

Development and Regulation Committee

Report Title:	SCC/0055/20MSVOC: Barley Brigg Anaerobic Digestion Plant, Barley Brigg Farm, Laxfield Road, Stradbroke, IP21 5NQ
Meeting Date:	17 December 2020
Lead Councillor(s):	Councillor David Roach
Local Councillor(s):	Councillor Guy McGregor
Director:	Mark Ash, Executive Director of Growth, Highways and Infrastructure.
Assistant Director or Head of Service:	James Cutting, Head of Planning
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Brief summary of report

1. This planning application seeks permission for the removal and replacement of condition 15 from the original permission MS/3892/15 at Barley Brigg Anaerobic Digestion (AD) Plant.
2. The application is supported by a Planning Statement, Technical Reports and Site Plans.
3. The application has received objections from Stradbroke Parish Council, Suffolk County Councillor Guy McGregor and two local residents.
4. The original application (ref. MS/3892/15) gives permission for the 'anaerobic digestion plant, associated infrastructure and use of existing agricultural lagoons'. The permission was granted on 21/01/2016 and is subject to 18 conditions, which control the use and operation of the site. The applicant is looking to remove Condition 15 (Waste Capacity and Origins).
5. This condition was applied to the original permission to ensure that waste is treated as close as possible to its source in accordance with Policy WCS2 of the then 2011 Waste Core Strategy. Having waste treated as close as possible to the site and controlling the tonnage of offsite feedstock managed vehicular movements to and from the site.
6. This application seeks to remove condition 15. The submitted Planning Statement advances the case that the site holds a permit from the Environment Agency (EA) which limits the quantity of feedstocks. The applicant would like to bring the operation in line with the EA permit. Another reason stated for the removal of condition 15 is that it imposes very strict controls over the type of feed stocks which can come onto site. The economics of the supply-chain can vary, and in the future, the site may need to use different feedstocks. Using other sources instead of apple pulp and sugar beet pulp for example.

7. The current condition 15 controls the source of the off-site feed stocks and, therefore, the amount of vehicle movements using the highway. This provides a means of controlling HGV movements and their effects (traffic, dust, odour, noise and air quality). The submitted Transport Statement concludes that the removal of the condition would result in a minimal increase in HGV movements.
8. Whilst the principle of waste being processed as close as possible to source (the proximity principle) is not now a feature of national and local policy, the removal of condition 15 would result in no means to control on vehicle movements. The EA permitting process does not control off-site transport impacts. The EA permit imposes a limit of 100 tonnes per day; totalling 36,500 tonnes per annum of feedstocks. A replacement condition is necessary, along with an agreed lorry routing plan. The new condition would stipulate 30,000 tonnes to come over the weighbridge and 6,500 tonnes to come across the farmland. The applicant has agreed to a control on a total tonnage of chicken litter of 4,000 tonnes per annum.
9. Since the Development and Regulations Committee meeting held in October, discussions have taken place with the applicant's agent, officers at Suffolk County Council including the highways, ecology and landscape teams. It was concluded that the previously suggested condition on visibility splays will no longer be required. This is because the negative ecological and landscape impacts needed to implement the visibility splays outweigh the very small improvement to road safety on a road which has no history of accidents.

Action recommended

10. The planning permission be granted with replacement conditions as set out in **Appendix A.**

Reason for recommendation

11. As well as providing employment, the AD plant provides a sustainable means of waste management for businesses in East Anglia. The site has been active under permission MS/3892/15 since January 2016.
12. The proposal to replace the condition will look to control the overall volume of offsite feed stocks coming onto the site and allow the operator to make up the total number (30,000 tonnes) with feedstocks of their choosing, with the exception of chicken litter which will be limited to 4,000 tonnes. This will bring the offsite feed stocks in line with the EA permit.
13. In light of all relevant material considerations, the application is considered to be acceptable and, subject to conditions, is not considered to cause unacceptable impacts on the environment and local amenity.

Alternative options

14. To approve the removal of condition 15 with no replacement condition.
15. To refuse planning permission for the removal of the condition (the existing permission remains operational).

Who will be affected by this decision?

16. This decision will mainly affect the staff and operators of the anaerobic digestion plant.

17. The decision will also affect residents of Stradbroke such as through an increase in vehicle movements during harvest.

