

## **Report on Planning Committee June 2020**

Members of the Committee: Chris Edwards (Chair), Jeremy Fox, Don Darling, Stuart Gemmill

### Planning application reviewed and recommendation made to 8<sup>th</sup> June meeting:

DC/20/01954 & DC/20/01956: 2 Town Close, Church Street, IP21 5HS – Erection of rear lean to and flat extension roofs (following removal of existing)

Councillors reviewed the documents and raised no objections to the alterations proposed to the listed building. Councillors propose that Stradbroke Parish Council supports these applications.

### Planning applications reviewed and actions taken:

**DC/20/01472** – Planning application. Change of use and conversion of 2 no. farm buildings to 2 no. dwelling. Havensfield Farm, Fressingfield Road, Stradbroke: No comments were submitted.

**DC/20/01697** – Planning application. Installation of underground ‘Ground Source Heat Array’ and siting of heat exchanger container. Barley Briggs Farm, Laxfield Road.

An objection was made on the grounds of jurisdiction as the equipment will be sited on land belonging to Barley Brigg Biogas Ltd and is therefore under the jurisdiction of Suffolk County Council.

The attached correspondence refers.

3<sup>rd</sup> June 2020

**Barley Brigg BioDigester Stradbroke**

From: Stradbroke Parish Council

Mon 18/05/2020 16:29

To: Daniel Cameron; [planning@suffolk.gov.uk](mailto:planning@suffolk.gov.uk)

Cc: Chris Edwards; [planning@baberghmidsuffolk.gov.uk](mailto:planning@baberghmidsuffolk.gov.uk)

21059\_195404\_Committee Report Barley Brigg Farm (1).docx

432 KB

Dear all

Please see email below from Cllr Chris Edwards who is the Chairman of Stradbroke Parish Council's Planning Committee. Cllr Edwards' email concerns planning application DC/20/01697 currently being determined by Mid Suffolk District Council and requests urgent clarification on the matter of jurisdiction.

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Regards

Odile Wladon

Clerk

Stradbroke Parish Council

Mobile: 07555 066147

website: <https://www.stradbrokepc.org/>

**From:** Chris Edwards <[chrisedwards@suffolkonline.net](mailto:chrisedwards@suffolkonline.net)>

**Sent:** 18 May 2020 16:16

**To:** 'Stradbroke Parish Council' <[stradbrokepc@outlook.com](mailto:stradbrokepc@outlook.com)>

**Subject:** Barley Brigg BioDigester Stradbroke.

Dear Odile

Please could you ask MSDC Planning Officer to consider the attached extant planning permission governing the Biodigester site and the extract shown below, with my emphasis in red.

**Permitted Development**

17 Notwithstanding the provisions of Part 7, Class L, of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order amending, replacing or re-enacting that Order), **no building shall be extended or altered or plant or machinery replaced without prior planning permission from the Waste Planning Authority.**

*Reason: to maintain control over the development and to minimise the potential for visual and landscape intrusion as a result of the sites topographic setting. This condition is in accordance Policy WDM2 of the Waste Core Strategy Adoption Version 2011, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.*

Please can he advise why this not a matter for SCC? The container holding the heat exchange units is effectively a plant room building and is located on the Biodigester land.

The SCC planning consent also stipulates lorry movements for the biodigester. This figure is already being exceeded by a significant margin. The number of lorries accessing the site will be in direct

proportion to the speed of drying, which in turn is related to the heat input. The A/D plant provides heat input. The lorry movements that will be generated by this change have not been considered as part of this application.

Please also refer the planning officer to the PC response to the MSDC Local Plan SA , Annex A. This is clearly a drying facility related to the Cranswick factory in Eye

<https://www.stradbrokepc.org/planning-committee>

Kind regards

Chris

**Fw: Ground source heat array system at Stradbroke (DC/20/01697)**

From: Stradbroke Parish Council

Tue 19/05/2020 21:43

To: Daniel Cameron

Cc: [planning@baberghmidsuffolk.gov.uk](mailto:planning@baberghmidsuffolk.gov.uk)

5 attachments

DC\_20\_01697-APPLICATIONFORMREDACTED-7452168.pdf

DC\_20\_01697-ARRAY\_AREAS\_\_\_SERVICES\_PLAN\_AP1-7452160.pdf

Traffic statement - Barley Brigg.pdf

EIR 17934 Response.doc

Biodigester site plan planning MS389215.pdf

Dear Daniel

Please see email correspondence below which I have been asked to forward to you.

