

Forest Heath District Council

TOWN AND COUNTRY PLANNING ACT 1990
Application No: DC/15/2109/FUL

TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

AGENT

Keymer Cavendish Limited
FAO: Mr Edward Keymer
Frolic Farm
Lode Fen
Lode
Cambridge
CB25 9HF

APPLICANT

Strutt & Parker Farms Ltd/Upton
Suffolk Farms Limited
1 Whitbreads Business Centre
Whitbreads Farm Lane
Chatham Green
Chelmsford
Essex
CM3 3FE

Date Registered: 4th November 2015

Date of Decision: 8th March 2016

PROPOSAL

Planning Application - Installation of on-farm anaerobic digestion plant to produce biogas with three digesters, silage clamps, lagoon, pipeline to gas grid, landscaping and associated infrastructure.

LOCATION

Bay Farm , Bay Farm, Worlington, Suffolk, IP28 6BS

Permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the approved plans, specifications and information contained in the application, and subject to compliance with the following condition(s):

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The sugar beet and maize feedstock for the AD plant hereby permitted shall only be sourced from the areas shown in the submitted plan: Geographical extent of feedstock sources: Plan Number: S&PBay- 001 Revision: A dated 17.02.16.

Reason: To maintain control over the scale and nature of the operation and the source of feedstock in the interests of the amenities of the area.

- 3 No feedstock shall be used in the development hereby approved other than agricultural crops or agricultural by-products/crop residues and manures. Where agricultural by-products/crop residues feedstock or manure feedstock are sourced from outside the area identified on the submitted plan: Plan Number S&PBay - 001 Revision: A dated 17.02.16, they shall only be delivered to the anaerobic digester in accordance with the Traffic Management Plan. Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request.

Reason: To maintain control over the scale and nature of the operation and the type of feedstock in the interests of the amenities of the rural area.

- 4 No development shall take place until a Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of the Traffic Access Route to be taken to and from the site by delivery and collection vehicles, the method of imparting this information to drivers visiting the site and details of actions to be taken in the event of breaches. The plan shall also include details of the hours during which deliveries will be taken at, and despatched from, the application site. The development hereby permitted shall only be operated in accordance with the approved Plan. The provisions of the traffic management plan and traffic access route shall not apply to existing agricultural operations at Upton Suffolk Farms.

Reason: To reduce and / or remove as far as is reasonably possible the effects of feedstock delivery traffic in sensitive areas.

- 5 No HGV movements associated with the AD plant shall use the existing farm track which leads between Bay Farm and Golf Links Road.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

- 6 All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of construction of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

- 7 No other part of the development hereby permitted shall be commenced until the surface of the existing vehicular access to Bay Farm from the C610 carriageway has been repaired to ensure that a consistent bound surface exists

for 10 metres from the nearside edge of the carriageway. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the main highway access to Bay Farm is in good condition to enable vehicles to enter and exit in a timely manner.

- 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area.

- 9 Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.

Reason: To protect the amenity of the area.

- 10 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties and the surrounding rural area.

Reason: To protect the amenity of the area.

- 11 The sound proofing of the premises shall be such to ensure noise levels emitted from the premises do not exceed the background noise level at any time when measured as a 5 minute LAeq at a distance of 3.5 metres from the boundary of the nearest residential property.

Reason: To protect the amenity of the area and the residential amenities of the occupiers of the nearby properties.

- 12 The anaerobic digester plant may not be brought into operation until the site investigation and post investigation assessment report has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation for archaeological evaluation and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To enable any remains of archaeological significance to be investigated and recorded.

- 13 All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced

within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- 14 The recommendations set out in paragraphs 3.84 - 3.93 and 3.91 of the Environmental Report, where not already incorporated into the landscaping proposals shown on Plan Ref - CE-BY0951-DW03 Rev A, shall be complied with in full unless otherwise agreed in writing with the Local Planning Authority through the variation of this condition.

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 15 The recommendations set out in section 4 of the Badger Survey (dated January 2016) shall be complied with in full unless otherwise agreed in writing with the Local Planning Authority through the variation of this condition.

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 16 The trees shown on the eastern site boundary shall be fenced as described below, and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $\text{dbh} \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

- 17 Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 18 Prior to the commencement of any development, a scheme for the provision and implementation of (i) pollution control (including full details of leachate storage tanks, reservoir, and pipe work), (ii) surface water and (iii) foul water drainage shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme.