Main body of report

18. Existing Condition 15

Waste capacity and Origins

- 15) Within any 12-month period only the following feedstocks shall be brought into and processed at the site.
 - a) Energy Crops (4500 tonnes)
 - b) Sugar better pulp (4000 tonnes)
 - c) Chicken litter (2000 tonnes)
 - d) Apple Pulp (2500 tonnes)
 - e) Herbs (2000 tonnes)
 - f) On site slurry; and
 - g) On site digestate

The operator shall keep a record of all imported material and associated vehicle movements, which shall be made available to the Waste Planning Authority upon request.

Reason: To ensure whilst meeting the forecast waste arisings, the waste is treated as close as possible to its source, in accordance with Policy WCS2 of the Waste Core Strategy Adopted Version 2011, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.

Site

19. The application site comprises an Anaerobic Digestion (AD) plant on a level site at Barley Brigg Farm approximately 2.4km east of the village of Stradbroke. The site utilises an existing access to the B1117 Laxfield Road, which is identified in the Suffolk County Council (SCC) heavy goods vehicle (HGV) route.
20. The wider site includes the Rattlerow Farm pig rearing unit, a grain store and large open slurry lagoons. The site is located within an open arable landscape characterised by agricultural operations and scattered residential dwellings.
21. The nearest residential receptor is approximately 210m south-west from the site. There are three listed buildings within 500m of the development; the nearest being the Grade II Listed Lodge Farmhouse approximately 220m to the south-east.
22. The site is located within Flood Zone 1 which is assessed as having a less than 1 in 1,000 annual probability of river or sea flooding. All surface water runoff volume from the site, up to the 100yr flood event, can be stored on site within the storage lagoons.
23. The nearest site designated for ecological interest is Chippenhall Green SSSI which is located approximately 3.3km to the north-east.

Planning history

24. Permission was granted in 2013 by Mid Suffolk District Council (ref: 3219/12) for a 500kw electrical output co-generation combined heat and power plant (CHP) AD facility. Approved feedstock comprised straw-based manure and slurries from the adjacent pig breeding unit and agricultural crops, including silage and sugar beet pulp, most of which would be sourced from the host farm unit.
25. Permission was granted in 2016 by Suffolk County Council for an 'Anaerobic digestion plant, associated infrastructure and use of existing agricultural lagoons' under application reference MS/3892/15.
26. Consent was granted in March 2020 for the "replacement of existing office cabins and stationing of additional 4 units" under application reference SCC/0008/20MS.

Proposal

27. The Waste Planning Authority permitted the 'anaerobic digestion plant, associated infrastructure and use of existing agricultural lagoons'. The permission was granted on the 21/01/2016 subject to 18 conditions, which control the use and operation of the site. The applicant is looking to remove condition 15 (Waste Capacity and Origins).
28. The Waste Planning Authority have suggested the following condition to replace condition 15.

'Within any 12-month period only the following tonnage of feedstock shall be brought into and processed at the site.

- a) Off-site feed stocks (30,000t of which no more than 4,000t tonnes shall be chicken litter)
- b) On site feedstocks (6000t)

The operator shall keep a record of all imported material and associated vehicle movements, which shall be made available to the Waste Planning Authority upon request.

Reason: To ensure whilst meeting the forecast waste arisings, the waste is treated as close as possible to its source, in accordance with the Suffolk Minerals and Waste Local Plan, Policy GP4 (General Environmental Criteria).

29. The replacement condition will bring the feed stock totals in line with the totals in the applicant's EA permit. This will also allow the operator freedom to use alternative feedstocks. Since the AD plant started operating, the applicant has refined their processes and would like to be able to have flexibility over the feedstocks they use in the digester.
30. There is concern within the area about traffic levels associated with agriculture and chicken litter being used within the site. The operator has agreed to limit the total tonnage of chicken litter to 4,000 tonnes per annum to be included in the total off-site food stocks of 30,000 tonnes.

Transport of feedstocks

31. The 2016 approval indicated 8 HGV's per day. Over a 10hrs working day, this would produce an average flow of less than 1 HGV per hour. The submitted Transport Statement proposes to increase the external input to 30,000 tonnes, and that this would result in an increase of 3 vehicles per hour during a '3-week

peak period' (harvest). In this period, the vehicles would mainly be tractor-trailers making 22 trips in and 22 trips out of the site. These are assumed to be short trips from the local area. It is anticipated that there will be many days when there will be no additional traffic flows created beyond those assumed with the 2016 permission.