Thank you.

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Regards

Odile Wladon

Clerk

Stradbroke Parish Council

Mobile: 07555 066147

website: <https://www.stradbrokepc.org/>

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**From:** Chris Edwards <[chrisedwards@suffolkonline.net](mailto:chrisedwards@suffolkonline.net)>

**Sent:** 19 May 2020 21:26

**To:** 'Ross Walker' <[Ross.Walker@suffolk.gov.uk](mailto:Ross.Walker@suffolk.gov.uk)>

**Cc:** 'Andrew Rutter' <[Andrew.Rutter@suffolk.gov.uk](mailto:Andrew.Rutter@suffolk.gov.uk)>; 'Graham Gunby' <[graham.gunby@suffolk.gov.uk](mailto:graham.gunby@suffolk.gov.uk)>; 'Stradbroke Parish Council' <[stradbrokepc@outlook.com](mailto:stradbrokepc@outlook.com)>; 'Sue Ives' ; 'Guy McGregor' <[guy.mcgregor@suffolk.gov.uk](mailto:guy.mcgregor@suffolk.gov.uk)>; 'Julie Flatman (Cllr)' <[Julie.Flatman@midsuffolk.gov.uk](mailto:Julie.Flatman@midsuffolk.gov.uk)>

**Subject:** RE: Ground source heat array system at Stradbroke (DC/20/01697)

**Odile please forward to MSDC case officer**

Dear Ross Walker,

Thank you for your response. The point is that SCC (and MSDC actually) is/are losing control of the development These two site are now proposed to be one conjoined site, to be indivisibly connected. They are to be “functionally interdependent” following the ruling guidance and definitions in R (Burridge) v. Breckland DC [2013] EWCA Civ 228. The MSDC condition restriction of 17<sup>th</sup> July limiting the thermal output of the heat pumps has been rendered irrelevant.

In Burridge, a biomass renewable energy plant and a combined heat and power plant separated by an underground gas pipeline 1.1km long were held to be a single project (for EIA purposes). That case expanded on the four tests of single development set out in R v

Swale BC ex parte RSPB [1991] 1 PLR 6 at 16

The relevant factors in Swale are:

- ② Common ownership: where two sites are owned or promoted by the same person, that could indicate that they constitute a single project;
- ② Simultaneous determinations: where two applications are considered and determined by the same committee on the same day and subject to reports which cross refer to one another, that could indicate that they constitute a single project;
- ② Functional interdependence: where one part of a development cannot function without another, that could indicate that they constitute a single project;
- ② Stand-alone projects: where a development is justified on its own merits and is pursued independently of another development, that could indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme.

Common ownership the two sites are owned by the same applicant landowner as shown by the planning application form declaration attached.

Simultaneous determinations; the planning statement for the sheds set out an intention to build ground source heat pumps but did not specify where they would be located, SPC objected stating this was the start of a process to connect the sites. So there is a clear line of departure here as the previous scheme did not include any part of the SCC site whereas now it does and it is apparent that was always the intention.

