or landscapes that would be regarded as a result of the development.

336. Paragraph 135 of the NPPF requires planning decisions to ensure that development will function well and add to the overall quality of the area, over the lifetime of the development. It also directs development to be visually attractive as a result of appropriate and effective landscaping; and be sympathetic to local

character and history, including, inter alia, the surrounding landscape setting. Paragraph 187 requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with the statutory status or identified quality in the development plan). Paragraph 7 of the NPPW requires waste management facilities to be well-designed, so that they contribute positively to the character and quality of the area in which they are located.

337. The application is accompanied by a Landscape and Visual Statement (LVS) which provides an assessment of the likely landscape and visual impacts associated with the development. Based on a study area of 3km, the LVS provides an overview of the baseline landscape and visual conditions and identifies representative viewpoints as well as visual receptors. At a national level, the site is identified as being in the Natural England Leicestershire Vales National Character Area (NCA) and close to the Northamptonshire Vales and High Leicestershire NCA. At a regional level, as set out in the East Midlands Regional Landscape Character Assessment (EMRLCA) the site is in the River Valleys Floodplains landscape character area (LCA) and specifically within the Floodplain Valleys landscape character type (LCT). At a local level, Harborough District Council Landscape Character Assessment (2007) (HDCLCA), which was current at the time the application was submitted, outlines the site as being within the Welland Valley LCA. The LVS assesses the landscape character of the site as having a high to medium capacity to accommodate sensitively designed development with the susceptibility of the landscape to change as being low. Whilst the LVS notes that the site contains green infrastructure of value to the local community, due to the poor condition of the site, its previous intensive use and general lack of tranquillity due to adjacent development and nearby highways infrastructure, the value of the landscape character is considered to be low.

338. The LVS identifies five viewpoints/visual receptor locations (all within the public domain) within a 3km radius of the site. These are the junction of Welham Road and A6 220m southwest of the existing site access (PVP001); Welham Road immediately south of Welham Poultry farm (PVP002); Midshires Way at the junction with Sutton Road (PVP003); public footpath adjacent to Mill House (PVP004); and public highway at junction of public footpath and Langton Road (PVP005). Of these, two viewpoints (PVP001 and PVP002) were representative of road users; two (PVP003 and PVP004) of walkers/users of the long-distance footpath and one (PVP005) of both road and PROW users. Views northwards towards the site from the south/south-west, southwards from the north of Welham Bush Poultry Farm and longer distance views in excess of 3km were screened out during the initial, desk-based assessment as they would be screened by the local topography and existing vegetation. Based on these viewpoints, the LVS indicates that the application site has a sense of enclosure, with restricted views out and limited intervisibility. Any views would be restricted to glimpsed views from a limited number of viewpoints (PVP002 and PVP003). The site would be visible from

PVP004 (approx. 2.5km) but would be viewed in the context of other built development and partially screened by intervening vegetation.

339. The LCC Landscape officer has reviewed the proposal and outlined that PVP002 would be considered of greatest relevance in assessing the visual impact of the proposed flare stack (tallest element of the proposal). An additional illustrative photomontage of PVP002 was provided, which reaffirmed that based on existing building height, set-back position, and surrounding visual context, the proposed 10.5m flare stack is expected to appear similar in height to nearby buildings and trees, and may be partially screened by existing vegetation. Consequently, its presence in the view is considered to have a negligible visual impact on the surrounding environment and receptors. It should also be noted that the proposed development would not impact upon any of the viewpoints outlined in Policy ENV7 of the GBNP.

340. It is considered that the LVS provides an accurate assessment of the proposal. It is noted, however, that the LVS bases its assessment on the Harborough District Council Landscape Character Assessment (2007) which, since the submission of the application, has been superseded by an updated document which was published in 2024. The purpose of the 2024 HDCLCA is to reassess the five LCA previously contained in the 2007 document, sub-dividing these LCA into smaller landscape character types more suitable for assessment at the district level. Specifically with regard to the proposed development, the Welland Valley LCA has been re-categorised as 'Landscape Character Type 7: River Valley Floodplain' within which there are two smaller LCA of which the application site is located in LCA7a: Great Bowden to Welham. The 2024 HDCLCA outlines guidance for both development management and landscape management in LCA:7a. New development within LCA7a should: incorporate sustainable drainage systems; avoid prominent large-scale buildings in the open landscape; maintain rural character and low settlement density; retain separation between closely spaced villages; improve the integration of modern urban edge into historic villages; use local vernacular where appropriate; preserve tranquillity; protect dark skies (i.e. to minimise artificial lighting to preserve natural night-time conditions). Sustainable drainage systems and lighting are covered further on in the report. LCA7a also outlines guidance in relation to landscape management. Habitats and biodiversity are heavily referenced which are considered further in the report, however also referenced is: the conservation and enhancement of hedgerows; the appropriate planting, monitoring and management of new trees; protection for the rural pastoral character of the floodplain; protection of historic fields patterns; maintenance of open character of the landscape; enhanced network of recreational routes across the area. The impact on the latter has already been assessed. Overall, it is not considered the difference between the 2007 and 2024 HDCLCA is so significant that it would render the assessment and findings of the submitted LVS invalid.

341. The proposal would see the erection of a number of large structures, of which the tallest would be the flare stack which would have a maximum height of 10.5m. Other structures would have maximum heights of up to 8.3m which would have the potential to result in adverse landscape and visual impacts. The application site is close to an existing game farm (immediately to the north), as well as another waste management facility (which is to the west beyond Welland Road) both of which contain agricultural and industrial scale buildings and structures of a similar scale to those proposed here. Viewed in this context, the proposed scale, massing and design of the proposed development is not considered inappropriate in this countryside location. It is further noted that many of the proposed structures e.g. storage tanks, lagoons and clamps are akin to those found on modern farms. Furthermore, the western part of the application site contains buildings of an industrial nature associated with its previous use as a mushroom farm. These buildings occupy a significant proportion of the western half of the application site and, whilst not as high as some of the structures proposed in respect of the proposed development, in landscape terms, represent an intensity of development which would not be present under the current proposal. The development would also extend into an undeveloped parcel of land located immediately to the east of the former mushroom farm site. Whilst the introduction of built development into this land would result in landscape and visual changes through the loss of previously undeveloped land, it is noted that the digester tank has been positioned close to the northern site boundary and therefore closer to existing built development in the application site and the game farm to the north. This would assist in minimising landscape and visual impacts as the tank would be viewed in the context of existing, albeit lower height, development. The earth bunded feedstock clamp (3m high), the digestate lagoon (surrounding earth banks 2.8m high), and the surface after lagoon (surrounding earth banks 0.5m high) represent the other elements of the proposal to be developed on the currently undeveloped land. Whilst these elements extend into undeveloped land, they represent some of the less significant elements of the proposal in terms of their height and visual prominence. Their earth-banked construction, low profile, and functional, agricultural character are considered to be appropriate in the rural context. Furthermore, the existing boundary planting would offer a degree of natural screening when viewed from the surrounding area. Therefore, these elements are not anticipated to result in significant visual intrusion within the wider landscape.

342. In consideration of the above, the larger built parts of the proposed development are either on the site of previously developed land or close to build development on adjacent land. Consequently, these structures would be viewed in the context of these existing structures, mitigating the visual impact of the proposal. It is noted that whilst there are a number of buildings still present on site, due to vandalism and lack of use, they are now in a state of disrepair which significantly detracts from the visual character and appearance of the site. The redevelopment of the western part of the site would therefore represent the opportunity to remove visually harmful structures and introduce a more coherent and managed built form.

Furthermore, infrastructure planting would be implemented to integrate the new development into its surroundings and reduce and mitigate any adverse impact on the landscape setting and character of the area. The finer details of such will be secured through condition requiring a detailed landscaping scheme.

343. Existing vegetation along the northern, southern, and eastern site boundaries is to be retained which would assist in minimising landscape and visual impacts associated with the proposed development. Whilst some vegetation on the western site boundary would need to be cut back to enable appropriate visibility splays to be created, it is not considered that such works would be so significant as to warrant refusal of the application on landscape/visual impact grounds. It is further noted that the application proposes to enhance existing hedgerows on the northern and southern boundaries through new native hedgerow and tree planting. A further, more extensive area of planting is also proposed to the eastern site boundary. This approach is welcomed and would assist in enhancing and reinforcing the landscape character of the site and the wider area. It would also assist in meeting one of the Landscape Management targets (conserve and enhance hedgerows as an important habitat) as recommended in the 2024 HDCLCA. It is recommended that detailed information relating to the additional planting is secured by condition through the detailed landscaping scheme.

344. Representations have been received which object to the proposed development on the basis that it is located in an Area of National beauty (now called National Landscapes) or in the green belt. The application site is not subject to any national landscape designations, including that of National Landscape, and there is no Green Belt within the county of Leicestershire. The site is not identified as having any special or valued characteristics in the development plan. In this respect, it is noted that figure 3.11: Tranquillity of the 2024 HDLCA identifies the site as being in a relatively less tranquil area due to proximity to nearby transport infrastructure e.g. the A6 and the Midland Mainline.

345. Concerns have been raised that the application does not provide sufficient detail on external materials and finishes, and this makes it difficult to judge the quality and visual impact of the proposed design should further information be conditioned. This objection is noted in two parts. Firstly, the application documents do include some indicative design, though it is accepted that these are limited in scope. To address this, it is recommended that a condition is imposed requiring the submission and approval of full details of all external materials, finishes, and colours prior to the commencement of site clearance and demolition. In terms of the second point (that the absence of full material details at this stage makes it difficult to assess visual quality), the scale, layout and massing of the proposed development have already been assessed and found to be acceptable within the context of the site and landscape setting. It is considered appropriate and reasonable to address the finer design details through condition, which allows for scrutiny and assessment at the discharge of condition stage. This approach is

supported by national guidance within the PPG-UPC, whereby conditions should be tailored to tackle specific problems and may relate to matters not fully described in the application (paragraph 001 and 006). This will further help ensure and control high quality design of the facility to aid in integrating the facility into its landscape setting.

346. An Arboricultural Impact Assessment (AIA) was submitted as part of the application which outlines that the impact of the proposed built development would be negligible; the main landscape features of the site would be retained and the trees with the most value (those along Welham Lane) would not be impacted. The retained hedgerows would greatly benefit from having the surrounding detritus cleared and from being brought back under management. Any losses from the site could be mitigated by gapping-up and making good other boundaries such as the northern and eastern boundaries. This could be secured and appropriately managed via the detailed landscaping scheme required by condition. Furthermore, the AIA contains an arboricultrual method statement which includes a number of protective measures on site including pre-commencement tree operations and the establishment of root protection areas. The AIA also makes provision for ground protection, dust management, biosecurity, mitigation planting in relation to on-site landscape works. A condition has been included to ensure compliance with the details outlined within the AIA.

347. In respect of all of the above, LCC Landscape officer raises no objection to the proposal in respect of landscape and visual impacts subject to a detailed landscaping scheme being secured by condition.

348. Concern has been raised regarding the potential loss of sunlight/daylight to neighbouring properties, including rearing sheds and pens. It is acknowledged that the larger buildings including the digester, would be sited close to the northern boundary of the site, close to existing rearing shed and pens. Due to its scale and position, some localised overshadowing of these structures could be possible, particularly at certain times of the day and year. The curtilage of the closest residential property is situated approximately 85m to the north of the proposed development. Given the separation and presence of intervening structures and vegetation, the impact on daylight and sunlight to the dwelling itself is anticipated to be limited. Whilst the concern is valid and the relationship between the proposed structure and neighbouring land uses has been considered, the level of impact is not judged to result in a significant loss of amenity sufficient to warrant refusal of the application in planning terms.

349. Concern has been raised that the proposed development would be visible from nearby gardens. In relation to the property situated approximately 85m to the north of the site, it is acknowledged that the proposed development would be visible from the garden of this property. However, a number of existing agricultural buildings lie between the curtilage of this property, alongside the established boundary

landscaping along the northern edge of the site. Together, these features provide a degree of visual separation and screening, helping to mitigate the prominence of the proposed structures. In relation to the property at Welham Lane Poultry Farm approximately 320m north of the proposed site, PVP002 was taken from this location, the impacts of which have already been assessed above. The residential properties situated approximately 350m to the south-west of the site and beyond are separated from the site by the A6 and established intervening landscaping. From these more distant locations, views of the development would be significantly filtered or screened, and the visual impact is considered to be limited.

350. Concern has been raised that the policy requirements of DM5 of the LMWLP and EMP2(b) of the GBNP are not met given the number of objections from residents. However, whilst concerns are acknowledged and have been considered, the number of objections in itself is not a determining factor in the planning process. Applications must be assessed against the relevant planning policies and material considerations (as has been done above), not by volume of opposition.

351. In conclusion, and subject to the recommended conditions, it is considered that the proposal would be compliant with: Policies DM2 and DM5 of the LMWLP; Policies GD5, GD8, CC2(1d) of the HLP; Policies H6(a,b,g) and EMP2(a,b,f) of the GBNP; Policies DM01 (2a,b,c), DM02, and DM04 of the DHLP; paragraphs 135 and 187 of the NPPF; paragraph 7 of the NPPW.