Reason: To ensure a satisfactory method of drainage and reduce the risk of pollution to the water environment.

- 19 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 20 Prior to the commencement of the construction and/or installation of components of the development, including the digester tanks, compounds and technical buildings, details of the external appearance, dimensions and materials (including precise details of colours) shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory.

- 21 Prior to the commencement of the construction of the Digestate Storage Lagoon details of the lagoon cover and its operation shall be submitted to and approved by the Local Planning Authority. The approved cover shall be retained and used in accordance with the approved details.

Reason: To protect the amenities of the area and ensure the digestate lagoon is covered in accordance with advice from the Environment Agency.

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Ref:	Version	Document Type	Date
STRUTT & PARKER FARMS OCT 2015 (No Nos.)	(No Nos.)	Environmental Report	21.10.2015
PART 1		Design and Access Statement	29.10.2015
PART 2		Flood Risk Assessment	21.10.2015
20217/004	Rev G	Flood Risk Assessment	21.10.2015
20217/006	Rev B	Layout	21.10.2015
20217/010	Rev B	Elevations	21.10.2015
20217/011	Rev B	Elevations	21.10.2015
20217/012	Rev C	Layout	21.10.2015
20217/012	Rev O	Visibility splays	21.10.2015
20217/007	Rev B	Elevations	04.11.2015
20217/150	Rev E	Location Plan	19.01.2016
CE-BY0951-DW03	Rev A	Landscaping	21.01.2016
FEEDSTOCK AREAS	S_P-BAY-001 REV A	Other	17.02.2016
IRRIGATION PLAN		Other	19.01.2016

Reason: To define the scope and extent of this permission.

The Following policies are considered relevant to the current decision:

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change

Core Strategy Policy CS5 - Design quality and local distinctiveness

Development Management Policy DM1 Presumption in Favour of Sustainable Development

Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness

Development Management Policy DM5 Development in the Countryside

Development Management Policy DM6 Flooding and Sustainable Drainage

Development Management Policy DM8 Low and Zero Carbon Energy Generation

Development Management Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Development Management Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Development Management Policy DM11 Protected Species

Development Management Policy DM13 Landscape Features

Development Management Policy DM16 Local Heritage Assets and Building Protected by an Article 4 Direction

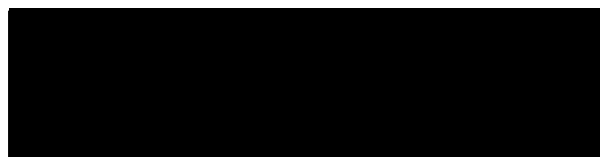
Development Management Policy DM20 Archaeology

Development Management Policy DM31 Farm Diversification

Development Management Policy DM45 Transport Assessments and Travel Plans

NOTES:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case it was possible to secure further details and amendments to the scheme. These satisfied statutory consultees and provided additional material to ensure the impact of the proposal could be satisfactorily mitigated.



Head of Planning and Growth

Date: 8th March 2016

Mr Edward Keymer
Frolic Farm
Lode Fen
Lode
Cambridge
CB25 9HF

Case Officer: Sarah Drane
Direct Line: [REDACTED]
Email: planning.help@westsuffolk.gov.uk
Application no: NMA(A)/15/2109
Today's Date: 11 July 2019

Dear Sir/Madam

Non-Material Amendment

Location: Bay Farm Bay Farm Worlington Suffolk IP28 6BS

Amendments: Non Material Amendment to DC/15/2109/FUL -
Substitute previously approved plans as follows:

1. 20217/004 rev. G Layout
2. 20217/011 rev. C Layout
3. 20217/010 rev. B Elevations
4. 20217/006 rev. B Elevations
5. 20217/007 rev. B Elevations

for the following plans which show the site layout as build and how it compares to that previously approved:

1. 20217/1004 rev. A Site Layout
2. 20217/1011 rev. B Overall Site Layout
3. 20217/006 rev. H Elevations sheet 1
4. 20217/007 rev. H Elevations sheet 2
5. 20217/009. rev. G - new plan: plant and equipment

I refer to the above application and accompanying plans received in this office on the 17 June 2019. I have had the opportunity to consider the details and have the following comments to make.

This proposal seeks approval of a non-material amendment to planning permission DC/15/2109/FUL for a Anaerobic Digestion (AD) plant at Bay Farm and a minor modification to the Traffic Management Plan (TMP) agreed under

Condition 4 of this planning permission. The slight change to the TMP, as set out within the submission is acceptable.