Functional interdependence Without this new plant room the drying shed cannot operate to use the waste heat from the SCC site. Installing it requires not just small changes to the existing consented unit but significant modifications. Furthermore the site for the GSHP array is located immediately beyond the plant and that array forms an integral part of the input to the new plant room on the SCC site. In that sense the site is being extended as by the applicant's own drawing access to the underground array is only possible by traversing the SCC site, there is no connectivity between the drying shed and the underground piping but there is a physical connection between the SCC system and the underground piping. Furthermore as I understand it the two sites are under separate ownership and therefore the land occupied by the digester should be treated

Stand-alone projects: where a development is justified on its own merits The applicant has conjoined the two sites as shown by his services plan attached

The condition and the reason for the condition is

#### **Permitted Development**

- 17 Notwithstanding the provisions of Part 7, Class L, of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order amending, replacing or re-enacting that Order), **no building shall be extended or altered or plant or machinery replaced without prior planning permission from the Waste Planning Authority.**

*Reason: to maintain control over the development and to minimise the potential for visual and landscape intrusion as a result of the sites topographic setting. This condition is in accordance Policy WDM2 of the Waste Core Strategy Adoption Version 2011, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.*

SCC have failed and are failing to control this development as it is now subsuming the drying sheds into its site by salami slicing. I fail to understand how this is not a change to the consented SCC scheme. The principles of the cases cited above apply to Barley Brigg.

In his planning statement for permission\_DC/19/01673 | Planning Application - Erection of agricultural crop drying building | Barley Brigg Farm Laxfield Road Stradbroke Eye Suffolk IP21 5NQ the applicant states

*“It is important for the Local Planning Authority to take a consistent approach. This proposal is very similar to the constraints of the site and building proposed to a recently granted application at Town Farm, Hoxne under application ref: DC/18/03700, which was for the ‘erection of grain storage and drying facility’.”*

Town Farm Hoxne site is now part of the Cranswick up stream process. Lorry traffic there is heavy and constant. In planning statement for the drying shed the applicant stated that they were replacements for his own sheds in Laxfield and this was an agricultural operation and seasonal. However this proposal is industrial because the heat generated by the biodigester will allow round the clock drying of grains and other substances summer and winter on behalf of third parties, as now takes place at Town Farm explicitly to support the Cranswick factory. Operation at this scale would not be possible without the heat from the digester.

In conclusion this is a SCC proposal to determine. The cumulative impact of all new traffic this proposal will generate taken alongside that already being generated by the SCC site which in excess of the consent as shown by the FOI findings, demands a cumulative impact approach.

Finally therefore returning to EIA development the combined area of the biodigester, the field, the access roads and the sheds is over 10 ha by reference to the various planning applications.

1. MSDC DC/19/01673 Drying Sheds: Daniel Cameron EIA screening opinion 19 June 2019 3.082 ha
2. SCC Planning Application MS/3892/15 applicant statement 3.03 ha
3. MSDC DC/20/10697 Underground ‘Ground Source Heat Array’ and above ground heat exchange container applicant statement 5.12 ha

Absent an EIA screening that includes the transport matter, and if this is deemed a “single development” (and case law supports this proposition) any grant of planning will be ultra vires.

It is clear if consented in this form the site is “uncontrolled”. It will allow 24 hour unfettered access for all vehicles of all sorts for all purposes. The applicant is salami slicing and this must not be allowed as a matter of natural justice. SCC must take responsibility; the SCC crop drying site has been effectively subsumed into the industrial waste generating site as the proposed sheds cannot operate without the Anaerobic Digester, as is quite obvious.

The whole burden of this sites traffic will fall on Stradbroke without mitigation.

Kind regards

Chris Edwards

As Chair of Stradbroke Parish Council Planning Committee

Cc Cllr Julie Flatman , Cllr Guy Mcgregor, Sue Ives (Save our Suffolk Countryside), Clerk Stradbroke Parish Council (to forward to MSDC planning officer)

**Continued over .....**

**From:** Ross Walker <Ross.Walker@suffolk.gov.uk>  
**Sent:** 19 May 2020 16:31  
**To:** chrisedwards@suffolkonline.net  
**Cc:** Andrew Rutter <Andrew.Rutter@suffolk.gov.uk>; Graham Gunby <graham.gunby@suffolk.gov.uk>  
**Subject:** Ground source heat array system at Stradbroke (DC/20/01697)

Dear Councillor Edwards,

In response to your questions on the ground source heat array system at Stradbroke (DC/20/01697).

The application relates to a District Council application for a grain drying barn (DC/19/01673).