32. The site benefits from being connected to the B1117 which is part of the SCC lorry route network. The B1117 is described as a 'roads or parts of roads serving as access from the SCC lorry rout network to a specific location'. The additional HGV traffic will not affect the capacity of the highway network.

Delivery and storage of feedstocks

33. Feedstock would be delivered to the site via the existing site access from the B1117 Laxfield Road or directly from the farm and unloaded and stored in covered silage clamps before being supplied to the plant via the feed hopper and feed pit 365 days a year.

Anaerobic Digestion process

34. Within the primary digester, the feedstock would be exposed to an active micro-bacterial culture and undergoes anaerobic breakdown. The digesters would be subject to either mesothermic or thermophilic processes as permitted under the Environment Agency permit. The part digested material would then be transferred to the second digester where secondary digestion takes place.
35. Biogas (a mixture of methane, carbon dioxide and trace impurities) would be collected by the digester units and siphoned off to undergo a purification process to remove all trace impurities which are recycled within the system. The cleaned gas would then be de-watered and burnt in two CHP generators to produce electricity. The generators are expected to run permanently for an average of 347 days per annum and generate up to 1.1MW of renewable electricity every hour.
36. A nutrient rich digestate emerges from the system which is be used as a natural fertiliser and soil conditioner on farm land in the form of solid and liquid fractions at specified times of the year.
37. The AD system would be computer controlled, fully automated and a continuous process, whilst the plant itself would be completely sealed. The plant has a predicted operational life of 25 years (as of 2016).

Consultations

38. Suffolk County Councillor Guy McGregor – Objection.
39. Stradbroke Parish Council – Objection

“Removal of condition 15 from the original applications: MS/3892/12 as is unnecessary.

Stradbroke Parish Council reviewed and discussed the above planning consultation at an extraordinary meeting of the Council on 19th August.

Councillors voted unanimously to OBJECT to the removal of condition 15, with particular concerns raised about traffic movements.

Cllr Chris Edwards who is the Chair of the Council's planning committee was asked to respond on behalf of the Parish Council.”

40. Mid Suffolk District Council – No comments received.

41. SCC Highway Development Control - Comments:
42. "The proposal to remove planning Condition 15 and maximise the feedstock throughput for the existing anaerobic digestion plant. This limit is for up to 15,000t – the application indicates the condition is 'unnecessary and can be removed'. The reason for the condition was 'to ensure whilst meeting the forecast waste arisings, the waste is treated as close as possible to its source. The proposal will enable to increase the external input to 30,000t."
43. Concentrating on HGV traffic, the graph shown on page 5 of the Appendices to the Transport Statement shows:
 - a) The maximum daily average of HGVs delivering as 2.86 (so assume approx. 6 HGV movements; in and out).
 - b) The maximum daily average for HGVs removing digestate 0.286 (so assume 1 HGV every other day)
44. CONDITIONS suggested by highways:
 - a) Should the Planning Authority be minded granting planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:
 - b) Transport Plan Condition: All HGV traffic movements to and from the site over the duration of the production period shall be subject to a Transport Plan which shall be monitored, and reports sent to the planning authority annually. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
 - c) Reason: To reduce and / or remove as far as is reasonably possible the effects of HGVs..
45. SRL Noise Consultants – No objection.
46. SRL Air Quality Consultants - No objection.
47. Suffolk County Council Ecology – No objection.
48. Suffolk County Council Landscape Officer – No objection.
49. Suffolk County Council Fire Service – No comments received.
50. Suffolk County Council Archology – No comments received.
51. Natural England – No comments received.
52. Suffolk County Council Flood and Water. No comments.
53. Environment Agency – No objection – "The applicant remains bound by the constraints of the environmental permit relating to the site. We have imposed limits for the waste inputted, as defined by the permit."

Representations

54. There have been two representations from the members of public, both objecting to the proposal on the grounds of residential amenity.

Policy

55. The Government is committed to supporting and expanding sustainable biomass AD plants as set out in the AD Strategy and Action Plan (2011) and Waste Management Plan for England (2013).

National Planning Policy Framework, 2019

56. The National Planning Policy Framework (NPPF) states: “applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.”
57. Section 11 making effective use of land states: “planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environmental and ensuring safe and healthy living conditions.”
58. Paragraph 17 states: “planning should encourage the ‘development of renewable energy’.”
59. Paragraph 32 states: “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
60. Paragraph 83 – supporting a prosperous rural economy, which states: “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and the development and diversification of agricultural or other land based rural businesses should be supported.”