A number of changes have been made to the overall site layout and design. The differences between the approved and built plans are;

- o Change manure tank to liquids tank on all plans
- o Water softener added to key
- o Note added to elevations - gas compound not built
- o Note added to Pentair Building - multiple technologies inside
- o Note to say smaller items of kit added due to technology changes

It is agreed that the effects of these changes are only in terms of the visibility of the installation from its surroundings. As the changes have resulted in the plant being smaller, more compact and better laid out, they therefore have led to a lesser landscape and visual impact. The changes made are therefore considered to be non-material in the wider context of the whole scheme.

The elevation and layout plan changes are as follows:

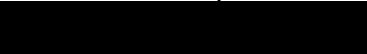
1. 20217/004 rev. G Site Layout to be substituted for 20217/1004 rev. A
2. 20217/011 rev. C Overall Site Layout to be substituted for 20217/1011 rev. B
3. 20217/006 rev. B Elevations sheet 1 to be substituted for 20217/006 rev. H
4. 20217/007 rev. B Elevations sheet 2 to be substituted for 20217/007 rev. H
5. 20217/009 rev. G. - new plan (new plant and equipment)

This permission agrees the variation in design as set out in this notice for application DC/15/2109/FUL which remains subject to the planning conditions set out in the decision notice.

If you have not already done so, you should check with the Building Control Section to ascertain whether an additional application is required under the Building Regulations. They can be contacted at the above offices or by telephone on (01284) 757387.

Please contact the Case Officer, Sarah Drane, in case of query.

Yours faithfully



David Collinson
Assistant Director - Planning & Regulatory Services

A copy of this letter will be attached to the public Planning Register

Officer delegated report - DC/21/1535/VAR

Bay Farm Worlington Suffolk

Date registered: 5 August 2021 **Expiry date:** 4 November 2021

Case officer: Sarah Drane **Recommendation:** Approve application

Parish: Worlington **Ward:** Manor

Proposal: Planning application - Variation of condition three of DC/15/2109/FUL to enable the wording for condition three to be changed to: No feedstock shall be used in the development hereby approved other than agricultural crops, together with agricultural and industrial (non-waste) by-products classified by the Environment Agency as suitable for processing within the AD industry for the Installation of on-farm anaerobic digestion plant to produce biogas with three digesters, silage clamps, lagoon, pipeline to gas grid, landscaping and associated infrastructure

Applicant: Bay Farm Power

Proposal:

This application seeks to vary the wording of condition 3 of the original permission for this development at Bay Farm. The current planning permission for the site does not specifically allow by-products from industry, only from agriculture. Government Policy is to use a wider source of suitable by-products to feed AD plants, as this saves on the use of primary crops.

The condition currently reads as follows:

No feedstock shall be used in the development hereby approved other than agricultural crops or agricultural by-products/crop residues and manures. Where agricultural by-products/crop residues feedstock or manure feedstock are sourced from outside the area identified on the submitted plan: Plan Number S·&PBay - 001 Revision: A dated 17.02.16 they shall only be delivered to the anaerobic digester in accordance with the Traffic Management Plan. Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request.

Reason: To maintain control over the scale and nature of the operation and the type of feedstock in the interests of the amenities of the rural area.

The applicant wishes to expand the types of feedstocks used in the AD plant, such as beer trub, bran, husks etc, all by-products of the beer-making process, as well as sugar beet fines. These all have by-product status and approval from the Environment Agency as 'non-waste products suitable for processing within the AD industry'. The condition is therefore proposed to be re-worded as follows:

No feedstock shall be used in the development hereby approved other than agricultural crops, together with agricultural and industrial (non-waste) by-products classified by the Environment Agency as suitable for processing within the AD industry. Where agricultural and industrial (non-waste) by-products/crop residues feedstock or manure feedstock are sourced from outside the area identified on the approved plan: Plan Number S&PBay - 001 Revision: A dated 17.02.16 (as approved under DC/15/2109/FUL) they shall only be delivered to the anaerobic digester in accordance with the Traffic Management Plan. Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request.

Reason: To maintain control over the scale and nature of the operation and the type of feedstock in the interests of the amenities of the rural area.

Site details:

The application site is an irregular shaped parcel of land covering 7.30 hectares. The main body of the site houses the AD plant and lies to the east of the group of farm buildings and dwellings which consist of Bay Farm. The site slopes from the west down to the farmyard in the east and is currently arable farmland.