The Ground source heat array is a separate system to the Anaerobic Digestion plant and will not extend, alter or replace the Anaerobic Digestion in its workings or its capacity. Part of the system will allow heat (which is already being generated and currently dispersing naturally) to supplement the heat drawn from the ground source heat array. Taking this into consideration, and that the application submitted is not a waste application, it is correct that this application should be dealt with by the District Council and not the County Council.

Kind Regards

Ross walker.

Ross Walker  
Planning Officer  
Strategic Development  
Suffolk County Council  
T: 01473265071  
E-mail: [Ross.Walker@suffolk.gov.uk](mailto:Ross.Walker@suffolk.gov.uk)

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**Continued over .....**

## Barley Brigg , site confusion, traffic and Stradbroke Neighbourhood Plan Policy Strad 13

Chris Edwards <chrisedwards@suffolkonline.net>

Wed 27/05/2020 15:01

To: 'Daniel Cameron' <Daniel.Cameron@babergmidsuffolk.gov.uk>

Cc: 'Julie Flatman (Cllr)' <Julie.Flatman@midsuffolk.gov.uk>; 'Guy McGregor' <guy.mcgregor@suffolk.gov.uk>; 'Stradbroke Parish Council' <stradbrokepc@outlook.com>; 'James Hargrave'; 'Ross Walker' <Ross.Walker@suffolk.gov.uk>; 'Sue Ives' ; 'Sue Ives'

1 attachments (668 KB)

DC\_19\_01673-PLANNING\_STATEMENT-7193064.pdf;

Dear Daniel

*Redacted section to protect confidential information.*

How are the sites divisible in your view?

As I have already noted this development is out of control and there is every prospect of third party action ensuing if no clear line is taken either by SCC or Mid Suffolk DC . It will certainly come to the Local Plan review as evidence of the industrialisation of the countryside. The email sets out evidence of peripheral site clearance that may be connected to a further phase of development (see my red highlight)

Stradbroke Parish Council has been clear over time consistently and in previous objections that this applicant has been creating an industrial site by stealth. Please refer to previous objections. I also note the Stradbroke Neighbourhood Plan has a policy in it supporting local business subject to traffic impact, and this is a material consideration.

**POLICY STRAD13: EMPLOYMENT PROVISION** The expansion of existing commercial premises will be permitted, subject to certain criteria identified below: • the proposals are not significantly detrimental to the character of the wider countryside or the views across it; and • the activities to be undertaken on the premises do not have an unacceptable impact on the amenity of neighbouring properties; and • there is sufficient off-street parking to accommodate workers and visitors; and • **the activities to be undertaken on the premises will not result in significant increase in heavy goods vehicular traffic on the roads in the vicinity of the premises or elsewhere in and around the parish. Objectives addressed: PL4**

The current proposal is for an intensive grain drying facility, and the input tonnage for the array shed is set out in Parker Planning statement for the sheds themselves as see in the attached planning statement for DC/19/01673

P6

Figure 3 – Table showing approximate existing storage and drying tonnages and the use Quantity Description

5,000 Tonnes Wheat grown on the farm and providing feed to own pigs

850 Tonnes Wheat brought in from other farms and providing feed to own pigs

700 Tonnes Oil Seed Rape (OSR) grown on the farm and is sold onto others

1,500 Tonnes Wet straw grown on the farm and used as own pig bedding



So 8050 tonnes per annum.

A tractor carries 16 tons. So that is 500 in. They return to base so 500 out. They return to collect 500 in . They take away. 500 out.

That is up to 2000 additional vehicle movements per year over the current level of use of the access track to the "site". However my next email will set out that this grossly understates the drying capacity of the array and the sheds and the capacity operation would result in considerably more traffic than the applicant is willing to acknowledge, and this will breach the Policy Strad 13.