National Planning Policy for Waste (NPPW 2014)

61. As well as the delivery of sustainable development and resource efficiency, National Planning Policy for Waste also recognises the need for modern infrastructure, and that waste management provide local employment opportunities and wider climate change benefits, and the need to drive waste management up the waste hierarchy (para.1). The NPPW (para.7) outlines that when determining planning applications, you must consider the likely impact on the local environment and on amenity against the criteria set out in appendix B.
62. Appendix B outlines that, when determining planning applications, waste planning authorities should consider traffic and access and such “considerations will include suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.
63. When determining planning applications, the NPPW states: “Local Planning Authorities “should work on the assumption that the relevant pollution control regime will be properly applied and enforced” (para. 7). National Planning Policy for Waste states: “waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located.”

Suffolk Minerals and Waste Local Plan (SMWLP) Adopted Version July 2020

64. Policy GP1 – Presumption in favour of sustainable development, which states: “the county council will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development.”
65. Policy GP3 – Spatial Strategy, which states: “preference will be given to proposals for minerals and waste development in accordance with the key diagram where individual sites are well related to the Suffolk Lorry Route Network and do not have potentially significant adverse impacts upon features of environmental importance or endanger human health.”
66. Policy GP4. – General environmental criteria, which states: “minerals and waste development will be acceptable so long as the proposals adequately assess (and

address where applicable any potentially significant adverse impacts including cumulative impacts).”

67. Policy WP1 – Management of Waste – identifies the amount of waste that will be expected to be managed within Suffolk and the management of waste at facilities be in accordance with the Waste Hierarchy.
68. Policy WP3 – Existing or designated land-uses potentially suitable for waste development, which states: “General waste management facilities may be acceptable within land in existing waste management use.”

Mid Suffolk Core Strategy Focused Review Document, 2012

69. Policy FC 1 Presumption in favour of sustainable development, which states: “when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and it will always work proactively with applicants jointly to find solutions which mean the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”
70. Policy FC 1.1 Mid Suffolk approach to delivering sustainable development, which states: “in line with policy FC 1, development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan.”

Mid Suffolk Local Plan, 1998

71. Policy CL1 Guiding principle to development in the countryside, which states: “development in the countryside should be sited and designed to have a minimum adverse effect on the appearance of the landscape.”
72. Policy E12 General Principles for Location, Design and Layout of Industrial and Commercial Development, which states: “when considering proposals for extensions to existing industrial or commercial premises the planning authority will have regard to; traffic generated by the development and that the development should not adversely affect neighbouring properties or land use by reason of undue environmental disturbance such as noise and smell.
73. Policy T10 of the 1998 Mid Suffolk Local Plan is a saved policy and states: “when considering planning applications for development, the district planning authority, which also applies to the county as Local Planning Authority, will have regard to; *the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety, and whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site.*”

Stradbroke Neighbourhood Plan, 2016-2036

74. STRAD1 Development strategies and principles, which states: “development will be permitted in the countryside for the retention of existing and appropriate provision of new commercial premises, where it meets the requirements of Policy STRAD13.”
75. STRAD13 Employment sites, which states: “the expansion of existing commercial premises will be permitted so long as the proposals are not significantly detrimental to the character of the wider countryside, the activities

undertaken on the premises do not have an unacceptable impact on the amenity of neighbouring properties and that 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.”

76. STRAD8 Highways access and pedestrian movement, highlights traffic densities in Stradbroke and the presence of local haulage companies within the parish.

Comments of the Planning Officer

Considerations pertaining to section 73 applications and principle of development.

Section 73 Applications

77. These are applications to remove or alter planning conditions and focuses consideration only to the conditions for grant of planning permission. As with other applications for planning permission, regard must be made to the development plan and material considerations.
78. There are two vital matters to consider with such applications: such applications do not “amend” the original permission as approval results in a new grant of permission, and that the original permission remains intact.
79. The county council, as local planning authority, may accept the application and grant planning permission unconditionally or subject to conditions different from those originally imposed provided these then relate to new development plan policy or other material considerations. If the Local Planning Authority consider that the Condition 15 still serves a useful planning purpose (with regard to the current development plan and material considerations) the section 73 application is refused.
80. There cannot be a fundamental alteration of the proposal put forward in the original application. A section 73 application, as stated in the Planning Practice Guidance, cannot be used “to change the description of the development (para. 014) and, as noted above, the resulting permission “takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended condition” (para. 015).
81. Subsection 2 of section 73 of the Town and Country Planning Act 1990 (as amended) is clear that:

“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

82. The choice for the Local Planning Authority is to grant planning permission - unconditionally (if development has begun) or with amended conditions - or refuse the application to vary the condition.
83. The Local Planning Authority is able to take a different approach to addressing the reasons why a condition was applied. This could be, for example, to substitute a condition restricting the hours of operation for condition restricting the level of noise at certain times. However, the permission cannot be rewritten, and any new conditions must relate to ones previously (and lawfully) imposed.

Relationship to the original proposal and whether there is a “fundamental alteration”

84. The Officer Report to the 2016 Committee meeting stated that: “permission is sought for the ‘as built’ development and change of feed sources”. The feed sources listed were then included in Condition 15.
85. The proposed development also included permitting the stationing of buildings and other equipment on approved drawings. The proposal required a new planning consent from the Waste Planning Authority. Whilst most of the plant was “as built” the proposed development that was permitted was not solely for the feedstock, subject to the condition that the applicant is seeking to remove.

“Provenance” of Condition 15

86. Within the submitted Planning Statement, the applicant claims that Suffolk County Council, as Waste Planning Authority, do not “properly understand the provenance of Condition 15”. The condition, and reasons, are set out in the summary above.
87. In granting permission for the original application, the Development and Regulation Committee meeting on 20 January 2016 considered:
 - a) the Committee Report, which clearly set out the relationship between transport and feedstocks and summarised the “worst case” being 14 HGV movements in one day. The report referred to policy WDM2 which applied general considerations including vehicle movements. The report also noted that the greatest number of objections to the applications were concerning highway quality and safety;
 - b) The representation from the applicant that this application would put much more control on the operations of the facility than what had already been granted, and
 - c) Representation from a local resident expressing concern about monitoring noise and odours and a regular timetable for monitoring of the conditions to ensure they were adhered to.
88. The Committee agreed that the application be granted because, subject to conditions, the development was not considered to cause unacceptable impacts upon the environment and local amenity.
89. Policy WCS2 of the 2011 Waste Core Strategy was the only policy identified in the reason, other policies were identified in the Officer Report. Policy WCS2 set out the apportionment of waste management within Suffolk, considerations on importation of waste, and the proximity to the point of waste arising.
90. However, within the reason for Condition 15, it is also clear that the Waste Core Strategy also makes provision for “setting out general considerations relevant to all waste management facilities and which are required in order to make the

development acceptable". This reflects the Waste Core Strategy as a whole as well as the overarching reason for applying conditions to ensure that there are no unacceptable impacts on the environment and local amenity.

Highways

91. The National Planning Policy Framework (NPPF) 2019 seeks to address "significant impacts" and highway safety from increased traffic through "cost effective" mitigation (para. 108). The NPPF goes further (in paragraph 109) by stating 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 would be severe."
92. Policy GP4 of the 2020 Suffolk Minerals and Waste Local Plan states: "minerals and waste development will be acceptable so long as the proposals adequately access and address the potential significant adverse impacts upon [...] vehicle movements, access and wider highways network [...] proposals should meet or exceed the appropriate national or local legislation, planning policy or guidance".
93. Policy T10 of the 1998 Mid Suffolk Local Plan is a saved policy and states: "when considering planning applications for development, the district planning authority", which also applies to the county as Local Planning Authority, "will have regard to [...]:
 - the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety;
 - whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site"
94. Policy T10, in referring to free flow of traffic, does not align with the requirements of the NPPF that development should only be prevented or refused on transport grounds where the residential cumulative impacts of development are severe.
95. Stradbroke Neighbourhood Plan states in Policy Strad13 Employment Provision: "the expansion of existing commercial premises will be permitted, subject to certain criteria [...] 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."
96. The proposed removal/replacement of condition will, as the applicant acknowledges in their planning statement, have an effect on vehicle movements, as the applicant is looking to increase the overall tonnage of material which will be feed into the digester. This application and the Highways Assessment provided have been assessed by Suffolk County Council Highways.
97. The 2016 approval indicated 8 HGV's per day. Over a 10hrs working day, this would produce an average flow of less than 1 HGV per hour. In terms of highways movements this does not exceed the approved amount. The transport statement submitted with this application proposes to increase the external input to 30,000 tonnes. This would result in an increase of 3 vehicles per hour and only during a '3 week peak period' (harvest), in this period the vehicles would mainly be tractor trailers making 22 trips in and 22 trips out of the site and it is assumed these will be short trips from the local area. It is anticipated that there will be many days when there will be no additional traffic flows created.