The southern boundary of the site is bordered by the operational solar farm and the A11 lies to the south of the solar farm. The eastern boundary benefits from a mature tree belt which provide the site with natural screening. The northern boundary is open and will be demarcated with a 3m high bund and proposed landscaping which will form the site boundary.

The remainder of the application site is formed by the access to the highway/visibility splays and the pipeline which transports the gas to the National Grid. The access to the site makes use of the current entrance into Bay Farm from the C610 – Worlington Road and passes through the farmyard to the south western corner of the plant complex. The gas pipeline runs parallel with an existing farm track north across open farmland to a point agreed by the National Grid as being an appropriate connection point.

The application site lies outside the closest Site of Special Scientific Interest (SSSI) which is Cherry Hills and the Gallops at 1.5km to the east. The Breckland Special Protection Area (SPA) is over 3km from the site.

The nearest scheduled monument to the site is known as Bowl Barrow on Chalk Hill which lies at a distance of 270m to the north east of the site. The barrow sits in a prominent location on top of Chalk Hill.

Planning history:

NMA(A)/15/2109 - Non Material Amendment to DC/15/2109/FUL - Substitute previously approved plans as follows:

1. 20217/004 rev. G Layout
2. 20217/011 rev. C Layout
3. 20217/010 rev. B Elevations
4. 20217/006 rev. B Elevations
5. 20217/007 rev. B Elevations

for the following plans which show the site layout as build and how it compares to that previously approved:

1. 20217/1004 rev. A Site Layout
2. 20217/1011 rev. B Overall Site Layout
3. 20217/006 rev. H Elevations sheet 1
4. 20217/007 rev. H Elevations sheet 2
5. 20217/009. rev. G - new plan: plant and equipment
- approved

DC/15/2109/FUL - Planning Application - Installation of on-farm anaerobic digestion plant to produce biogas with three digesters, silage clamps, lagoon, pipeline to gas grid, landscaping and associated infrastructure.
- approved

Consultations:

Environment Team

Thank you for consulting the Environment & Energy Team on the above application. We have no comments or objections to the proposed variation.

Parish Council

03.09.2021 – holding objection for the following summarised reasons:

- need to ensure compliance with traffic management plan so no related traffic comes through the village.
- need for clarification on the HGV movements to and from the site for designation/collection of crops.
- More information is needed on the storage and location of the 10,000 tonnes of chicken manure and the 5,000 tonnes of horse manure stated

11.10.2021 – holding objection removed

Minerals & Waste SCC

'In light of the information provided by the EA confirming the classifications of industrial by-products as a non-waste we will be removing our request that this application be made to the Minerals and Waste authority.'

Environment & Transport - Highways

No objection

Anglian Water Services Limited

Do not wish to comment

Environment Agency

No objection

Public Health And Housing

19.08.2021

I confirm I have reviewed the information provided with this variation of condition application. It is noted in the covering letter that 10,000 tonnes of chicken manure is expected in the next 12 months. We would like to ask for details of how the odour impact which may potentially arise has been considered and what control measures are in place to ensure no odour nuisance is caused to nearby residential receptors.

02.09.2021

It appears that the Environmental Permit will address the odour control measures. It is important that the applicant is aware that the Environmental Permit does not fully indemnify against causing a Statutory Nuisance, in that action may still need be considered under the provisions of the Environmental Protection Act 1990 if odour complaints become persistent and justified. It is therefore important that all control measures are suitable and sufficient and reflect any changes to the process which may result in an increase in the odour impact over the wider area.

Natural England

No comment

Ward Councillor

No formal comments provided

Representations:

No comments received

Policy:

On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM8 Low and Zero Carbon Energy Generation

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM16 Local Heritage Assets and Building Protected by an Article 4 Direction

Policy DM20 Archaeology

Policy DM31 Farm Diversification

Policy DM45 Transport Assessments and Travel Plans

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change

Core Strategy Policy CS5 - Design quality and local distinctiveness

Other planning policy:

The National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

Paragraph (2) of Section 73 of the TCPA 1990 states that;

'...the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'

Section 73A makes provision for planning permission for development already carried out. As this application only seeks to change the wording of a specific condition relating to the use of different feedstocks, there is no need to reconsider the principle and detail of the application again, unless there has been significant changes in circumstance on site, and/or significant changes to the development plan or national policy. In this case the development has been completed and has been operational for some time. The assessment in this case is only therefore in relation to the use of industrial (non-waste) by products as an additional feedstock for the plant.