Kind regards

Chris Edwards

Chair SPC Planning Committee

*Confidential emails redacted*

**Continued over .....**

## Barley Brigg traffic movements - proposed condition to manage development

Chris Edwards <chrisedwards@suffolkonline.net>

Wed 27/05/2020 16:58

To: 'Daniel Cameron' <Daniel.Cameron@baberghmidsuffolk.gov.uk>

Cc: 'Ross Walker' <Ross.Walker@suffolk.gov.uk>; 'Guy McGregor' <guy.mcgregor@suffolk.gov.uk>; 'Julie Flatman (Cllr)' <Julie.Flatman@midsuffolk.gov.uk>; 'James Hargrave'; 'Stradbroke Parish Council' <stradbrokepc@outlook.com>; 'Sue Ives'

Dear Daniel

### **What is the proposal? It is a fast drying crop method using forced hot air with a shared access to the biodigester on a shared site.**

There are 2 drying sheds. The applicant is proposing heat pumps, heat exchangers and air flow in the main shed, the subject of the application, and a connected air flow in to the existing shed absent (we think) an internal array. The Parker Planning statement extract below (previous email refers) focusses on the proposed new shed and array. The existing shed area is not included. We do not know what that will be used for, whether storage pre or post drying. However the main issue is the extent to which the applicant will dry and send off site third party grain.

2.17 The current way in which the drying process takes place, means that crops can be taken off site to be dried and then brought back to site to be stored or dried in offsite locations which are not under the control of the farm. In the summer months the crops can be taken to and from a drying facility in larger quantities and stored on the farm. Whereas in the winter months there can be more regular traffic movements to and from an off-site drying facility as the crops cannot be stored outside on the farm as they would get wet. **Some of the product currently goes off-site for milling and this will continue.** By bringing the material straight from the field to the site will reduce traffic movements associated with the business.

2.18 Taking into account the existing processes of the farm, the proposal would mean that the drying can take place on site at the farm and there would be no need to take the crops to and from an off-site drying facility. This would result in a reduction in pollution and traffic movements, cost savings and so be more sustainable.

3.5 The building will provide internal space of **960m<sup>2</sup>** including a small mezzanine area where the drying fans will sit. Some buildings like this have external fans, this building will have internal fans which will limit the noise impact and contain the operations of the building. The maximum height of the building will be 11.25 metres reducing down to 8.6 metres at the eaves.

3.6. The internal dimensions of the building measure 41.8 metres x 22.9 metres. Further details are provided as part of the proposed plans.

The statement does not specify the tonnage to be sold on to others. The building can contain 960 cubic meters of material at a 1 mtr high stack.

According to <https://www.aqua-calc.com/calculate/volume-to-weight>

One cubic metre of wheat weighs 790kg = 0.79 metric tons. Therefore the capacity of this shed on its own is 758 tons of wheat at a 1 mtr high stack.

### **How fast does grain dry using a forced drying method?**

In this process the grain is heated to 140 degrees Fahrenheit for milling purposes or below 110 degrees Fahrenheit for seed and barley. The drying time can be as little as a few days. There is a secondary store which is either for cooling the grain post drying a lower temperature (to prevent cracking) and storage prior to removal or it is a pre drying store.

#### **What is its purpose?**

The presence of the combined drying power from the exhaust heat and the GSHP's show this is intended to heat to 140 degrees making it suitable for milling drying purposes, this is expressly the purpose stated to be similar to the consented site in Denham which mills for Crown..

#### **What does this mean?**

A forced drying system can dry grain in a matter of days. If we assume 10 days drying for one shed capacity at a depth of 1 cubic metre and change over the 8050 ton projection is reached in 110 days. Let us assume 330 days operation per annum.

#### **How can we tell and what are the implications?**

The inference is drawn from the planning statement, the drying method and the planning context, that this is intended to be a feed milling drying and supply operation. It is not primarily intended for private use

#### **Conclusion – actual and cumulative impact of existing site activities**

The site drying capacity is at least triple the applicant's figures and probably more than this. If so the input/ output combined will be 48,000 tons requiring 3,000 additional vehicle movements per annum at 16 tons per vehicle. As this will supply bought in grain intended to feed a third party milling operation much traffic in and most traffic out will pass along B1118 Queen Street (see photo below).