Lighting

352. Policy DM2 of the LMWLP suggests that planning permission will be granted for waste development where it is demonstrated that the potential effects from illumination to adjoining land uses and users and those in close proximity to the proposal would be acceptable. Policy GD8 (g) of the HLP, and Policy DM01 (2d) and DM02 (1a) of the DHLP seek to minimise pollution from glare or spillage of light from the proposed development. Policy H6 (e) of the GBNP states that proposals should minimise the impact on general amenity giving careful consideration to lighting, and that light pollution should be minimised wherever possible. Paragraph 198 (c) of the NPPF outlines that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

353. Details relating to lighting as part of the proposed development have not been submitted as part of the current application. However, a detailed lighting scheme secured by condition is recommended, which will ensure full compliance with the above policies, including appropriate design, specifications and controls to mitigate any adverse impact, prior to the installation of any lighting at the site. Subject to conformity with this condition, the proposal accords with Policy DM2 of the LMWLP, Policy GD8 (g) of the HLP, Policy DM01 (2d) and DM02 (1a) of the DHLP, Policy H6 (e) of the GBNP, and paragraph 198 (c) of the NPPF.

354. Concerns have been raised regarding the potential for increased light pollution as a result of the development, including its potential impact on nearby ecological receptors and the laying stock housed at the neighbouring farm. There is concern that lighting has not been covered as part of the application. These concerns are understood and to ensure this matter is appropriately controlled, the aforementioned condition requires the submission and approval of a detailed lighting scheme prior to the installation of any lighting at the site. This will ensure that any future lighting associated with the development is designed to avoid adverse impact on neighbouring uses and meet ecological guidance.

Heritage and Conservation

355. Policy DM8 of the LMWLP is supportive of proposals for waste development where it is demonstrated that the proposal would retain and protect heritage assets, including their setting. There will be a presumption against waste development that will be detrimental to the significance of a heritage asset. Policy GD8 (c) and HC1 of the HLP and Policy DM03 of the DHLP seek to conserve and enhance the districts' historic environment by ensuring that development affecting heritage assets (including designated assets, Conservation Areas, and non-designated assets) preserves their significance, character and setting. Policy H3(c) of the GBNP outlines that development proposals for infill and redevelopment sites will be supported where they reflect the character and historic context of existing developments within Great Bowden. Policy ENV6 of the GBNP highlights a number of non-designated heritage assets in the area and states that their features and settings will be protected wherever possible. Any harm arising from a development proposal will need to be balanced against their significance as heritage assets. Paragraph 208 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

356. The application site does not sit within a conservation area, the closest of which being the Great Bowden Conservation Area which is approximately 380m to the south of the proposed site. The closest listed heritage assets to the main compound are: The Grange, Grade II listed, situated approximately 560m south of the application site boundary; 17 and 19 Welham Road, Grade II listed, situated approximately 590m south-west of the application site boundary; and Nether Green Stables, Grade II listed, situated approximately 660m south-west of the application site boundary. Ridge and furrow earthworks, as indicated in the GBNP, do not extend over the development site. However, the Waste Planning Authority's GIS records indicate there may be minimal overlap in the south-western corner, although no physical development is proposed in this part of the site. The south-eastern corner contains probable ridge and furrow; nevertheless, a site visit by Waste Planning Authority officers confirmed that there is no clear evidence of ridge and furrow present on-site. Outside of ridge and furrow earthworks in Great

Bowden, the closest non-designated heritage asset is Nether House, situated approximately 515m to the south-west of the site.

357. The proposed development would not result in significant direct physical impact on the fabric of these assets. In terms of setting, the separation distances involved, the lack of visual connectivity, and the intervening vegetation and built form, all as outlined in the previous section, contribute to limiting any influence the proposal may have on how these assets are experienced. Given such, and that the development is not anticipated to result in significant visual intrusion within the character of the wider landscape, it is considered that the proposal would not cause detrimental harm to the significance of any designation or non-designated heritage assets, either through direct impact or by affecting their setting.

358. Representations were received raising concern of the potential impacts on the Great Bowden Conservation Area, and the listed buildings which lie within through the reduction in air quality, increased traffic and noise generated by the proposal. As already outlined in this assessment, HGVs associated with the proposal would not be routed through Great Bowden. Furthermore, there is no evidence to suggest that the development would cause levels of pollution that would result in physical harm to the fabric or setting of listed buildings or the wider Conservation Area.

359. Therefore, the proposal is considered to accord with Policy DM8 of the LMWLP, Policy GD8 (c) and HC1 of the HLP, Policy DM03 of the DHLP, Policies H3(c) and ENV6 of the GBNP, and paragraph 208 of the NPPF.

Archaeology

360. Policy DM8 of the LMWLP outlines that proposals affecting heritage assets or their settings would be expected to: (ii) "*include an appropriate desk-based assessment and field evaluation where a site includes or has the potential to include heritage assets of archaeological interest setting out proposals and justification for the preservation in situ or excavation",* and (iii), "*identify the requirement for a programme of post-permission works including any mitigation measures, long-term monitoring and recording of any affected heritage assets or archaeological remains*".

361. In accordance with paragraph 207 of the NPPF, the development area is of archaeological interest and has the potential for further unidentified archaeological deposits. Paragraph 218 of the NPPF states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

362. LCC Archaeology has reviewed the proposed development and has requested a pre-commencement condition relating to a programme of archaeological work. This approach is considered appropriate to ensure that the archaeological significance of the site is investigated and where necessary, preserved by record prior to development. Therefore, the proposal is considered to accord with Policy DM8 of the LMWLP, and paragraphs 207 and 218 of the NPPF.

Pollution

363. Policy DM2 of the LMWLP and paragraph 181 of the NPPF seek to ensure that emissions do not impact adjoining users and those in close proximity. Policy GD8 (e(ii)) of the HLP and Policy DM02 (1a) of the DHLP outlines that proposals should not generate a level of pollution which cannot be mitigated to an appropriate standard. Policy DM11 of the LMWLP outlines that permission will be granted for waste development where it is demonstrated that cumulative impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable. Part 2 (g) of Policy IN2 of the HLP relates to sustainable transport and states development proposals will be permitted, subject to the provision of mitigation for any adverse impact on air quality, especially in Air Quality Management Areas. Policy EMP2 (d) of the GBNP states new development should not increase fumes to an extent that would unacceptably disturb occupants of near-by residential properties. Policy DM06 (2f) of the DHLP seeks to ensure development includes mitigation for any adverse impact on air quality from transport associated with the development, especially in Air Quality Management Areas (AQMA). Paragraph 187 (e) of the NPPF outlines that new development should be prevented from contributing to unacceptable levels of soil and air pollution. Paragraph 199 of the NPPF states that planning decisions should contribute towards compliance with the relevant limit values for pollutants and that opportunities to mitigate impacts on air quality should be identified. Policy DM11 of the DHLP and paragraph 187 of the NPPF aims to protect water quality and ensure that development does not adversely affect watercourses, either during construction or over the lifetime of the development.

364. The site does not lie within or near to an Air Quality Management Area. The application is accompanied by a Qualitative Odour Risk Assessment which also encapsulates air quality. The assessment outlines the main potential sources of air pollution were identified as emissions from road transport using the local road network and that there are no combustion sources identified within the immediate vicinity of the site that would influence the local air quality.

365. In relation to the construction period, the assessment outlines that given the nature of the proposed development, it is not anticipated that there would be ongoing demolition or construction activities that would have the potential to significantly

impact local air quality. Traffic generation associated with the demolition and construction phase is expected to be minimal, and short-term. A Review of Air Quality and Odour Assessment, dated August 2024, was submitted by a local residents' group in response to the application. Within the review, it is stated that given the two sensitive receptors within the immediate vicinity to the proposed development which had not been identified, a 'construction phase assessment' should not have been scoped out and should be provided. Whilst the Waste Planning Authority accept that the demolition and construction phases would represent a short term, temporary form of impact, a condition requiring the submission and approval of a Construction Method Statement, including best practice measures for the mitigation of air quality during construction and measures to prevent the pollution of surface water is recommended.

366. In relation to the operational phase, the Qualitative Odour Risk Assessment outlines that the proposal is expected to result in a nominal change in Annual Average Daily Traffic (AADT), drawing on reference to the Transport Statement stating, "*The Transport Statement has estimated ten two-way Heavy Goods Vehicle (HGV) movement per day, associated with the Site.*" Given such, the report outlines that the development is expected to result in AADT flows below the EPUK/IAQM criteria and would therefore result in a negligible impact associated with the operational phase of traffic. The resulting effect of the proposal on local air quality is, therefore, considered to be not significant within the report. However, it is noted that the Transport Statement referenced is a superseded version which does not represent the up-to-date figures, these being 22 daily movements, going up to 52 during the October-November period. The affected section of the assessment relates only to the road vehicle exhaust emissions during the operational phase. Notwithstanding the error, the corrected traffic levels remain below the relevant screening thresholds for detailed assessment under EPUK/IAQM guidance, which require a change of 100 Heavy Duty Vehicle (HDV) flows AADT, or 25 HDV AADT in an AQMA. The site is not located within an AQMA, and peak operational traffic does not exceed these values. As such, the overall conclusions of the assessment regarding the negligible impact of vehicle exhaust emissions remain valid and appropriate. Furthermore, the Transport Statement estimates a maximum of 8 light vehicles movements to/from the site per day primarily associated with the two- full-time staff members. The facility is not expected to attract regular visitors, and as such, light vehicle traffic would remain limited. Given this, any associated emissions associated with light vehicular traffic are considered negligible and would not give rise to any significant air quality impact.

367. The impacts of air quality from the poultry manure and the combined heat and power system and the flare are considered in the context of ecological receptors within the 'Biodiversity and Geodiversity' section of this report. These elements are also given further consideration in 'Public Health' section below.

368. Notwithstanding the Qualitative Odour Risk Assessment, matters relating to harmful emissions and pollution from the proposed development are principally addressed through the Environmental Permitting regime, administered by the EA. As has been outlined in the consultation response from the EA dated 16th January 2024, the facility would require an Environmental Permit under Environmental Permitting Regulations (England and Wales) 2016. The permit process involves detailed technical assessment and ongoing regulation of emissions, operational practices, and pollution control measures. Within the EA's response, they have stated that the following areas of potential harm will be considered when assessing the permit: techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, energy, accidents, and monitoring; emission benchmarks for combustion products, temperature and pH; and air quality impact assessment. Imperatively, paragraph 201 of the NPPF outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. This is emphasised by paragraph 7 of the NPPW which outlines that Waste Planning Authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Furthermore, PPG-W paragraph 051 states, "*The role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health*".

369. Furthermore, the EHO, who provides specific advice on environmental impacts including local air quality, has reviewed the submitted information and has also been forwarded the reports submitted as representations. Whilst the EHO did not issue a formal 'no objection' response, they have indicated that, based on the technical evidence provided, it would be difficult to sustain an objection. In addition, the EHO has reviewed the proposed planning conditions and confirmed they are comprehensive and cover all aspects of concern. These controls will help in securing appropriate mitigation measures relating to air emissions and will operate alongside regulatory oversight through the Environmental Permit. On this basis, the EHO has not raised any outstanding concerns in relation to the potential air quality effects of the development.

370. Whilst it is acknowledged that some other pieces of plant and machinery on-site could be powered using combustion engines, given the above controls and input

from the relevant consultees, this is not expected to be of detriment in the determination of the application.

371. Concern has been raised that improper handling of digestate, leaks from the digester tanks, and the spreading of digestate could result in elevated levels of nitrates, phosphates, ammonia, and other pollutants entering the environment, either through air release or surface water run-off, potentially impacting nearby water courses and increasing health risks. However, as outlined above, the storage, use and spreading of digestate are regulated under separate environmental legislation under the remit of the EA. Furthermore, the application site and its surroundings are located within a nitrate vulnerable zone (NVZ). NVZ are areas designated as being at risk of agricultural nitrate pollution. Where land is located within an NVZ, landowners are required to have regard to relevant legislation (the Nitrate Pollution Prevention (Amendment) Regulations 2016) and follow more detailed guidance in respect of the use and storage of nitrogen fertilisers, including anaerobic digestate. These matters fall under the regulation of the Environment Agency. However, to provide further reassurance and oversight within the planning framework, a condition requiring a Digestate Management Plan has been included within which would govern how digestate is managed on-site in relation to storage, handling, and export arrangements.

372. Likewise, there is concern in relation to the spillage of feedstock, most notably poultry manure, including leakages along approach roads and whilst being unloaded at the site. There is concern that, via surface run-off, these could find their way into the surrounding ditches at the site which are said to feed the River Welland. Whilst it acknowledged that the poultry manure deliveries would be sheeted over, a condition is recommended requiring the submission and approval of a Feedstock Management Plan, which will include clear measures to minimise and manage the environmental impacts of feedstock delivery, handling, storage, and processing. Furthermore, in assessing techniques for pollution control as part of the Environmental Permit, waste feedstock would be a specific consideration. Therefore, subject to the implementation of both the Feedstock Management Plan and the Environmental Permit, the risk of off-site pollution cause by feedstock spillages is considered to be acceptably mitigated.