The current EA Licenced throughput of feedstocks over the last 12 months is:

	Tonnes
Sugar Beet	0
Maize	24,500
Rye	2,500
By-products:	
Beer	7,500
Sugar Beet Fines	12,600
Trafford Gold	2,000
Rice Bran	113
Manures:	
Horse manure	2,500
Chicken manure	10,000 (expected in next 12 months)

So this application in effect is seeking to regularise the operations which are already taking place as the site is already using industrial (non-waste) by products as set out above and is already licensed by the EA in this regard.

The main considerations for this proposal relate to odour, storage of feedstocks on site and traffic management. These will be assessed below.

Odour & storage of feedstocks

The applicant has advised that there will be no change in processes or increased emissions as a result of using these additional feedstocks. These have been used at the site since 2017 and no odour complaints have been received. Beer comes to the site in sealed tankers and then pumped into a sealed tank. Chicken manure (authorised for use under the original consent) and other solid feedstocks comes to site and are stored in the silage clamps until it is fed into the digesters. Manure has always come to the farm to be spread on the fields and is now being put through the AD plant first (with the by-product of digestate comprising a natural source of nutrients that can be used as a fertiliser, replacing the need to spread offensive smelling manures directly onto the fields). Manures were part of the original application (see the design & access statement submitted with DC/15/2109/FUL). Public Health and Housing have assessed the

information provided and are satisfied that odour is suitably controlled. The proposal is therefore considered to comply with policy DM2 in this regard. The EA Environmental Permit will also address odour control measures and they have confirmed they have no objections.

Traffic Management

The Traffic Management Plan approved under the original application was amended under NMA(A)/15/2109. This requires traffic to route to the AD plant from the A11, not through the villages and this remains the case and will be conditioned accordingly.

The applicant has advised the following within their supporting statement:

'The vehicle movements to and from the site do not change with the broader range of feedstocks that may be used. The site is no longer receiving straw and so has to make up the gas yield using different feedstocks. There should not be any increase in vehicle movements to the site as a result and the feedstocks being used are a replacement for those received previously.

There may be more regular deliveries for different by-products, depending on feeding plan/strategy. Currently the frequency of feedstock deliveries is seasonal. It intensifies from October to March when high quantities of sugar beet fines are being fed, and it reduces during the summer months. Therefore, it is not regular throughout the year, but is regular throughout the season... In terms of the frequency of by-product deliveries currently, 2-3 loads of beer come in every day, 7 loads of chicken manure come in every week (usually split between 2 days) and 1 load of rice bran is delivered every fortnight. During the October to March period there are also 4-5 loads of sugar beet fines coming in every day, and that feeding recipe will not materially change.'

On this basis and subject to operations continuing to comply with the Traffic Management Plan, the highways impacts from this proposal are considered acceptable and in accordance with policies DM2 and DM31. The Highways Authority have raised no objections.

Conclusion:

This variation of condition proposal is considered to be acceptable for the reasons set out above and is in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

Grant subject to the following conditions:

1. NS feedstock plan
2. NS feedstock type

3. NS Traffic Management Plan
4. NS HGVs/Golf Links Road
5. NS security lights

Informatives:

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application could be approved without negotiation or amendment so there was no need to work with the applicant.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

Case officer:	Sarah Drane	Date: 13.10.2021
Authorising officer:	Dave Beighton	Date: 15 October 2021

Application No: DC/21/1535/VAR

AGENT

Edward Keymer - Keymer Cavendish Limited
Frolic Farm
Lode
Cambridge
CB25 9HF

APPLICANT

Bay Farm Power
Bay Farm Power
Anaerobic Digester Plant
Bay Farm
Worlington
IP28 6BS

Date Registered: 5 August 2021

Date of Decision: 15 October 2021

Town And Country Planning Act 1990 (as Amended)

**Town & Country Planning (Development Management Procedure)
(England) Order 2015**

Proposal: Planning application - Variation of condition three of DC/15/2109/FUL to enable the wording for condition three to be changed to: No feedstock shall be used in the development hereby approved other than agricultural crops, together with agricultural and industrial (non-waste) by-products classified by the Environment Agency as suitable for processing within the AD industry for the Installation of on-farm anaerobic digestion plant to produce biogas with three digesters, silage clamps, lagoon, pipeline to gas grid, landscaping and associated infrastructure

Location: Bay Farm, Bay Farm, Worlington, Suffolk, IP28 6BS

Permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the approved plans, specifications and information contained in the application, and subject to compliance with the following condition(s):

- 1 The sugar beet and maize feedstock for the AD plant hereby permitted shall

only be sourced from the areas shown in the approved plan: Geographical extent of feedstock sources: Plan Number: S&PBay- 001 Revision: A dated 17.02.16, as approved under DC/15/2109/FUL.