98. The site benefits from being connected to the SCC lorry route and the B1117 is described as 'roads or parts of roads serving as access to a specific location'. The additional HGV traffic will not affect the capacity of the highway network.
99. Given the relationship between the feedstock and traffic movements, which were acknowledged as part of the original permission and in the submitted Transport Statement, conditions linking volume of externally-sourced serve a planning purpose for mitigating the impact on the highway.
100. Taking into account the above, it is considered that whilst the development would have a cumulative impact on the highway network, it does not represent a severe impact (NPPF para 109).
101. Since the Development and Regulations committee held in October 2020, discussions have taken place with the applicant's agent, officers at Suffolk County Council including the Highways, Ecology and Landscape teams. It was concluded that the previously suggested condition put forward at previous committee which focused on visibility splays will no longer be required. This is because the negative ecological and landscape impacts needed to implement the visibility splays outweigh the very small improvement to road safety on a road which has no history of accidents.

Noise

102. The NPPF paragraph 170 (e) states: "where possible development should not result in unacceptable levels of noise."
103. The Suffolk Minerals and Waste Local Plan 2020, Policy GP4 General environmental criteria states: "minerals and waste developments will be acceptable so long as the proposal does not have a significant adverse effect on noise."
104. The Mid Suffolk Local Plan 1998 Policy E12 states: " a development should not adversely affect neighbouring properties or land use by reason of undue environmental disturbance such as noise."
105. The Stradbroke Neighbourhood Plan 2016 Policy Strad13: Employment Provision states: "the activities to be undertaken on an employment premises should not have an unacceptable impact on the amenity of the neighbouring properties."
106. The application to remove condition 15 will not change the way in which the AD plant operates. The application will generate a small increase in vehicle movements for 3 weeks of the year. The implications of this increase in terms of noise impacts have been assessed by SRL. The SRL report concludes that condition 15 has no material effect on the original noise conditions set for the site. As such the proposal is not considered to result in unacceptable levels of noise or adversely affect neighbouring properties.

Air quality

107. The NPPF paragraph 170 (e) 2009 states: "where possible development should not result in unacceptable levels of air pollution."
108. The Suffolk Minerals and Waste Local Plan 2020, Policy GP4 General environmental criteria states: "minerals and waste developments will be acceptable so long as the proposal does not have a significant adverse effect on air quality including dust and odour."

109. The Mid Suffolk Local Plan 1998 Policy E12 states: “ a development should not adversely affect neighbouring properties or land use by reason of undue environmental disturbance such as noise, vibration, smell emissions or dust.”
110. The Stradbroke Neighbourhood Plan 2016 Policy Strad13: Employment Provision requires that that the activities should not have an unacceptable impact on the amenity of the neighbouring properties.
111. The site is not located in an air quality management area (AQMA). The closest AQMA is in Ipswich which sites 31km to the south.
112. The closest human and ecologically sensitive receptors are residents and commercial business located off Laxfield Road, within 350m of the site boundary and Chippenhall Green SSSI approximately 3.4km to the north east of the site.
113. The report by SCL concludes that the proposed number of additional movements remains below the threshold of 100 Annual Average Daily Traffic flow (AADT) outside of an AQMA. Taking these factors into consideration the proposal will not have a harmful impact on air quality within the vicinity of the site.

Ecology

114. The NPPF 2019, Section 2(Achieving sustainable development, paragraph 8 (c) – states: “all proposals must work towards an environmental objective. Section 15 Conserving and enhancing the natural environment, paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles if significant harm to biodiversity resulting from development cannot be avoided.”
115. The Suffolk Minerals and Waste Local Plan, 2020 Policy GP1 Presumption in Favour of Sustainable Development states: “we will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure minerals and waste development that improves the economic, social and environmental conditions in the area.” Policy GP4 General Environmental Criteria states: “minerals and waste development will be acceptable so long as the proposals, adequately access and address the potentially significantly adverse impacts upon ... biodiversity.”
116. Mid Suffolk Local Plan 1998, Policy CL8 Protecting Wildlife Habitats, states: “the district planning authority will refuse development likely to bring about [...] the loss or significant alteration of important habitats including heathland, woodland, water meadows, other permanent pasture, parkland, marches, stream, ponds, green lanes, Alder Carr and Osier beds.”
117. This proposal does not look to physically change the layout of the site, and the removal/ replacement of condition 15 will not have an impact on the landscape and the flora and fauna which occupies the site. The proposal has been assessed by a Suffolk County Council Ecology and it has been determined that this application will not have a significant impact if any on the ecology of the area.