373. Concern has been raised that pollution from the development, including potential bund collapse or leakage from tanks, could affect a neighbouring farm where pheasants are reared for human consumption. Whilst this concern is noted, again the day-to-day management of the site infrastructure, including bunds and tanks, falls under the control of the site's Environmental Permit, regulated by the Environment Agency.

374. Accounting for the above and subject to the recommended conditions and the granting of an Environmental Permit, the proposal is considered to accord with Policy DM2 of the LMWLP, Policies GD8 (e(ii)) and IN2 (g) of the HLP, Policies

DM02 (1a), DM06 (2f) and DM11 of the DHLP, and paragraphs 181, 187 (e), 199 of the NPPF.

Public Health

375. Paragraph 96(c) of the NPPF seeks to enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities. Paragraph 198 of the NPPF outlines that planning should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health.

376. LCC Public Health was consulted and provided contextual information regarding the public health profile of the area. The site is not located within an Air Quality Management Area (AQMA), and local indicators for air pollution and respiratory disease are generally favourable compared to regional and national averages. They note that the mortality rate from chronic obstructive pulmonary disease (COPD) and under 75 preventable repository disease mortality in Harborough is lower than the England and East Midlands averages, although asthma prevalence is slightly higher. The fraction of mortality attributable to particulate air pollution in 2023 for Harborough was 5.4%, which is slightly below the East Midlands average of 5.6% and close to the England average of 5.2%. In relation to fine particulate matter, in 2023 for Harborough this was 7.2 µg/m3 (per cubic metre of air), which is again slightly below the East Midlands average of 7.5 µg/m3 and close to the England average of 7.0 µg/m3. The Index of Multiple Deprivation ranks the area as one of the least deprived nationally.

377. The EHO, who provides specific advice on environmental impacts relevant to public health, has reviewed the submitted air quality, odour and noise information, and has been forwarded the reports submitted as representations. Whilst the EHO did not issue a formal 'no objection' response, they have indicated that, based on the technical evidence provided, it would be difficult to sustain an objection. In addition, the EHO has reviewed the proposed planning conditions and confirmed they are comprehensive and cover all aspects of concern from the EHO. These controls will secure appropriate mitigation measures relating to air emissions, odour management, and noise, and will operate alongside regulatory oversight through the Environmental Permit. On this basis, the EHO has not raised any outstanding concerns in relation to the public health effects of the development. The reports submitted as representations were also forwarded to the EHO who had no specific comments on such.

378. The UKHSA was consulted on the application as a national public health body. UKHSA advised that it does not normally comment on proposals of this nature unless specific chemical or environmental hazard concerns are identified that may

impact human health and reaffirmed that routine public health matters such as local air quality, noise and land contamination fall within the remit of the local planning authority to assess. UKHSA further advised that, should the local authority have a particular concern relating to chemical or environmental hazard exposure, it would welcome being contacted for additional advice. In this case, no specific concerns of that nature and scale have been raised by the EHO or the EA which have been consulted on the proposal, and no exceptional public health risks were indicated by UKHSA in their review of the application. Furthermore, UKHSA outlined that depending on the nature of the Environmental Permit required for the proposal, they may be consulted by the EA to identify any public health concerns.

379. As previously discussed, the information submitted to assess air quality in support of this application includes consideration of potential impacts from vehicle movements, as well as impacts on ecological receptors from emissions associated with the use of poultry manure, the combined heat and power unit, and the flare (notably ammonia and nitrogen oxides). The submitted Qualitative Odour Risk Assessment sets out the predicted background pollutant concentrations at the site relevant to human health; being, nitrogen dioxide (NO2) and particulate matter (PM10), and fine particulate matter (PM2.5). The report outlines predicted background NO2, PM10 and PM2.5 concentrations are below the relevant Air Quality Objectives across the assessment area and concludes that the residual effects of such are considered to be not significant against the assessment criteria. The review of the Air Quality and Odour Assessment Report, dated August 2024, submitted as a representation, states that the assessment omits new environmental targets for PM2.5 which had been introduced at the time of the assessment, however it then outlines that the omission of the PM2.5 targets is minor given there would be expected to be low emissions of particulate matter from this proposal.

380. A number of public representations raise concerns about the potential release of air pollutants and other trace components from the process, and the potential for adverse and long-term health impacts, including the worsening of existing health conditions. The review of the Air Quality and Odour Assessment Report, dated February 2024 submitted as a representation, outlines that the effects of the combined heat and power unit should be assessed for its impacts on nearby human sites and that it would be robust to compare the impacts of ammonia against human health air quality standards (albeit adding that from experience this would unlikely be an issue). The EHO has reviewed the submitted information and raised no specific concern in relation to emissions affecting human health. Furthermore, the EA has not raised concerns, and the operation of the combined heat and power unit and the flare would be subject to control through the Environmental Permit, which will set emission benchmarks for combustion products, as has been outlined within the EA's response. The permit will also assess and consider the air quality impact assessment, as well as techniques for pollution and emission controls. Again, the UKHSA was consulted and advised that

it would not normally comment on proposals of this nature unless there are specific chemical or environmental hazard concerns outside the scope of routine air quality matters. The Feedstock Management Plan condition will further assess and control the environmental impacts associated with the delivery, handling, storage, and processing of the poultry manure and the site is not located within an AQMA, which further reduces the likelihood of significant air quality effects on nearby receptors. Therefore, accounting for the views of the relevant consultees, the proposed planning conditions, and the regulatory controls in place, the absence of receptor specific modelling is not considered to undermine the overall acceptability of the development in air quality and public health terms.

381. The submitted air quality assessment is now marginally over two years old. Whilst technical guidance notes that such reports are generally valid for two years, this threshold is advisory rather than absolute and should be interpreted in the context of material changes. In this case, the report was submitted as part of the original application submission, and the delay in determination has resulted from procedural factors rather than changes in site circumstances. There is no available evidence to suggest that these parameters have materially shifted in a way which could undermine the assessment. Notwithstanding such, as has been outlined above, the proposal has been reviewed by the EHO, who is satisfied with the proposed conditions. Again, emissions will be subject to regulation through the Environmental Permit, providing a further layer of control. Planning conditions including the Feedstock and Digestate Management Plans, will further ensure operational controls on emissions. On this basis and considering the relatively short exceedance of the two-year period, the assessment is considered to retain sufficient evidential weight in informing the planning judgment on public health impacts.

382. A number of representations have raised concern about the potential release of bioaerosols arising from the development. The poultry manure is delivered to site in limited quantities on covered trailers and tipped directly into a covered bay, with it used on a near daily basis, minimising opportunities for prolonged exposure. The anaerobic digestion process itself is fully enclosed and carried out in the absence of oxygen, with the resultant digestate held in a covered lagoon prior to exportation from the site. Whilst bioaerosols are a recognised environmental consideration in the context of organic waste handling, the site design and operational practices proposed, including enclosure of storage, regular throughput, and the absence of prolonged exposure of organic materials to open air, are such that the risk of airborne biological emissions are considered to be low. The development will also be subject to an Environmental Permit, which will further control waste feedstock pollution. Furthermore, conditions requiring a Feedstock Management Plan and a Digestate Management Plan will ensure the delivery, storage, handling and export arrangement on-site are managed to avoid environmental emissions. No objections or concerns regarding bioaerosols have been raised by the EHO or EA.

383. Concern has been raised regarding the absence of a formal Health Impact Assessment (HIA), with suggestions this omission could cause a risk to public health. Specific reference to Policy DM02 (3b) of the DHLP has also been referenced, which states that a HIA is required for applications for all other uses where the site area exceeds 1,000 sqm. As the draft Local Plan has recently completed Regulation 19 consultation, it holds some weight as a material consideration but cannot be afforded full policy weight at this stage. As discussed above, none of the relevant consultees have indicated that a HIA is necessary or identified unaddressed public health risks in this case. There is no evidence to suggest that the absence of a formal HIA would undermine the planning authority's ability to properly assess health related matters.

384. Several representations raise concern that the proposal may negatively affect residents' mental wellbeing, physical health, and quality of life, particularly through increased traffic and odour that could discourage outdoor activity or lead to indoor confinement. Reference is made to impacts on local clubs, scout groups, and recreation grounds, particularly during summer months. Whilst the planning system recognises the importance of amenity and wellbeing, these concerns are addressed through other sections of this report, including highways, noise and odour. Whilst the representations reflect genuine concern, there is not considered to be such evidence before the Waste Planning Authority to indicate that the impacts of highways, noise, odour, air pollution etc would reach a threshold that would significantly impair outdoor amenity or public health. The cumulative environmental effects have been considered and subject to the proposed mitigation, conditions, and regulatory controls, are not considered likely to result in substantial restrictions on residents' ability to access and enjoy outdoor activities which would evidently justify the refusal of the application. In addition, the site operator will be required to maintain a formal complaints procedure, secured via condition, to record, investigate, and report complaints. This provides an additional layer of oversight and assurance that any future concerns relating to site impact, including traffic, odour, noise etc, can be promptly address and monitored by the Waste Planning Authority.

385. Representations raise concern regarding the proximity of the proposed facility to educational institutions and the perceived vulnerability of children to potential emissions and odour. It is a recognised principle in public health that certain population groups, including children, may be more sensitive to environmental exposures. In considering such risks, the Waste Planning Authority must take into account the nature of the development, the proximity of sensitive receptors, and the views of specialist consultees with responsibility for environmental and public health. In this case, the closest educational institution, Great Bowden Pre-School, is situated approximately 710m to the south-west of the proposed development. There is no evidence before the Waste Planning Authority to indicate that emissions from the proposed development would reach levels of significance at this distance. Neither the EHO, the EA, LCC Public Health or UKHSA raised

concern in relation to health risks to vulnerable groups, or other sensitive receptors. Controls on air emissions would be secured through the Environmental Permit, and odour mitigation through planning conditions, namely the Feedstock and Digestate Management Plans. On this basis, it is not considered that the proposal would give rise to unacceptable health risks to nearby educational settings.

386. Concern has been raised that open water could encourage wildfowl and increase the risk of avian flu. Whilst the source of open water is not specified, it is assumed this relates to the surface water lagoon. This lagoon is designed to manage surface water arising from the operational site and forms part of the site's process water system. It is expected to be regularly pumped and reused within the anaerobic digestion process, which limits the potential for standing water to accumulate or attract wildfowl. The digestate lagoon by contrast, will be covered. The EA has raised no concerns about disease vectors in this regard.

387. Another representation suggests the development could result in alkali rain affecting nearby areas. The potential for such is not supported by technical evidence specific to this proposal. Notwithstanding such, the emissions generated by the proposal are well characterised and regulated under the Environmental Permit. There is no indication that the proposal would release substances capable of alternating precipitation chemistry in such a way that would pose a health risk and lead to the refusal of this application.

388. Overall, the proposal is considered to meet the requirements of paragraphs 96(c) and 198 of the NPPF.

Biodiversity and Geodiversity

389. Policy DM7 of the LMWLP outlines that proposals for waste development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and taking all opportunities to provide a net gain in biodiversity. Sites of Special Scientific Interest (SSSIs) will be safeguarded from inappropriate waste development. Permission will only be granted for waste development on land within or outside a SSSI where: the status and quality of the SSSI is retained and protected, or the benefits of developments likely to impact on SSSIs clearly outweigh such impacts and loss. Permission will be granted for waste development where the status and quality of locally designated sites of biodiversity conservation value, and sites meeting Local Wildlife Site criteria, and priority habitats and species identified in the Local Biodiversity Action Development Management Plan is retained and protected, and where the development cannot reasonably be located to an alternative site with less harmful impacts. If the benefits of the development outweigh the likely impact, the harm should be adequately mitigated or, as a last resort, compensated for, and the development will be required to deliver a net-gain in biodiversity through the creation of local BAP priority habitat.

390. Policy DM11 of the LMWLP states permission will be granted for waste development where it is demonstrated that cumulative impacts on the environment of an area either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable.

391. Part 1 of Policy GI5 of the HLP outlines that nationally and locally designated biodiversity and geodiversity sites will be safeguarded. Part 2 (a) states development will be permitted where there is no adverse impact on: i) the conservation of priority species; ii) irreplaceable habitats; iii) nationally designated sites; iv) locally designated sites; unless, in all cases, the need for, and benefits of, the development in that location clearly outweigh the impact. This is largely echoed by Part 2 of Policy DS03 and Part 5 (c) of Policy DM10 of the DHLP. Part 2 (b) and (c) Policy GI5 of the HLP are covered within the 'Agriculture/Conservation of Soil Resources' and 'Minerals' sections respectively. Part 2 (d;e) states development will be permitted where: d) opportunities for improving habitats and for improving the water quality of local water courses to improve the aquatic habitat are incorporated; e) unavoidable loss or damage to habitats, sites or features is addressed through mitigation, relocation, or as a last resort compensation to ensure there is no net loss of environmental value.