Reason: To maintain control over the scale and nature of the operation and the source of feedstock in the interests of the amenities of the area.

- 2 No feedstock shall be used in the development hereby approved other than agricultural crops, together with agricultural and industrial (non-waste) by-products classified by the Environment Agency as suitable for processing within the AD industry.

Where agricultural and industrial (non-waste) by-products/crop residues feedstock or manure feedstock are sourced from outside the area identified on the approved plan: Plan Number S&PBay - 001 Revision: A dated 17.02.16 (as approved under DC/15/2109/FUL) they shall only be delivered to the anaerobic digester in accordance with the Traffic Management Plan. Records, including weights, of all feedstock brought to the site in association with the proposed development shall be retained for at least two years and be available for inspection by the Local Planning Authority upon request.

Reason: To maintain control over the scale and nature of the operation and the type of feedstock in the interests of the amenities of the rural area.

- 3 The development hereby permitted shall only be operated in accordance with the amended Traffic Management Plan as approved under NMA(A)/15/2109. The provisions of the traffic management plan and traffic access route shall not apply to existing agricultural operations at Upton Suffolk Farms.

Reason: To reduce and / or remove as far as is reasonably possible the effects of feedstock delivery traffic in sensitive areas.

- 4 No HGV movements associated with the AD plant shall use the existing farm track which leads between Bay Farm and Golf Links Road.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

- 5 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties and the surrounding rural area.

Reason: To protect the amenity of the area.

The Following policies are considered relevant to the current decision:
Development Management Policy DM1 Presumption in Favour of Sustainable Development

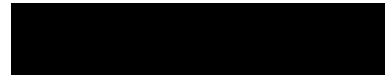
Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness
 Development Management Policy DM5 Development in the Countryside
 Development Management Policy DM6 Flooding and Sustainable Drainage
 Development Management Policy DM8 Low and Zero Carbon Energy Generation
 Development Management Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
 Development Management Policy DM11 Protected Species
 Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
 Development Management Policy DM13 Landscape Features
 Development Management Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
 Development Management Policy DM16 Local Heritage Assets and Building Protected by an Article 4 Direction
 Development Management Policy DM20 Archaeology
 Development Management Policy DM31 Farm Diversification
 Development Management Policy DM45 Transport Assessments and Travel Plans
 Core Strategy Policy CS1 - Spatial Strategy
 Core Strategy Policy CS2 - Natural Environment
 Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
 Core Strategy Policy CS5 - Design quality and local distinctiveness

Informatives:

- 1 Any failure to adhere to approved plans or to comply with any conditions or limitation attached to this permission/consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.
- 2 The project may be subject to the requirements of the Building regulations 2010. Advice and assistance can be obtained from our Building Control Team on 01284 757387 or building.control@westsuffolk.gov.uk. They will work with you offering competitive fee quotations and pre-application advice upon request.
- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or registration other than the Town and Country Planning Act 1990 or under any covenant.
- 4 The development hereby approved should be built in accordance with the approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of

the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the council's website at www.westsuffolk.gov.uk. A fee of £34 for a householder application or £234 for all other applications will be required in order to register the application.

- 5 Any works to a watercourse (i.e. main river, ordinary watercourse, ditches, dykes, cuts) require separate permits or consents from the local drainage authority before construction takes place. Please contact the following drainage authority if works affect:-
 - Main river – may require environmental permit from the Environment Agency
 - Non-main river – may require land drainage consent under section 23 of the Land Drainage Act 1991 either from the Lead Local Flood Authority or IDB.
- 6 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application could be approved without negotiation or amendment so there was no need to work with the applicant.