If we are right this is a serious escalation which is not acceptable and a clear breach of Strad 13. The image below was submitted as part of the SPC response to the MSDC Local Plan Sustainability Appraisal consultation - transport issues. The B1118 is the only acceptable route out of the village for lorries and large agricultural vehicles travelling to the A140.

And of course we are assuming only 1 mtr high.

#### **What is the solution**

There is an on site weighbridge at Barley Brigg. The sites are effectively joined. If you are minded to approve the application in this form we would accept the following condition

The annual drying operation is to be restricted to the level proposed by the applicant in his previous submission

All crops to be weighed in and weighed out.

Records to be kept on site and available for inspection on reasonable notice by SPC or other interested party

Annual limit not to be exceeded

Reason: to comply with Strad 13 and mitigate harm to the settlement in accordance with the Stradbroke Neighbourhood Plan.

I urge you to look long and hard at the image below in making your determination – this is the SCC lorry route in and out of Stradbroke and it is not fit for purpose.

Kind regards

Chris

**Image of B 1118 lorry Route Queens Street Stradbroke, the red lorry has mounted the only pavement to allow the white lorry to pass**



Continued over .....

**Barely Brigg conditioned permission limiting heat output is being superceded.**

Chris Edwards <chrisedwards@suffolkonline.net>

Thu 28/05/2020 09:53

To: 'Daniel Cameron' <Daniel.Cameron@baberghmidsuffolk.gov.uk>

Cc: 'James Hargrave'; 'Stradbroke Parish Council' <stradbrokepc@outlook.com>; 'Sue Ives'; 'Ross Walker' <Ross.Walker@suffolk.gov.uk>

1 attachments (112 KB) ground source heat pump area DC\_19\_03234-NMA\_DECISION\_-\_GRANT-7267669.pdf;

Dear Daniel

May I also draw your attention to the prior condition requested by the applicant restricting the scale of the heat pump array in July 2019. The applicant stated he wished to restrict to an output of 4.5 mw.

The website <https://www.homebuilding.co.uk/ground-source-heat-pumps-need-know/> states (I have highlighted the key text in red)

***“How are Ground Source Heat Pumps Installed? It depends on whether you have a horizontal or a vertical array, and this will depend on the space available and your ground conditions:***

- ***A horizontal array consists of a pipe laid in a serpentine closed loop in a trench, usually 1.2m deep. You will need a fairly large garden — allow 500m<sup>2</sup> for a 10kW heat pump in clay soil, and twice that for sandy soil. Pipes can be a straight pipe or in coils, called a ‘slinky’ pipe. “***

The designated area on the plan provided by the applicant is 50,000 m<sup>2</sup>. That is 100 times the area of this domestic example. From this we can estimate the applicant's output capacity is potentially 100 times this - 10kW, or 1000 kW. This equates to 10 mW. Obviously this is over twice the self imposed conditioned limit of 4.5 mW. This output heat excludes the heat input from the digester,

This is further evidence the applicant intends to create an industrial style crop drying business. His original conditioning will now be made irrelevant. It is notable the applicant did not show the proposed location of the array in his original proposal.

This matter puts everyone in a difficult position. On what basis is the applicant now seeking to set aside this original self imposed restriction? The current consented building is built. The array is proposed to attach to this building. What has changed between now and then?

There is evidence of on site activity behind the existing new shed, with the presence of a steel structure and we strongly suggest a site visit to see the current activity before any determination. Absent that perhaps the applicant can send you photographs showing what is going on there, to ensure there is no further uncontrolled development on the site(s)

Finally SPC reiterate a key point that the primary equipment to enable the shed to function as an intensive drying shed is the heat exchanger and this is located on the A/D “site”. The sites are now conjoined and the total area is now 11 ha.

The application cannot be determined without an EIA scoping to screen in a full transport study to demonstrate cumulative impact of this site notwithstanding any SPC willingness to accept a condition limiting level of proposed drying activity to ensure compliance with Stradbroke Neighbourhood Plan.

Kind regards

Chris Edwards