392. Part 3 (a-g) of Policy GI5 of the HLP suggests that development should contribute towards protecting and improving biodiversity and geodiversity through, as relevant: a) protecting and enhancing habitats and populations of priority species; b) protecting and enhancing the strategic biodiversity network and wildlife corridors, particularly river and canal corridors, disused railways and all watercourses; c) maintaining biodiversity during construction; d) providing contributions to wider biodiversity improvements in the vicinity of the development; e) including measures aimed at allowing the District's flora and fauna to adapt to climate change; f) including measures to improve the water quality of any water body as required by the Water Framework Directive; and g) protecting features and areas of geodiversity value and enhancing them to improve connectivity of habitats, amenity use, education and interpretation. These features are largely echoed by Part 4 of Policy DM10 of the DHLP, however adding that development must contribute to the protection and improvement of biodiversity and geodiversity by: c) protecting and enhancing green and blue infrastructure assets; d) protecting riparian zones and watercourses.

393. Policy H6 (f) of the GBNP outlines that development should be enhanced by biodiversity with existing trees and hedges preserved whenever possible, and wildlife provision. Policy ENV8 of the GBNP outlines twenty-eight sites of at least local significance for wildlife. It outlines that site 1 (Great Bowden Borrowpit (SSSI), will be subject to national and strategic local policies. Development proposals affecting the other sites should demonstrate that the need for, and benefits of, the

development in that location clearly outweigh the impact on the site and the identified features. Policy ENV9 of the GBNP states that: a) proposals will be expected to protect local habitats and species and where possible and viable, to create new habitats for wildlife and promote and increase biodiversity; b) the wildlife corridors shown on the Policies Map and listed in the supporting information will be maintained, promoted and supported as a biodiversity resource. Development proposals which impact on the corridors will be resisted.

394. Part 1(d) of Policy DS03 of the DHLP states that development will be permitted where it contributes to the delivery of the national Nature Recovery Network and Leicestershire, Leicester and Rutland Nature Recovery Strategy through the delivery of Biodiversity Net Gain in accordance with Policy DM10.

395. Part 1 and 2 of Policy DM10 of the DHLP related to biodiversity net gain, outlining that qualifying proposals must deliver at least a 10% measurable biodiversity net gain, with a preference for net gain to be provided on site. Part 3 states that development should avoid adverse impact on existing biodiversity and geodiversity features in line with the mitigation hierarchy.

396. Paragraph 187 (a;d) of the NPPF emphasises planning decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species. Paragraph 193 (a;b) of the NPPF states in determining applications, authorities should apply: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

397. The application is supported by a Preliminary Ecological Appraisal, Environmental DNA Survey, Bat and Reptile Surveys, and Biodiversity Net Gain Metric. LCC Ecology has reviewed the submitted documentation and outlined it is confident that sufficient information has been provided in relation to the biodiversity of the site and that the protected species and/or habitats found on site will not be impacted with appropriate mitigation and enhancements. Regarding conditions recommended, these relate to the development being applied in strict accordance

with the measures stated in Section 4.4 (Bat Avoidance/Mitigation/Enhancement Measures) and 5.4 (Reptile Avoidance/Mitigation/Enhancement Measures) of the Bat and Reptile Survey Report. Section 4.4 includes measures such as a precautionary ecological watching brief during key elements of work, the installation of four bat boxes suitable for use by pipistrelle species, and repeated bat surveys. Section 5.4 includes habitat manipulation measures and habitat creation and enhancement.

398. In relation to Biodiversity Net Gain, as the application was validated prior to February 2024; the development is not subject to mandatory net gain. However, to comply with the NPPF, a measurable net gain for biodiversity should be demonstrated post development (therefore, 1% rather than 10%). LCC Ecology has outlined that the current metric version submitted as part of the application shows the proposed development will result in a net loss of -41.22% in habitat units. It is also noted that hedgerows have not been included in this version and five hedgerows are present across the site. Therefore, an updated metric should be provided which demonstrates a measurable net gain for both habitat and hedgerow units. LCC Ecology is satisfied this can be secured through a pre-development condition requiring a Biodiversity Offsetting Management Plan which is to provide measurable biodiversity net gain on the reported loss.

399. Tree and hedgerow planting will be primarily addressed through a detailed landscaping scheme secured by condition at the request of the LCC Landscape Officer. The condition would include requirements for the consideration of the retention and enhancement of existing landscape features wherever possible, compensation for the loss of habitat and provision for measurable Biodiversity Net Gain in line with the ecologist recommendations, to include native, nectar-rich species to benefit pollinating insects and other wildlife as far as possible, incorporation of new bird and bat boxes as part of the new building design, and consideration of opportunities to include species rich grassland where possible. The submitted Arboricultural Impact Assessment and method statement outlines a number of protective measures to ensure the protection of trees to be retained on-site. Compliance with such is secured by condition.

400. Regarding the construction period, the Construction Method Statement condition, to be submitted and approved prior to development, would provide details pertaining to measures for the protection of the natural environment, including measures to prevent the pollution of surface water and protection of watercourses. This is considered an appropriate safeguard to be secured by condition which will mitigate potential ecological harm during this temporary period.

401. Regarding internationally important sites, or potential internationally important sites, of biodiversity conservation value, there are none in proximity to the site and no concerns have been raised by Natural England in this regard.

402. Regarding nationally important sites of biodiversity conservation value, there are no National Nature Reserves, Regionally Important Geological Sites, Special Protection Areas, or Special Areas of Conservation in proximity to the site and again no concerns have been raised by Natural England in this regard. However, the Great Bowden Borrowpit biological Site of Special Scientific Interest (SSSI) is situated approximately 590m to the west of the application site boundary. The application site lies within the SSSI Impact Risk Zone for the Great Bowden Borrowpit SSSI. The SSSI also includes Lowland Fen Marsh which is classified as an irreplaceable habitat.

403. The application is supported by a Qualitative Odour Risk Assessment which includes an assessment of air quality, and a Dispersion Modelling Assessment. Natural England have considered the proposed development, providing two formal consultation responses. Their first response resulted in the request for further information, materialising in the form of the Dispersion Modelling Assessment. Upon comprehensively reviewing the submitted information, Natural England consider that the proposed development will not have significant adverse impacts on designated sites, and it has no objection. It outlined that the modelling outputs indicate that the proposal will not give rise to an increase in Ammonia concentration or Nitrogen deposition of more than 1% of the relevant critical load level at Great Bowden Borrowpit SSSI. Given such, the development alone is considered unlikely to have a significant adverse effect on this SSSI. The Dispersion Modelling Assessment notes in combination assessment which indicated that there are no such activities to be considered within the vicinity of the proposed development that could affect the surrounding environment and would require further consideration. Natural England outlined that, whilst no information is provided regarding how this screening review was undertaken, they had not received consultation upon any other development which may impact upon the air quality of Great Bowden Borrowpit SSSI which fit the criteria set out in their initial response and consequently raised no further concern in relation to in combination effects. Given the response provided by Natural England was from 09 September 2024, the Waste Planning Authority followed up with Natural England to see whether this had since changed. Natural England confirmed on 20 June 2025 that no other relevant consultations had been received since their last response.

404. Two reports, dated February 2024 and August 2024, were submitted as representations which reviewed the Air Quality and Odour Assessment submitted as part of the application. Both reports were forwarded to Natural England for comment. In response to the report dated February 2024, they confirmed they have no further comment. Natural England outlined that the reports provided note the same points raised in Natural England's initial response (dated 29 January 2024) regarding the insufficiency of the initial SCAIL assessment. However, these issues have now been addressed by the additional information provided by the applicant (Dispersion Modelling Assessment). Natural England confirmed that their updated response (dated 9 September 2024) remains unchanged in light of these reports.

405. Regarding locally important sites of biodiversity and geological conservation value, these sites are those designated in recognition of their significance at the local level and, as such, do not normally carry the weight of statutory protection. Leicestershire's Local Nature Recovery Strategy (LNRS) (adopted July 2025) has been reviewed as part of the site's ecological context. Whilst the LNRS does not form part of the statutory development plan, it is a material consideration insofar as it identifies locally important habitats and spatial opportunities for enhancing ecological networks. The application site does not lie within, or close to a Local Nature Reserves (LNR) or Local Wildlife Site (LWS), the closest of which being the Grand Union Canal LWS situated approximately 1,450m to the west of the site. The proposal does not lie within or close to any wildlife corridors, as identified within the GBNP.

406. The closest non-statutory designated nature conservation sites are the: 'Ash Tree 1, Welham Lane' situated approximately 320m north-east of the site; 'Ash Tree Welham Lane 2' situated approximately 400m south-west of the site; and 'Old railway embankment' situated approximately 530m west of the site. These are all potential Local Wildlife Sites (pLWS). The submitted Preliminary Ecological Appraisal has identified the Ash Trees and whilst it has not directly noted the 'Old railway embankment', the following rational is still considered relevant. In relation to these features, it outlines that considering the localised nature of the works and level of separation between the application site and these sites, there is no mechanism identified for the works to result in direct impacts upon their interest features. It should also be noted that vehicle movements associated with the development would not be routed in their vicinity. However, the report does note depending on the predicted levels of ammonia release during the operation of the proposal, these could incur indirect impacts upon biological interest features pertaining to these sites. Subsequently, non-statutory designated sites are considered potential receptors with respect to the proposed development. The potential impacts of ammonia of local ecological receptors will be discussed further in this section.

407. Regarding Priority Habitats, the Preliminary Ecological Assessment has identified 'Lowland Fens' occurring approximately 650m north-west of the application site, and 'Deciduous Woodland' occurring approximately 700m south-west and 580m south-east of the application site. It should be noted that the 'Lowland Fens' is situated at the site of the Great Bowden Borrowpit SSSI so the potential impacts of such have already been considered above. In relation to the deciduous woodland, as outlined in the report, the proposed works are expected to be confined entirely to within the boundaries of the application site and are expected to utilise existing roads, situated to the north-west for plant and vehicle access. These Priority Habitats will, therefore, be safeguarded throughout the works and the site activities are not expected to encroach into this area. Again, the report notes that depending on the predicted emission release levels, the operation of the proposal could result in indirect and

adverse impacts upon the integrity of these habitats. The potential impacts of emissions, including ammonia, on local ecological receptors will be discussed further in this section.

408. The LNRS Local Habitat Map 5 and 6 identifies the western edge of the site as being suitable for the following priority species: Palmate Newt; Leisler's Bat; and Rare Plants Gene Bank Assemblage. The whole site is identified as being suitable for all urban species; being House Sparrow, Swift, Starling and Hedgehog. In relation to the Leisler's Bat and the urban species, the submitted Preliminary Ecological Appraisal and subsequent Bat Survey has considered the potential for nesting birds and roosting and foraging bats on-site. Recommended mitigation has been conditioned which includes those measures outlined in Section 4.4 (Bat Survey/Avoidance/Mitigation/Enhancement Measures) of the Bat and Reptile Survey, and the provision of new bird and bat boxes as part of the detailed landscaping scheme condition. Furthermore, an informative has also been included which outlines vegetation removal being undertaken to avoid the bird nesting season (March to Sept) unless an appropriately qualified ecologist has surveyed the trees and confirmed the absence of breeding birds. Whilst hedgehogs have not specifically been surveyed, the Preliminary Ecological Appraisal does consider them as part of the proposed mitigation for badgers on-site, being, all excavations should be covered at night to avoid the accidental trapping of badgers and other terrestrial mammals, such as hedgehogs. This is recommended to be included as a note to the applicant. Both the LCC Landscape Officer and LCC Ecology have reviewed such and are satisfied with these measures. Therefore, the impact on-site of these priority species is considered to be suitably mitigated to not cause an adverse impact.

409. In relation to Palmate Newt and the Rare Plants Gene Bank Assemblage, these mapped zones are situated on the westernmost edge of the site where only limited development is proposed. Although specific surveys for these species have not been undertaken, owing to there being no explicit requirement at the time of submission, in light of their identification in the LNRS mapping, the Waste Planning Authority has imposed a condition requiring a targeted survey prior to the commencement of development on-site. Depending on the outcome of this survey, a mitigation strategy must be implemented to ensure that any potential ecological impacts are appropriately addressed, and unnecessary harm is avoided. Furthermore, the Biodiversity Offsetting Management Plan which is also required by condition is to have regard to the LNRS, offering measurable biodiversity compensation on reported loss.

410. Regarding the 'Areas that Could Become of particular importance (ACB) as outlined in the LNRS Local Habitat Maps 2a, 3 and 4, these do not currently constitute formal ecological designations. However, the Biodiversity Offsetting Management Plan condition and the detailed landscaping scheme condition will be expected to have

regard to these mapped areas, ensuring that opportunities for habitat enhancement and alignment with local strategic ecological priorities are appropriately considered.

411. Concerns have been raised regarding the potential for the development to give rise to an inappropriate increase in ammonia and associated nitrate density into local soil substrates and the risk of such increase in nitrate concentration contaminating local watercourses, including the River Welland. Objections have been raised regarding the potential ecological and amenity impacts on a number of ecological projects. Of particular concern is the Hursley Park Country Park, located approximately 200m south-west of the site. Concerns centre around possible harm to habitats within the park, particularly wildflower meadows, due to ammonia emissions from the proposed development. Whilst the formal designation of the area as a 'country park' does not itself confer statutory protection or specific planning weight, its ecological features such as restored wildflower meadows, native trees/hedgerows, and ponds, are recognised as locally valuable and have been considered in the assessment. Representations outline that the country park is in the process of being designated as a LWS. Whilst this is acknowledged, given the site is not currently a LWS it is considered of low material weight in this regard. Other ecological projects of concern raised included Haygates Farm, James Alder reserve, Harborough Woodland tree and hedgerow planting, and a proposed green corridor connecting the James Adler Nature Reserve, Hursley Park Country Park, and three newly secured rewilding plots by Harborough District Council. One such plot sits directly adjacent to the southern boundary of the site. However, whilst acknowledged, it is noted that the proposed rewilding is yet to form any formal ecological status and therefore is considered of low material weight.