Equalities

118. The adopted planning policies considered above have formed taking account of the public sector equalities duty. During the consultation process, no specific needs of people with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) has been raised. In considering protected characteristics further, the

proposal, and the conditions proposed to mitigate impacts, would not result in a disproportionate impact or require further measures to address specific needs.

Conclusion

119. The removal of condition 15 and replacement with a new condition would not have a harmful effect on the living conditions of the occupant of nearby properties in terms of noise and disturbance associated with increased levels of activity and vehicle movements.

Sources of further information

- a) File reference: SCC/0055/20MSVOC
- b) The application, representees and consultation responses can be viewed at:
<http://suffolk.planning-register.co.uk/Disclaimer?returnUrl=%2FPlanning%2FDisplay%3FapplicationNumber%3DSCC%2F0055%2F20MSVOC>
- c) Currently, the Planning Officer's file, which is an open file, cannot be consulted by prior appointment. However, the case officer can be contacted for points of clarification. Contact Case Officer: Ross Walker
Telephone: 01473 265071

Conditions

Compliance with Conditions

- 1) The development uses and associated activities hereby approved shall only be carried out in accordance with:
 - a) 'Landscape and Visual Impact Assessment' by The Landscape Partnership dated September 2015;
 - b) 'Landscape and Visual Impact Assessment Appendix 2 Figures' by The Landscape Partnership dated September 2015;
 - c) Noise Impact Assessment by Sharps Acoustics LLP dated 28 August 2015;
 - d) Air Quality Impact Assessment by Earthcare Technical dated October 2015;
 - e) Flood Risk Assessment by Amazi dated 13 October 2015;
 - f) Planning, Design and Access Statement Supporting a Planning Application for an Anaerobic Digestion Plant dated October 2015;
 - g) Brief Transport Statement by the HTTC Ltd dated 21 Oct 2015;
 - h) Brief Transport Statement by the HTTC Ltd – Supplementary Information dated 07 December 2015;
 - i) Kingspan Klargester: Biodisc – High performance sewage treatment plant for domestic applications (BA model);
 - j) The approved plans Nos:
 - i) E399/LP1 entitled Location Plan dated September 2015;
 - ii) E399/SP1/Rev1 entitled Site Plan dated November 2015;
 - iii) E399/PD1 entitled Anaerobic Digestion Process Diagram dated September 2015;
 - iv) EDS-PR0169-0005 entitled CHP Layout Plan View;
 - v) EDS-PR0169-0005 entitled CHP Layout Elevations A, B D and E;
 - vi) EDS-PR0169-0005 entitled CHP Layout Elevations C and F;
 - vii) EDS-PR0169-0005 entitled CHP Layout Isometric Views;
 - viii) CLS-C283-101 Rev A entitled General Layout;
 - ix) CLS-C283-101 Rev A entitled General Layout 2 of 2;
 - x) CLS-C283-102 Rev A entitled Sections and Elevations;
 - xi) CLS-C283-003 Section Through Clamp Walls;
 - xii) 866-05bp003b entitled Separation, Gas Condensate Pit Fondation Pump Mazerator and 2nd Pump;
 - xiii) BARLEYBRIGG-02 entitled Elevations – Indicative;

- xiv) 866-05bp001c entitled Digester, Slurry Store;
- xv) WTMR1.0 entitled WTMR1.0 Links, and;
- xvi) MS/3892/15 Barley Brigg Farm AD – Proposed Noise monitoring positions

Reason: To ensure that new development is completed in accordance with submitted details.

Availability of Planning Documents

- 2) A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission, shall be kept available for inspection on the site for the life of the development.

Reason: To inform both site operators and visiting persons of the site operational responsibilities in accordance with Policy GP4 of the Suffolk Minerals and Waste Local Plan 2020, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.