Rachel Almond
Service Manager - Planning & Regulatory Services

Date: 15 October 2021

West Suffolk Council

NOTES

- 1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78
Town and Country Planning Act 1990

Listed Building Applications: Section 20
Planning (Listed Buildings and
Conservation Areas) Act 1990

Advertisement Applications: Section 78
Town and Country Planning Act
1990 Regulation 15
Town and Country Planning
(Control of Advertisements)
Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

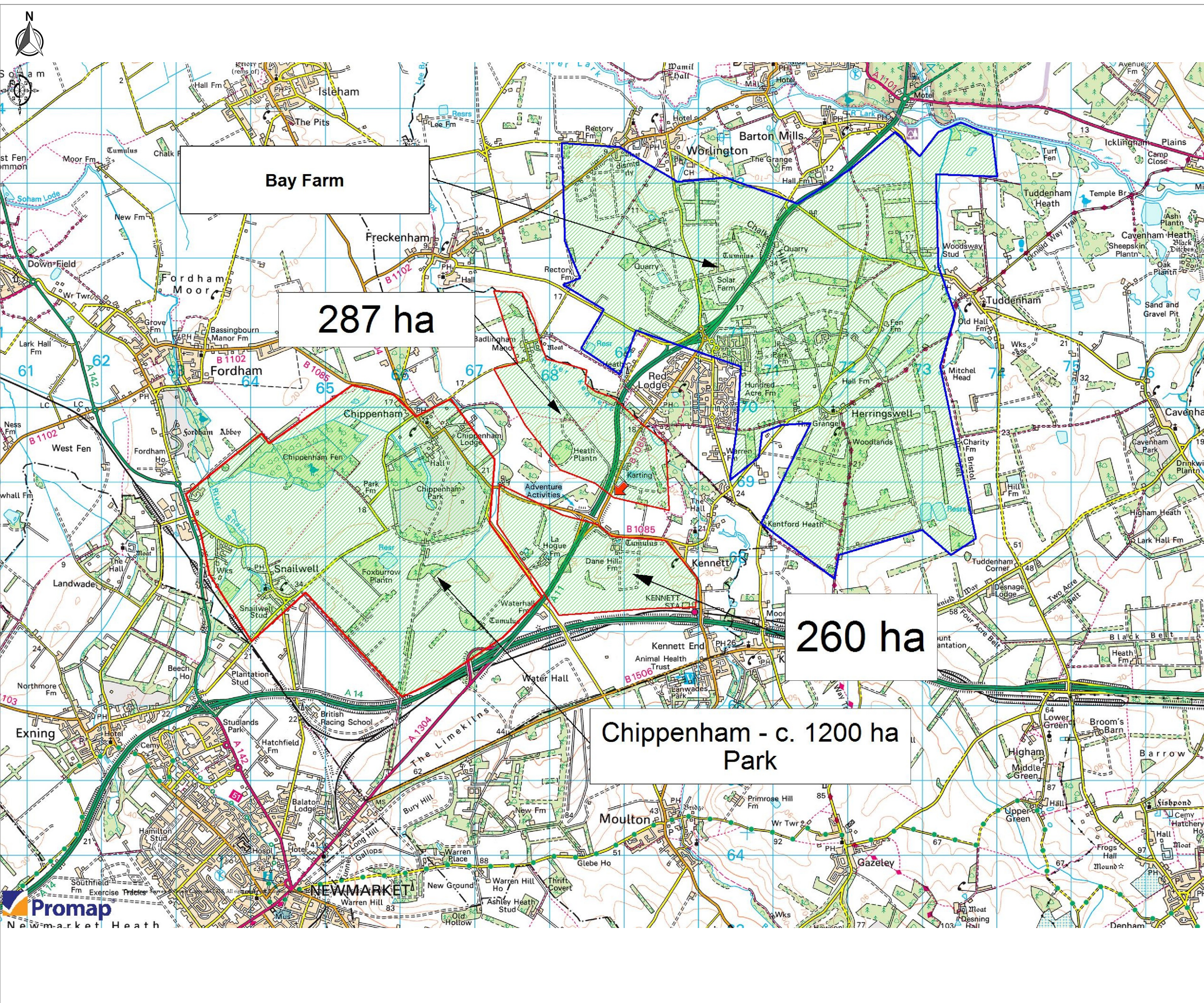
Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at
<https://www.gov.uk/government/publications/model-notification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of

a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.
3. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.



Proposed On-Farm AD Plant at Bay Farm,
Worlington, IP28 6BS

Title	Geographical extent of feedstock sources
Reference	S&P-Bay-001 Revision: A
Date	17-2-2016
Paper size	A3
Scale	1:50,000

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