412. Given the self-contained nature of the proposed development, proposed vehicle routing, separation distances, and suite of proposed conditions to be imposed, the direct impacts of the proposed development on these projects and features are not considered to be of a significant nature. Regarding indirect impacts, it is acknowledged that one of the main sources of ammonia associated with the proposed development is from the use of poultry manure. There would be one sheeted-over HGV load of poultry manure delivered to the site each day which would be deposited into specifically constructed covered feedstock bunkers. The poultry manure would be fed into the digester tanks daily and therefore each new load would be fed on the same day it is delivered or, dependent upon the time of the delivery, the next morning, making sure that no poultry manure is left in its bunker for more than a maximum period of 24 hours. The Qualitative Odour Risk Assessment modelled potential ammonia emissions on the basis that 175 tonnes of manure would be present at all times. A condition is recommended to be imposed to ensure that no more than 175 tonnes of poultry manure will be present on site at any one time. Furthermore, the proposed Feedstock Management Plan condition will contain specific and measurable controls for the authority to monitor the site against in relation to feedstock delivery, handling, storage, and processing. Regarding digestate, the liquid fraction will be stored in a covered lagoon, whilst

the solid fraction will be stored within a bay in the building where the feedstock is stored and removed quickly to be used on the land. Again, the proposed Digestate Management Plan secured by condition would contain specific and measurable controls for the authority to monitor the site against in relation to storage and export arrangements. Both will help to mitigate off-site impacts. Furthermore, the control of emissions, including both ammonia and nitrates, fall under the remit of the Environmental Permitting regime administered by the EA, as do controls for the spreading of digestate. This system is designed to protect ecological receptors and will assess and regulate potential emissions from the facility, including the requirements specific to the site's location within a Nitrate Vulnerable Zone, where additional scrutiny applies. LCC Ecology has also reviewed the proposed development and outlined no objection subject to conditions, including a Biodiversity Offsetting Management Plan. Taken as a whole, these controls are considered sufficient to prevent significant harm to the ecological interests of the country park and other surrounding ecological projects and features as a result of the proposed development. Furthermore, considering the above and drawing on the assessments of the other sections in relation to highways, noise and odour, the amenity value of the country park and other ecological features is not considered to be significantly hindered.

413. Despite representations outlining otherwise, it should be noted that the Preliminary Ecological Assessment does not recommend further badger surveys but does recommend that all excavations be covered at night to avoid the accidental trapping of badgers and other terrestrial mammals, such as hedgehogs. It is further advised that the site is subjected to a pre-works inspection for badger activity in advance of any ground-penetrating activities, which has been included within Appendix A as a note to the applicant (also at the recommendation of LCC Ecology). Furthermore, it is acknowledged that representation outline that birds and bats have been observed in the area and could be present on site. The presence and mitigation of bats has already been covered above. Regarding birds, the Preliminary Ecological Appraisal included a Phase 1 Habitat Survey which assessed the likelihood of birds on site, recommending as a precautionary measure, vegetation removal and the demolition or dismantling of on-site buildings and temporary structures to be completed outside of the main nesting bird season (nesting season runs March-August, inclusive), where practicable. Alternatively, should these works be scheduled during the main nesting bird season, all suitable habitats should be firstly checked by a suitably experienced ecologist in advance. If active nests are found, these must be safeguarded and left undisturbed until all chicks have fledged. Again, this has been included as a note to the applicant. Furthermore, the appraisal outlines that as a positive, optional enhancement, artificial bird nesting features could be incorporated onto any new buildings and/or retained trees post-works. As part of the detailed landscaping scheme condition, the incorporation of new bird boxes as part of the new building design, as well as the consideration of installing bird nesting roosting boxes on existing mature trees

(if suitable) and in accordance with the ecologist recommendations to enhance the site for bird roosting, is required.

414. There have been concerns raised with the submitted Preliminary Ecological Appraisal, including its findings that otter and water vole are not considered potential receptors and that the Phase 1 Habitat Survey was undertaken outside of the optimal survey window (April to mid-October). Furthermore, concerns have been raised that minimal, mainly desktop, surveys have been conducted to date which could underestimate the ecological impacts. Whilst the aforementioned is noted, the submitted assessments reflect standard methodologies which have been assessed by LCC Ecology, raising no objection subject to conditions.

415. Concern has been raised regarding the potential impacts on Great Crested Newts, and that other ponds around the site should be surveyed. The Preliminary Ecological Appraisal recommended Environmental DNA testing (eDNA) of the small pond on site and connecting drain to determine whether these support breeding great crested newts. eDNA testing has been conducted and submitted as part of the application, returning a negative result. The pond is also to be retained as part of the development. Regarding the testing of other ponds around the site, LCC Ecology has not identified this as a necessary precaution. Therefore, their assessment is considered proportionate to the scale of the proposed development.

416. Concerns have been raised regarding the potential Impact on local livestock. However, no evidence has been submitted to materially demonstrate that the proposal would result in harm to such animals. Environmental effects of the proposal, including noise, have been considered as part of the assessment and with the appropriate regulatory controls and mitigation through conditions, such impacts are considered to not result in unacceptable impacts, including on local livestock.

417. Representations have outlined concerns regarding the potential for spores from rotting straw could cause lung disease in birds (aspergillosis). The management of feedstock, including straw, would be assessed and monitored throughout the life of the development through a Feedstock Management Plan condition. With the appropriate mitigation in place, there is not considered to be evidence to suggest that the proposed development would elevate the risk of aspergillosis.

418. Overall, in consideration of the above the proposal is not considered to conflict with Policy DM7 and DM11 of the LMWLP; Policy GI5 of the HLP; Policy H6 (f), ENV8, Policy ENV9 of the GBNP; Policy DM10 and DS03 1(d) of the DHLP; and paragraphs 187 (a;d) and 193 (a;b) of the NPPF.

Climate Change

419. Policy CC1 of the HLP, Policy H6 (i) of the GBNP, and Policy DS03 (1b) and DM09 of the DHLP seeks to ensure that developments minimise carbon emissions and promote high standards of environmental and energy efficiency. They require proposals to demonstrate how they will reduce emissions through passive design, use of renewable energy, sustainable construction practices, and efficient use or reuse of existing buildings. There is encouragement to align with best practice standards and a responsible approach to both construction and long-term operation.

420. Paragraph 163 of the NPPF specifies that the need to mitigate and adapt to climate change should be considered in assessing applications, taking into account the full range of potential climate change impacts.

421. As previously assessed within the principle of development section, a key sustainability benefit lies in the site's proximity to the National Transmission System which, in part, offsets the locations and distances of the imports and exports. The facility is also designed to operate with a degree of resource efficiency. Approximately 15,000m^3 of water per annum would be reused in the process (as is elaborated and assessed in the following section) and some of the biogas generated by the process would be reused within the facility. Through the combined heat and power unit, a small amount of the biogas is used to generate approximately 1,000 kilowatts (KW) of electricity which is used on site and the associated heat is used in the anaerobic digestion process. The CO2 which is produced as part of the process is captured and sold on to the food and beverage industry. The proposal supports a cyclical process whereby the digestate, which in itself acts as a nutrient-rich soil improver, is spread back on the land in which the feedstocks are sourced. The use of the digestate enables a significant reduction in the reliance of fossil fuel dependant nitrogen on the land.

422. A Construction Method Statement has been conditioned which includes measures for minimising the impact on the environment during the construction phase. A Demolition Works Management Plan has also been conditioned, though it does not directly address carbon optimisation via reuse of materials. An existing on-site bungalow is to be retained and refurbished for welfare facilities, though no information has been submitted regarding improvements to its energy efficiency. The remainder of the development comprises plant and infrastructure, for which conventional building-level energy efficiency criteria are less applicable.

423. Concerns have been raised that the proposed development would contribute to climate change, and that such infrastructure may emit more CO2 than fossil fuel alternatives. It is also suggested that aspects of the anaerobic digestion process rely heavily on fossil fuel energy, such as deliveries and exports. Whilst it is acknowledged that the construction and operation of any facility involves some level of energy use, these are considered ancillary to the primary function of the development, which is to generate biomethane, with the NPPF specifically defining

the use of biomass as renewable energy. Again, the process is designed to be cyclical, with water and heat recovered and reused within the facility to reduce energy demand. Furthermore, the increase in vehicle movements associated with the maize imports would only be taking place over a 30-day period out of the year, with solid digestate being backhauled during this period. In this context, the carbon emissions associated with the operation of the plant are considered to be outweighed by the emissions savings from replacing fossil fuels with renewable gas and reducing the need for artificial fertilisers.

424. Overall, the proposal broadly meets the policy intent of, Policy CC1 of the HLP, Policy H6 (i) of the GBNP, Policies DS03 (1b) and DM09 of the DHLP, and paragraph 163 of the NPPF.

Water Consumption

425. Paragraph 161 of the NPPF outlines that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including water scarcity. Policy GD8 (f) of the HLP, Policy H6 (i) of the GBNP, and Policy DM01 (2i) of the DHLP emphasise that development should minimise water consumption and maximise water efficiency.

426. It is proposed that all surface water will be captured and stored on site for use within the anaerobic digester plant. The proposed development requires circa 30,000m^3 – 45,000m^3 of clean water annually to allow for processing. Up to approximately 15,000m^3 of this comprises reused water generated through the process itself. Any shortfall in required water volume relies on taking potable water from the mains. Consequently, the anaerobic digestion plant utilises between 68.5m3 and 250m3 of water per day, taken from the surface water lagoon as a priority over utilising potable water from the mains. This amount of water is consistently being drawn down every day. The draw down of water on any given day is never less than 68.5m3, as the process would not be viable in this scenario.

427. It is essential to capture as much surface water onsite as possible, to reduce reliance on the water mains. Not only does this benefit the facility with the accessibility to water on-site, but it also highly reduces the cost as this will not have to be purchased for the process to operate. Therefore, a significant proportion of the proposal's annual water demand would be primarily sourced through the capture and reuse of surface water.

428. Water consumption would also be minimised during the construction phase, secured by a planning condition requiring the submission of a Construction Method Statement, which would include a scheme for minimising the consumption of water during construction.

429. Objections have been raised outlining that some biomass crops may require significant amounts of water for cultivation, leading to concerns about water scarcity and competition with other water-intensive activities. Whilst the planning system can assess the impacts of the proposed development itself, including on-site water use, it is not responsible for regulating existing off-site agricultural practices. Therefore, whilst concerns around the wider water use in the agricultural supply chain are understood, they are not considered to carry sufficient weight to influence the determination of this application. The same reasoning is applied to concerns raised regarding the environmental sustainability of planting, growing and harvesting of maize. Concerns regarding the use of maize are considered further within the 'Use of maize, straw and poultry manure' section of this report.

430. In consideration of the above, the proposal is considered to accord with paragraph 161 of the NPPF, Policy GD8 (f) of the HLP, Policy H6 (i) of the GBNP, and Policy DM01 (2i) of the DHLP.

Land Contamination

431. Policy GD8 (n) of the HLP and Policy DM11 (2) of the DHLP requires that previously developed land is assessed for contamination and to ensure any contamination is not relocated elsewhere to a location where it could adversely affect the water environment or other wildlife habitats. Correspondingly, paragraph 187(f), 196(a and c), and 197 of the NPPF emphasise that planning decisions must ensure land is remediated for safe use, accounting for risks from contamination, with responsibility placed on the developer to secure a safe form of development.

432. At the request of the EHO, two planning conditions have been recommended in relation to land contamination. The first relates to the submission of a Risk Based Land Contamination Assessment prior to development commencing (except demolition works). Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to, and approved in writing by, the Waste Planning Authority. The second condition outlines that, if no remediation was required, a statement from the developer should be received and approved confirming that no previously identified contamination was discovered during the course of development, or part thereof. If contamination was found, then a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme.

433. Therefore, the proposal is considered to accord with Policy GD8 (n) of the HLP, and paragraphs 187(f), 196(a and c), and 197 of the NPPF.

Flood Risk, Hydrology and Hydrogeology

434. Policy DM2 of the LMWLP and paragraph 181 of the NPPF seek to ensure flooding and run-off does not impact adjoining users and those in close proximity. Policy

CC3 of the HLP and Policy DM07 of the DHLP outline the requirement for major development to be accompanied by a site-specific flood risk assessment. Policy CC3 outlines that development proposals subject to a site-specific flood risk assessment will only be permitted where mitigation, management, resilience measures, and design requirements identified are satisfactorily addressed, and the design incorporates flood resilience measures to allow for increased risk due to climate change.

435. Policy CC4 of the HLP, Policy H6 (j) of the GBNP, Policy DM08 of the DHLP, and paragraph 182 (a;b;c) of the NPPF outline the aim for major development to incorporate sustainable drainage systems (SuDS). Paragraph 182(a) of the NPPF specifies that the advice of the LLFA should be taken into account. Paragraph 163 of the NPPF specifies that the need to mitigate and adapt to climate change should be considered in assessing applications, taking into account the full range of potential climate change impacts.

436. The application site of the main compound is situated within Flood Zone 1, indicating a low probability of flooding from rivers and the sea. Regarding the annual chance of surface water flooding at the main compound site, most of the site is located in an area of very low (less than 1 in 1000) risk of surface water flooding in a given year. Small areas of the western portion of the site are at low (1 in 100 to 1 in 1000) risk of surface water flooding in a given year. There is a thin strip of high probability risk of surface water flooding (1 in 30) which runs parallel to the southern site boundary.

437. The proposed development is supported by a Flood Risk Assessment and Drainage Strategy (Document Ref. R-FRA-26925-01-0, dated 12th October 2023). The assessment clarifies that the site is also at low risk of flooding from groundwater, sewers and artificial sources such as reservoirs. It is proposed that all surface water would be captured and stored on site for use within the proposed development via the surface water lagoon. Any shortfall in required water volume relies on taking potable water from the mains. It is therefore essential to capture as much surface water onsite as possible, to reduce reliance on the water mains. There is no positive outfall from the site, as all surface water is fed into the process.

438. The required attenuation volume for the 1 in 100-year storm with 40% climate change event is 2,622.4m^3, with the 1 in 30 year and 1 in 1-year scenarios requiring 1,508.8m^3 and 826.3m^3 respectively. The surface water lagoon will have a capacity of storing up to 5,000m^3. The lagoon is therefore more than sufficient to accommodate all modelled storm events, with the additional 40% climate change event factored in.

439. Given the site lies within Flood Zone 1, there is no requirement to apply either the Sequential Test or the Exception Test in this instance.

440. The LLFA have reviewed the submitted Flood Risk Assessment and Drainage Strategy and have clarified the proposal is considered acceptable subject to pre-development conditions relating to the provision and approval of a surface water drainage scheme and details in relation to the management of surface water on site during construction. A condition requiring details in relation to the long-term maintenance of the surface water drainage system within the development prior to first use of the development was also requested. These conditions can be viewed within Appendix A.

441. Representations raised concern that the Flood Risk Assessment and Drainage Strategy does not provide information about proposed mitigation for an extreme storm event exacerbated by climate change. This has been covered in the report above.

442. Concern has been raised in relation to paragraph 4.8 of the Flood Risk Assessment and Drainage Strategy, which acknowledges that in the highly unlikely event of a storm exceeding the 1 in 100 year and climate change design threshold, surface water systems may become overwhelmed and overland flows may occur. The strategy clarifies that in such a scenario, flows would be managed and captured for use within the proposal. The LLFA have reviewed the strategy and raised no objection, subject to conditions. On this basis, the exceedance provisions described in paragraph 4.8 are considered technically sound and do not give rise to unacceptable risk.

443. Concern outlined that, as per paragraph 5.17 of the Landscape and Visual Statement, Ref: 1551 1 LVS GP, dated June 2023, the application site and its immediate surroundings fall into Group 3, River Valley Floodplains, more specifically into 3A, Floodplain Valleys landscape character type. However, it is important to understand that this is based on visual and topographical characteristics used to assess landscape sensitivity, value, and visual amenity, not flood risk. Notwithstanding such, topography of the site is accounted for within the Flood Risk Assessment and Drainage Strategy.

444. Concern has been raised that the proposed development would replace a previously undeveloped part of the site, currently able to absorb rainwater, with built form and hardstanding. However, the part of the site in question is proposed to accommodate the surface water lagoon, a key component of the site's surface water management. Whilst it is acknowledged that no system can capture absolutely all surface water in every conceivable scenario, the proposal includes a drainage strategy designed to accommodate rainfall up to the 1 in 100-year event with a climate change allowance. Again, the LLFA have raised no objections to this subject to conditions.

445. Concerns were raised in relation to the SuDs techniques proposed and questioned why the green roof and pervious pavement techniques within paragraph 4.4.1

(Table 4.1) of the Flood Risk Assessment and Drainage Strategy have not been considered further. However, the strategy has been subject to full review by the LLFA, which has raised no objection subject to conditions including a surface water drainage scheme. This will provide the opportunity to review and refine the drainage features at the implementation stage, ensuring a compliant and effective approach is secured based on site-specific needs.

446. Finally, there is concern that the application has not accounted for how existing drainage would be improved to handle the treatment of effluent discharge from the site and that there are no foul sewers in the area. However, the proposed process does not require a treatment effluent discharge. The system is designed to use water within a closed-loop process, where digestate is stored and reused for agricultural use, and no by-products or liquid waste are discharged offsite. As such, there is no outflow of treated or untreated effluent. This arrangement would remain consistent throughout the life of the development.

447. Therefore, the proposal is considered to accord with Policy DM2 of the LMWLP, Policy CC3 and CC4 of the HLP, Policy DM07 and DM08 of the DHLP, Policy H6 (j) of the GBNP, and paragraph 181 and 182 of the NPPF.

Vibration

448. Policy DM2 of the LMWLP states that planning permission will be granted for waste development where it is demonstrated that the potential effects from vibration to adjoining land uses and users and those in close proximity to the proposal would be acceptable. Policy GD8 (e(ii)) of the HLP and Policy DM02 (1a) of the DHLP also reference that development should be designed to minimise the impact on the amenity of existing and future residents by not generating a level of vibration which cannot be mitigated to an appropriate standard.

449. Both a Construction Method Statement and Demolition Works Management Plan will be required prior to the relevant phases of development. These plans will include provisions for minimising vibration related impacts. Furthermore, the EHO has not raised an objection and is satisfied with these controls. Therefore, the proposal is considered to accord with Policy DM2 of the LMWLP, Policy GD8 (e(ii)) of the HLP, and Policy DM02 (1a) of the DHLP.

Dust

450. Policy DM2 of the LMWLP states that planning permission will be granted for waste development where it is demonstrated that the potential effects from dust to adjoining land uses and users and those in close proximity to the proposal would be acceptable.

451. The application has been subject to review by the EHO, EA, and the LHA, and a number of planning conditions are proposed to ensure appropriate mitigation is in

place throughout the demolition, construction and operational phases. These documents are required to be submitted and approved prior to commencement of the relevant phases of development. Furthermore, a complaints procedure condition is recommended, which includes the provision for investigating and responding to complaints relating to dust. Taken together these measures are considered sufficient to ensure that dust impacts would be appropriately minimised and would not result in significant harm to neighbouring amenity.

452. Therefore, the proposal is considered to accord with Policy DM2 of the LMWLP in relation to dust.

Agriculture/Conservation of Soil Resources

453. Policy DM6 of the LMWLP and Policy DM11 (3) of the DHLP outlines that planning permission will be granted for waste development that would result in the significant loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) where it is demonstrated that: (i) there is an overriding need for the facility; (ii) there is no suitable alternative site of lower agricultural quality that provides the same benefits in terms of sustainability. Policy GI5 (2b) of the HLP states development will be permitted where there is no loss of any 'best and most versatile agricultural land' unless this is demonstrably necessary to facilitate the delivery of sustainable development. Paragraph 187 (b) of the NPPF states that planning decisions should recognise the benefits of the best and most versatile (BMV) agricultural land. Concerns have also been raised relating to the loss of Grade 3 agricultural land on site.

454. The site lies on land classified as Grade 3 on the Provisional Agricultural Land Classification map. However, this mapping does not distinguish between Grade 3a (BMV) and Grade 3b (non-BMV). No detailed site-specific Agricultural Land Classification Survey has been submitted to confirm the precise grading. It is noted that the western half of the site consists of derelict buildings and hardstanding associated with the site's former use as a mushroom farm and is not currently in productive agricultural use. Therefore, only a portion of the site may be classified as BMV land. Furthermore, the scale of permanent land loss is considered modest in the context of the wider agricultural landscape.

455. The extent of potential agricultural land loss is not considered to be of sufficient weight to justify refusal, particularly in the context of the scheme's contribution to renewable energy generation and circular waste management. Therefore, the proposal accords with Policy DM6 of the LMWLP, Policy GI5 (2b) and paragraph 187 (b) of the NPPF.

Economic Growth and Resilience

456. Paragraph 87(c) of the NPPF supports development that enables the expansion or modernisation of other industries of local, regional or national importance to

support economic growth and resilience. By generating up to 7mw of renewable energy annually and incorporating modern waste to energy infrastructure, the facility contributes to the modernisation of the English energy sector, supporting growth in low-carbon industries and improving energy security. Furthermore, the application would lead to the creation of two fulltime equivalent jobs. Whilst this number is modest, it nonetheless represents a tangible positive contribution. Therefore, the proposal is considered to accord with paragraph 87(c) of the NPPF.

457. Policy EMP2 (h) of the GBNP states new development will be required to be well integrated into and complement existing businesses. The development would create an economically circular model whereby poultry manure, maize and straw would be sourced from surrounding and regional farms, whilst exporting digestate for use as fertiliser in a reciprocal arrangement. Furthermore, the recovery of carbon dioxide as a by-product would support food and beverage industries. Therefore, the proposed development accords with Policy EMP2 (h) of the GBNP.

458. Concerns were raised that the jobs associated with the proposal may not benefit local people. Whilst it cannot be guaranteed that these roles would be filled by residents, there is no evidence to suggest they would not be. It is not within the remit of the planning system to control or require who is employed by a development and this does not affect the assessment relating to employment.

Crime

459. Policy GD8(h) of the HLP and Policy DM01(2f) DHLP suggests development will be permitted where it achieves a high standard of design through minimising the opportunity for crime and maximising natural surveillance. Paragraph 96 (b) of the NPPF outlines that planning decisions should ensure developments are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

460. The application site is currently in a derelict state and has been subject to recurrent incidents of anti-social behaviour which can detract from the safety and amenity of the surrounding area. The introduction of a managed and occupied development will bring passive surveillance, regular human activity, and formal access arrangements to the site. In replacing an underutilised and unsupervised space with an active land use, the proposal has the potential to reduce opportunities for unlawful or disruptive behaviour. It is therefore, considered that the proposed development would accord with Policy GD8 (h) of the HLP, Policy DM01(2f) of the DHLP, and paragraph 96 (b) of the NPPF.

Minerals

461. Policy M11 of the LMWLP seeks to safeguard mineral resources to protect permanent sterilisation by development. Part 2 (c) of Policy GI5 of the HLP states

development will be permitted where there is no net loss or sterilisation of natural resources. The development site lies within a Mineral Safeguarding Area for sand and gravel. However, given the scale of the site, in addition to its previous use, including the existing development on the western section, it is likely that much of the mineral on site has already been sterilised and would be of little value. Therefore, the proposal is considered to accord with Policy M11 of the LMWLP and Part 2 (c) of Policy GI5 of the HLP.

Sustainability

462. When considering proposals for waste development, the Waste Planning Authority takes a positive approach which reflects the presumption in favour of sustainable development contained within the Policy DM1 of the LMWLP, Policy GD1 of the HLP, and paragraph 11 of the NPPF. Proposals should contribute to the three aspects (economic, environmental and social) of sustainable development. In terms of economic sustainability, the proposal would generate up to 7mw of renewable energy annually, supporting both energy security and the wider transition to a low-carbon economy. It would also contribute to the rural and regional economy through the use of agricultural inputs and the beneficial use of outputs such as digestate and carbon dioxide. Whilst the overall scale of employment is modest, the proposal would still create two new full-time jobs, representing direct employment benefit. Therefore, the proposal is considered to accord with the NPPF in supporting economic growth, however, this must be balanced against the environmental and social objectives of sustainable development.

463. Having regard to the social objective of sustainable development, the proposal contributes indirectly through the provision of renewable energy infrastructure that underpins long-term social well-being by supporting stable, affordable energy systems and contributing to the resilience of the communities they serve. Whilst not a community facility in itself, the proposed development does not result in a loss of, or significant impact to, any existing community assets, local services, or access to public infrastructure. Furthermore, the proposal has been subject to technical scrutiny across a number of consultees, and conditions have been included to help mitigate any potential impacts on residential amenity, such as noise, lighting, traffic and pest management. The facilities operations would also be subject to further regulation via the Environmental Permitting regime. Whilst some objections have been raised regarding perceived impacts on local character and amenity, these concerns have been taken into account and are not considered to give rise to unacceptable harm when weighed against the benefits of the scheme. Therefore, on balance, the proposal is considered to accord with the social pillar of sustainability as outlined within Policy DM1 of the LMWLP, Policy GD1 of the HLP, and the paragraph 11 of the NPPF.

464. In consideration of the environmental objective of sustainable development, the proposal contributes positively through the generation of low-carbon, renewable energy, supporting national efforts to reduce greenhouse gases and respond to climate change. The use of agricultural feedstock along with the production of nutrient rich digestate helps to reduce the dependence on fossil fuels and manmade inorganic fertilisers, contributing to the circular use of resources. Whilst the development has the potential to result in some localised environmental effects, these have been carefully considered by the relevant technical consultees and are subject to control via planning conditions and where applicable, the Environmental Permitting regime. On balance, the environmental impacts are judged to be appropriately mitigated and would not outweigh the substantial climate related benefits of the scheme. The proposal is therefore considered to accord with the environmental sustainability objectives set out within Policy DM1 of the LMWLP, Policy GD1 of the HLP, and the paragraph 11 of the NPPF.

465. Overall, the proposal is found to accord with Policy DM1 of the LMWLP, Policy GD1 of the HLP, and the principles of sustainable development as set out in Paragraph 11 of the NPPF.

Other Considerations

Conflict with National and Local Policy

466. Policy conflict was raised as part of many representations. The assessment section above contains a comprehensive analysis of the local and national policy relevant to the proposal, however there were some polices raised within representations which do not hold relevance.

467. It is noted that references made to the NPPF within representations relate to an earlier iteration of the document. For the purposes of this report, such references have been updated and considered in the context of the most recent iteration of the NPPF available at the time of writing.

468. Reference to the Harborough Core Strategy (2006-2028) is made in a number of representations received. However, the HCS has been superseded and no longer forms part of the adopted development plan.

469. Reference to footnote 62 relating to the availability of agricultural land used for food production added into the 2023 iteration of the NPPF has since been removed and no longer holds statutory weight.

470. Reference was made in some objections to a Policy EMP2, “(3)” of the GBNP. Whilst there is not a (3) subsection to Policy EMP2, the relevant sections of this policy have been considered throughout the assessment of this report.

Requested planning condition

471. A condition was requested for, “a monthly review of operations with the biogas plant operators, attended by representatives of the Environment Agency, Hursley Park residents, Great Bowden residents and the Parish council.” Liaison committees are typically secured by legal agreement and not planning condition. While the request for a liaison committee is noted, it would be unusual to secure one for a facility of this scale and nature, especially given it is a non-strategic facility. The suggested frequency of monthly meetings is also considered unreasonable and unjustified. The majority of liaison committees in the County operate on a twice-yearly basis, with only one site (Mountsorrel Quarry) operating on a quarterly basis. Furthermore, it is considered that the proposed conditions and regulatory regimes offer a comprehensive approach for operations to be appropriately managed at the site. In particular, the requirement for the operator to maintain a complaint log has been conditioned, which will provide a clear and structured mechanism for residents to raise concerns and ensures the Waste Planning Authority are notified of all such matters in a timely manner. Therefore, the Waste Planning Authority do not consider that the requirements for a liaison committee would meet the planning obligations tests as set out in paragraph 58 of the NPPF.

Use of planning conditions

472. Concerns have been raised that the application would be approved via conditions, contrary to best practice. However, the use of planning conditions to make otherwise unacceptable development acceptable is explicitly supported by paragraph 56 of the NPPF, which confirms that this is a standard and appropriate mechanism for controlling development.

Pests

473. Concerns have been raised relating to the proposed development attracting pests and the potential impacts of such. In response, a condition has been imposed requiring the submission of a Pest Control Management Plan. This will ensure that effective measures are in place to prevent, control, and monitor pest activity associated with the development. With this condition in place, the risk of pest nuisance to the amenity of the local area is considered to be adequately mitigated. Whilst it has been requested by HDCP that, should the proposed development be granted, it should be, “*built as a sealed unit with appropriate air conditioning facilities to prevent windows and doors being opened and insects potentially escaping into the wider environment*”; the Pest Control Management Plan is considered a proportionate measure to mitigate such. HDC EHO has reviewed and is satisfied with the proposed conditions.

Use of maize, straw and poultry manure

474. Concerns have been raised that the proposed use of maize grown specifically for the proposed development may conflict with Government policy objectives on food security, and that the use of straw as a feedstock does not align with the waste hierarchy, which priorities re-use before energy recovery.

475. The scale of maize production proposed in this case has not been shown to have any measurable or strategic impact on local or national food supply. Furthermore, the maize would only constitute 37.5% of the total feedstock. The use of a limited area of land for energy crops is a recognised and lawful land use, and is not precluded by national or local planning policy, particularly where it supports the transition to net zero by 2050 as set out in the NPPF.

476. The use of straw and poultry manure as additional feedstocks is consistent with established anaerobic digestion practice and supports the beneficial use of agricultural waste and by-products. Whilst both may have alternative uses, their use as an energy feedstock does not represent a conflict with the waste hierarchy, given they are produced as part of existing, managed agricultural systems.

477. Objections have been received suggesting that growing maize could lead to land use changes that negatively impact local ecosystems, and that maize is associated with increased risk of soil degradation and compaction. There is also concern that the proposed development could lead to overharvesting, deforestation, or unsustainable agricultural practices (including the use of pesticides) through the maintenance of sufficient feedstock availability. Whilst this is acknowledged, it is understood that the land proposed for maize cultivation is already in agricultural use, and maize is a lawful and established crop within UK farming systems. There is no indication that the growth of maize to be used in the proposal would lead to demonstrable harm to local ecosystems or soil quality. Furthermore, there is no evidence to suggest that the proposed development would result in any new or intensified land use that would lead to deforestation and unsuitable harvesting. Regardless, issues relating to farming practices, soil management and agricultural biodiversity are primarily regulated outside of the planning system.

478. Concern has been raised relating to the potential sourcing of poultry manure from intensive or factory farming systems, with concerns about the potential for such systems to harbour pathogens and contribute to poor animal welfare. It is also suggested that permitting the use of such manure may indirectly endorse factory farming. Whilst these concerns are acknowledged, in this case, the poultry manure is proposed to be sourced from existing, operational agricultural premises which are already regulated and hold appropriate consents. It is not anticipated that the proposed development would affect how these farms operate. Notwithstanding, these farms remain subject to their own permitting and regulatory controls. As such, this issue is not considered to carry significant weight in this context.

<u>Public safety and risk of accidents</u>

479. Concerns have been raised about the potential for accidents or incidents at the proposed facility such as fire, gas leaks, explosions, breakdowns, and the spillage of hazardous material. Reference has been made to a number of incidents that have occurred at other anaerobic digestion facilities.

480. Such concerns relating to incidents at other facilities are understandable, however planning decisions must be based on the specific circumstances and contexts of the application site and proposed development, not on isolated events elsewhere. Furthermore, whilst the planning system can consider public safety in land use terms, the detailed regulation of safety, emissions and accident risk lies with other statutory bodies, namely the EA and HSE. The facility will be subject to the Environmental Permitting regime, which sets out strict operational and safety requirements. Should thresholds be exceeded, the site may also fall under the Control of Major Accident Hazards (COMAH) Regulations 2015. The planning system is not responsible for regulating operational safety. Paragraph 201 of the NPPF outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). This is reiterated in section 7 of the NPPW. Planning decisions should assume that these regimes will operate effectively and will be properly applied and enforced.

481. In addition to general concerns about accident risk, site-specific issues have been raised relating to the proximity of the proposed digester to neighbouring propane tanks and the presence of open flame heaters in nearby buildings. However, again, the detailed assessment and management of accident risk falls under the remit of other regulatory regimes. It is the responsibility of the operator to demonstrate compliance with these regimes. Again, the Waste Planning Authority is required to assume that these regimes will operate effectively and that statutory bodies will refuse or restrict the operation if unacceptable risks are identified, in line with paragraph 201 of the NPPF.

Land ownership

482. Concern has been raised that the northern and eastern boundary as outlined on the site plan are incorrect as the hedge and ditch on these boundaries are owned by the neighbouring property and there was concern neighbours had not been notified of this/ the red line allegedly extends farther than had previously been anticipated/discussed.

483. As part of the Planning Application, dated 14th June 2023, the relevant Land Ownership Certificate- Certificate B has been submitted stating that the affected landowners have been given the requisite notice. The agent has also provided further clarification stating that in respect of the northern and eastern boundary, all land within the red line is within the ownership of the client.

484. Given the above, the applicant has fulfilled the notice requirements of Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Notwithstanding such, this does not affect the assessment of the proposal on its planning merits, nor does it determine land ownership. Dispute over land ownership and boundaries are private, non-material issues which are civil matters governed outside of planning law.

Demolition of existing buildings and asbestos

485. Concerns were raised that the application does not include consideration for the demolition of the existing buildings on-site and that demolition works would occur without prior assessment. There is also concern that the existing buildings of the of the old mushroom farm are made of compressed corrugated asbestos which could contaminate the wider area.

486. In consideration of such, the requirement for a Demolition Works Management Plan (DWMP) is recommended to be secured by condition prior to demolition works occurring, which will help to ensure demolition activities are carried out in a controlled manner, with appropriate measures to manage noise, dust, traffic, waste, and asbestos to protect neighbouring amenity and the wider environment.

Changes to topography

487. Concern has been raised that the proposal includes changes to the topography of the site through the creation of two large earth bunds. These bunds have been assessed as part of the proposed development within this report.

Employee waste

488. Concern has been raised relating to the disposal of waste/effluent generated by employees on site. The applicant has confirmed that such waste would be managed via the existing on-site bungalow, which is to be refurbished and used to provide welfare facilities. This is considered a suitable and proportionate arrangement for a facility of this scale. This matter does not weigh against the proposal.

Reference to forthcoming residential developments

489. Concerns have been raised relating to a separate planning application which has been submitted to Harborough District Council for the erection of eight dwellings on land located near the proposed development (reference: 25/00517/OUT).

490. However, the application is pending consideration and has not been approved. Therefore, it cannot be treated as a committed development and holds limited

weight in the determination of this application. This application must be assessed on the basis of the current planning context and land uses, not in anticipation of other proposals which may or may not come forward. Should the nearby residential development later be approved, any relationship with existing or approved development, including this proposal, would be considered in that context.

491. Reference has also been made to housing allocations, specifically allocations GB2 and GB1 within the DHLP, parts of which are within 400m of the proposed development. These are outlined within Policy SA01 of the DHLP. Whilst the site is identified as a draft allocation, the DHLP is yet to be adopted and as such holds limited material weight. Furthermore, given the distance of the draft allocation from the proposal, and that the proposal has been assessed against residential receptors in closer proximity, it is not considered there is sufficient evidence to suggest that the proposal would prejudice the delivery of housing in the area.

Concern with the submitted application form dated 14th June 2023

492. There was concern that there are trees and hedges on land adjacent to the proposed development, not 'no' as noted on the application form. Whilst it is acknowledged that the application form should ideally reflect the full context of the site, the application as a whole has been fully assessed by the Council's Landscape Officer, and the presence of trees and hedges in the vicinity has been properly considered through the submitted site plans and supporting documentation. Therefore, this is not considered to materially affect the consideration of the proposal.

493. Concern has been raised that there are watercourses within 20m of the development running along the site boundary, not 'no' as noted on the application form. In response, the applicant has clarified that the ditches in question are an artificial feature, created to manage water run-off from the roofs of the former mushroom farm buildings. These do not form part of a defined watercourse, nor do they connect to any waterbody relevant to the application site's flood risk status. The Waste Planning Authority is therefore satisfied that the information on the application form in this context does not materially misrepresent the nature of the site.

494. Objections have raised concern that the application form states that no priority species are on the site, however the submitted Preliminary Ecology Appraisal accompanying the application confirms that the site provides a reasonable likelihood of sustaining reptiles, bats, and badgers. It is important to note that the question relating to protected and priority species on the application form does not ask whether such species are present on site, but whether there is a reasonable likelihood of them being affected adversely, or of opportunities for conservation and enhancement. This is to help identify where ecological information may be required. In this case, the Preliminary Ecology Appraisal was submitted, and the

potential presence of protected and priority species has been considered as part of the application. This is also the case for concerns raised relating to designated sites in the application form.

495. Concern has been raised that the application form does not include any information pertaining to the existing floorspace of the farm buildings/bungalow. Whilst it is acknowledged that this information appears to be missed, it is not considered to materially affect the planning assessment. The proposal does not rely on existing floorspace calculations to justify policy compliance, and the application has been assessed based on the submitted drawings, supporting information, and site context. Furthermore, a condition has been included requiring the submission of a Demolition Works Management Plan, which will provide greater clarity over the extent and nature of demolition works to be undertaken. The concern is therefore noted, but this omission does not prejudice the Council's ability to assess or determine the application.

496. Concern has been raised that the application form incorrectly states the proposed development would not involve the use or storage of hazardous substance when in fact carbon dioxide, a by-product of the anaerobic digestion process, is to be produced, stored and exported from site. The applicant has since confirmed that the form should have indicated 'Yes' in response to this question but advises that this does not affect the overall description or scope of the proposed operations. Whilst the accuracy of the application form is important, the use or storage of hazardous substances is regulated separately under the Planning (Hazardous Substances) Regulations 2015, and any such use would require the developer to seek a Hazardous Substances Consent where relevant thresholds are exceeded. It is the applicant's responsibility to ensure compliance with this regulatory regime and an informative note is recommended to draw attention to this requirement. Paragraph 201 of the NPPF outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. In any event, where hazardous substances consent is required in relation to waste development, the Waste Planning Authority would also be the relevant authority to determine any such application.

Economic impact on surrounding farms

497. Some specific site related concerns regarding a neighbouring farm have been covered above. General economic impacts on surrounding farms must be based on specific and demonstrable effects. No technical objections have been raised by the EA, EHO, or the LHA in relation to potential impacts on surrounding agricultural operations. The development is not considered to result in evidenced materially significant harm to surrounding agricultural businesses.

Impact on local businesses

498. Whilst planning can consider potential effects on economic activity, such concerns must be based on specific demonstrable land use impacts rather than general perceptions or speculation.

499. The proposed use would not directly interfere with access to, or the functioning of, existing businesses. No technical objections have been raised in relation to traffic, noise, or environmental impacts that would be so significant as to warrant refusal on the basis of in-direct effects on local business operations.

Impact to local tourism

500. Whilst the planning system can consider potential impacts on tourism, such concerns must relate to demonstrable harm to landscape, heritage, or amenity that would materially affect tourism related activities. There is no evidence that the proposal would result in impacts of such significance as to warrant refusal on the grounds of direct or indirect effects on local tourism.

Value to local community

501. Concerns have been raised that the proposal would offer no value to the local community and may harm the social fabric of the community. These concerns are acknowledged, however planning decisions must be based on the likely land use impacts and policy compliance, rather than subjective perceptions of benefit or harm.

502. The proposed development would contribute to the generation of low carbon, renewable energy, supported by national and local policy. In addition, the development offers indirect local benefits from the management of some agricultural by-products from the surrounding area. Having assessed the proposal in detail, there is no material evidence to suggest that its impacts would be so significant as to affect the social fabric of the local community.

Reference to other anaerobic digestion facilities

503. Reference to the experiences and impacts of other anaerobic digestion facilities across the country have been raised. However, each planning application must be assessed on its own merits, taking into account a range of considerations including site specific contexts, design, scale, inputs/outputs, mitigation and the technical assessments provided. Whilst experiences at other sites are noted, they do not provide definitive evidence that this proposal would result in similar impacts.

Refusal of another anaerobic digestion facility by the Council

504. Planning applications must be assessed on their own merits, based on the specific site contexts, scale, design, environmental impacts, and policy compliance of the proposal in question. The refusal of a different facility, involving its own unique circumstances, is not considered to carry sufficient weight to influence the determination of this application. This is also applicable for concerns raised in relation to the refusal of other developments by other authorities.

Change of use

505. Representations raised concerns that planning permission would be required to change the use of the eastern section of site from agricultural land to industrial. This was also raised in relation to the bungalow on site. However, this application is fundamentally proposing to change the current use of the site. A separate application/ permission is not required to achieve this.

Precedent for future expansion

506. Concerns were raised that if permitted, the proposed development would set a precedent for future expansion at the site which could be justified on the grounds that there is an existing operational facility.

507. The granting of permission does not guarantee or imply approval of any future development. Any hypothetical future proposal to expand or alter the facility would be considered, and an assessment of the appropriate planning route would be made at the time, which may require a separate planning application and be subject to its own public consultation and assessment process. At that stage, the cumulative impacts of any intensification would be a relevant consideration. Consequently, concern regarding precedent is noted, but it does not amount to a material reason for withholding permission for the current proposal.

Change in inputs

508. Objectors have raised concerns that, over time, the types of feedstocks used in the proposed development could change to include more odorous materials such as food waste or even human waste.

509. To address this, a planning condition has been included which explicitly limits the types of feedstocks permitted at the facility to maize, straw, and poultry manure. Any change to the feedstock beyond what is permitted would require a formal application to vary or remove the condition, which would be subject to public consultation and environmental assessment.

Relocation of residents

510. Objections have been received expressing concern that the proposed development may deter people from moving to the area and lead to existing residents feeling compelled to leave. Whilst these concerns are acknowledged, such perceptions are not considered to carry sufficient weight to influence the determination of this application. Planning decisions must be made on the basis of land use impacts and planning policy, rather than broader perceptions about how the development may influence people's future choices about where to live.

County Matter

511. Questions were raised as to why the application is with the County for determination, rather than Harborough District Council, as this appears to be a commercial enterprise primarily for generating gas from straw and other commercial feedstocks, with only a smaller proportion being for the processing of waste.

512. The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 sets out the legislative framework which prescribe the classes of uses and operations which are to be 'Country Matters'. Regulation 2 of such states:

'The following classes of operations and uses of land are prescribed for the purposes of paragraph 1(1)(j) of Schedule 1 to the Town and Country Planning Act 1990:—

(a)(i)the use of land;

(ii)the carrying out of building, engineering or other operations; or

(iii)the erection of plant or machinery used or proposed to be used,

wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste'

513. As such, the proposed development should be 'wholly or mainly' for the purposes of waste for it to be considered a County Matter. In this instance, the amount of feedstock required for the proposed AD Plant consists of 15,000 tonnes of maize, 16,000 tonnes of straw, and 9,000 tonnes of poultry manure. Whilst at face value, it appears only the poultry manure element would constitute waste, having had regard to the criteria within the Government's 'Check if your material is a waste' webpage, the County Council is of the view that the proposed operation constitutes a County Matter.

514. Furthermore, it is noted that PPG-W paragraph 002 outlines anaerobic digestion within a list of matters which can be considered as a waste operation.

Accessibility of the process buildings

515. The accessibility of the proposed development has been considered in line with the relevant national and local planning policies promoting inclusive and accessible environments. Given the operational nature of the facility and the limited number of users, accessibility is not considered to raise significant planning concerns in this instance. Nevertheless, the applicant is expected to comply with the relevant building regulations and health and safety requirements relating to access for all users.

National Gas Grid Connection and Compound

516. Concern has been raised regarding how the plant would connect to the National Gas mains, including whether Welham Lane would need to be dug up to carry the connecting gas line. The report has previously outlined that the proposed development would be connected to the National Transmission System via underground pipework which is likely to benefit from permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Schedule 2, Part 15, Class A (a). Notwithstanding such, these would be temporary works and Construction Method Statement has also been conditioned to ensure minimal disturbance.

517. Concern has been raised that no technical reports for the National Grid Compound area have been submitted as part of the application. However, as has previously been referenced, the applicant will only be constructing 1.8m high weld mesh fencing enclosing the compound, everything within is proposed to be constructed by National Gas. Notwithstanding such, the fencing and compound is likely to benefit from permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Technical reports are therefore not required to support this aspect of the proposal.

Certainty of real-life impacts

518. Concerns have been raised that data submitted as part of the application cannot categorically prove real life impacts from this application would be minimal, and that lived experiences are at odds with the data provided as part of the application. It is acknowledged that all predictive assessments carry a degree of uncertainty; however, the planning system relies on reasonable evidence-based judgments supported by professional standards to evaluate likely impacts. The assessments provided as part of the application have all been reviewed by the relevant statutory and technical consultees, the majority of which have raised no objections subject to conditions.

Proximity to residential development

519. Concern has been raised that no other development like the proposal has been approved to be built as close to a residential area anywhere else in the UK. Regardless as to whether this is factually accurate, each planning application must be assessed on its own merits, taking into account site-specific circumstances, environmental constraints, mitigation and compliance with the development plan. The proposal has been assessed against the potential impacts on residential amenity. Consultees including Harborough District Council Environmental Health and the Environment Agency have reviewed the application and raised no objections subject to conditions and the relevant permitting regimes.

Impact on allotments

520. Concern has been raised regarding potential impacts on nearby allotments. Whist the specific location of the allotments has not been identified within the application material, the proposed development has been subject to assessment for potential indirect effects such as odour, air quality, and highways impacts. These matters have been addressed through technical submissions and reviewed by the relevant consultees, who have raised no object subject to a number of conditions. Therefore, any indirect impacts that could potentially influence allotments have been appropriately considered and mitigated within the wider assessment of the proposal.

Positive/negative balance

521. Concern has been raised that the 7MW of energy generated and two new jobs that would be created would not outweigh the negatives of the proposal. Whilst this view is noted, the planning balance must be assessed objectively, having regard to the development plan, relevant material considerations, and the evidence before the Waste Planning Authority, rather than broad perceptions of positives and negatives.

Compliance with planning conditions

522. Concern has been raised regarding whether the applicant would comply with planning conditions imposed. Whilst it is acknowledged that enforceability is a key test when drafting planning conditions, the planning system is based on the expectation that approved development will proceed in accordance with the permissions and attached conditions. If a breach of condition were to occur, the Waste Planning Authority has established enforcement powers to address such. Therefore, speculative concerns about future non-compliance carry very limited weight in the determination of this application.

Market Harborough Model Aero Club (MHMAC)

523. MHMAC's flying field is located in the field to the west of the Welham Bush Poultry Farm. MHMAC note that the proposed National Transmission System (NTS) connection is to be sited next to the Poultry Farm. It appears the height of the cabin and any other structural items to be placed in the NTS connection boundary will not exceed 3m above ground level. They outlined that this is unlikely to impact on model flying as there is also a hedge and small trees of a similar height at the boundary of their flying field. MHMAC ask as part of the decision-making process, decision makers: ensure that the NTS facility is designed to be safe for all variants of model aircraft and helicopters to overfly; be aware there is very small possibility the NTS facility could be struck by a model aircraft or helicopter in the event of a fault occurring; provide MHMAC with an agreed method to recover a model aircraft or helicopter should it end up in the NTS compound. Recovery from the NTS compound should have no penalty or cost to MHMAC members. Comments made by the MHMAC are acknowledged. However, these are operational/ civil matters that would need to be resolved privately between the applicant (or operator of the NTS facility) and MHMAC and therefore are not considered to carry sufficient weight to influence the determination of this application.

Other issues

524. A number of other matters have been raised in representations which have been considered; however, in the view of the Waste planning Authority, they are not considered to carry sufficient weight to influence the determination of this application. These matters are summarised below:

- Impact on house prices
- People paying a premium to live in the area
- Applicant name, company history, and motivation
- Funding or subsidy arrangements
- Fluctuations in biomass feedstock prices
- Efficiency and economic viability of the proposal
- Preference for alternative technologies at the site
- Preference for other, 'better', locations for the proposed development
- Impact of investment into the area
- Lack of pre-application consultation
- Future site management and enforcement
- Impact on funds available for the maintenance of historic buildings
- Unevidenced financial benefit to the Waste Planning Authority
- 'Prioritisation' of private commercial interests

Conclusion

525. The development would result in the construction and subsequent operation of an anaerobic digestion facility with an annual throughput of 40,000 tonnes of

feedstock which would be made up of poultry manure, maize, and straw and the export of approximately 54,000 tonnes of solid and liquid digestate, and 10,000 tonnes of CO2. The facility would also generate up to 7MW of biomethane which would be exported to the National Gas transmission system via pipeline. The proposal would also see a change of use of an existing residential bungalow for use as office and welfare accommodation for the facility.

526. Overall, in establishing the principle of an anaerobic digestion facility in the proposed location, there is partial conflict with Policy W5 of the LMWLP, as some of the site is undeveloped scrub land, as well as conflict with Policy EMP2(c) of the GBNP and the NPPF due to the loss of a residential dwelling. Whilst some conflict with these policies is noted, the western part of the site is previously developed, which does comply with Policy W5. Balanced against the identified conflict, paragraph 168(a) of the NPPF states, "*a) local planning authorities should: give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future".* This is a material planning consideration of significant weight. When considered in line with the UK's legally binding net zero targets established through the CCA, it is deemed that on balance, any partial noncompliance with Policy W5 of the LMWLP and EMP2 of the GBNP is outweighed by the delivery of low carbon, renewable energy. Furthermore, the countryside location of the proposal is deemed to accord with Policy GD3 of the HLP and Policy H2 of the GBNP.

527. The development has the potential to result in environmental and amenity-based impacts. Key issues assessed relate to the potential effects of the facility in respect of impacts to traffic and highway safety; air quality and odour; noise; landscape and visual impact; flood risk and drainage; and impacts to biodiversity, including to the Great Bowden Borrowpit SSSI and protected species. These impacts have been carefully considered and assessed in full during the determination of this application. It has been demonstrated that the facility and its associated construction and operations are capable of operating in a manner which would not give rise to significant adverse impacts and that these can be suitably controlled by the recommended conditions as set out in Appendix A. These conditions ensure protection of the natural environment as well as residential and local amenity. Furthermore, the site would also be subject to dual regulation under the Environmental Permitting regime which would provide additional environmental control on matters which fall outside the scope of the planning system. In light of the above, it is not considered that there would be any unacceptable effects associated with the development and the proposal is considered to accord with Policy CC2 of the HLP.

528. A significant number of representations have been received in respect of the application (as set out in Appendices B and C to this report). Concerns raised by

the local community and issues raised by consultees have been taken into account and have been addressed in the determination of the application.

529. On balance, and subject to the controls and limitations set out in the recommended conditions, it is considered that the benefits of the scheme associated with the contribution it would make to the delivery of low carbon, renewable energy outweigh the partial conflict with Policy W5 of the LMWLP and EMP2 of the GBNP. Subject to these controls, the development accords with Policy DM1 of the LMWLP, Policy GD1 of the HLP and paragraph 11 of the NPPF and it is recommended that planning permission should be granted.

Statement of Positive and Proactive Engagement

530. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and all valid representations received. Issues of concern have been raised with the applicant and addressed through negotiation, the submission of further information and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

531. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

Charlie Cookson (Tel. 0116 305 1085).
Email: planningcontrol@leics.gov.uk

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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