Implementation of Landscaping

- 3) All planting shall be maintained for five years after initial planting has been complete by:
 - a) keeping the new planting free from competing grass and weeds. Where herbicides are used, they must be an appropriate 'translocated' type;
 - b) replacing any trees and shrubs on a one to one basis each year which are substantially damaged, seriously diseased or dead, with plants of a similar species and size;
 - c) checking, adjusting and repairing all stakes, ties, shelters or fencing used in the scheme; and
 - d) remaining tree protection no later than five years after planting of any section.

Reason: To ensure the site is properly planted and in the interests of visual amenity and in accordance with NPPF Section 11, GP4 Suffolk Minerals and Waste Local plan 2020 and CS5 of the Mid Suffolk Core Strategy.

Noise Limits

- 4) Noise from all components associated with the anaerobic digestion plant must not exceed 35 dB LAeq at each of the positions indicated on the Plan entitled 'MS/3892/15 Barley Brigg Farm AD – Proposed Noise monitoring positions.

Reason: To protect the amenity of neighbouring occupiers having regard to Policy WDM2 of the Suffolk Waste Core Strategy Adopted Version 2011. Noise from Reversing Vehicles

Reversing Alarms

- 5) Only broadband or voice replication reversing alarms shall be employed on the site operators' vehicles or plant used on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to Policy GP4 Suffolk Minerals and Waste Local plan 2020.

Silencers

- 6) Silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the site. No machinery shall be operated with the covers open or removed.

Reason: To protect the amenity of neighbouring occupiers in accordance with policy GP4 Suffolk Minerals and Waste Local plan 2020, and National Planning Policy Framework (NPPF) and its accompanying Technical Guidance.

Loudspeakers

- 7) No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the nearest noise sensitive location shall be installed or operated on the site.

Reason: To protect the amenity of neighbouring occupiers in accordance with Policy GP4 Suffolk Minerals and Waste Local plan 2020, and NPPF and its accompanying Technical Guidance.

Covering of Waste

- 8) All feedstocks stored at the site shall be stored within the identified clamps and effectively covered to prevent the release of odour or other emissions.

Reason: In the interests of minimising the impact on the amenities of the local area in accordance with GP4 Suffolk Minerals and Waste Local plan 2020, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.

Vehicles

- 9) All vehicles entering and leaving the site and containing herbs, chicken litter, slurry or digestate shall be effectively covered to prevent the discharge of any material or release of odour or other emissions.

Reason: In the interests of minimising the impact on the amenities of the local area in accordance with Policy GP4 Suffolk Minerals and Waste Local plan 2020, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.

Chicken Litter Treatment

- 10) The parts of the clamp/s used to store chicken litter shall be fully emptied and cleaned (hosed down) before each new delivery of chicken litter.

Reason: To reduce the potential for odours or other emissions arising from the long-term storage of chicken litter in accordance with GP4 Suffolk Minerals and Waste Local plan 2020.

Apple Pulp Treatment

- 11) All apple pulp feedstock shall be utilised within 24 hours of delivery to the site.

Reason: To reduce the potential for odours or other emissions arising from the long-term storage of apple pulp in accordance with GP4 Suffolk Minerals and Waste Local plan 2020.

Waste capacity and origins.

- 12) Within any 12-month period only the following tonnage of feedstock shall be brought into and processed at the site.

Off-site feed stocks (30,000t of which no more than 4,000t tonnes shall be chicken litter)

On site feedstocks (6000t)

The operator shall keep a record of all imported material and associated vehicle movements, which shall be made available to the Waste Planning Authority upon request.

Reason: To ensure whilst meeting the forecast waste arisings, the waste is treated as close as possible to its source, in accordance with the Suffolk Minerals and Waste Local Plan, Policy GP4 (General Environmental Criteria).

Lagoon Planting

- 13) No planting shall take place on the lagoon bunds.

Reason: To avoid any adverse impacts on protected and/or priority species.

Permitted Development

- 14) 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 GP4 Suffolk Minerals and Waste Local plan 2020, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.

Decommissioning

- 15) Within six months of the cessation of the use of the anaerobic digestion plant, a scheme to address the removal of the development and restoration of the land shall be submitted to the Waste Planning Authority. The scheme shall then only be implemented as approved in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:

- a) the removal of site infrastructure including foundations;
- b) the restoration of the land; and
- c) a programme of implementation.

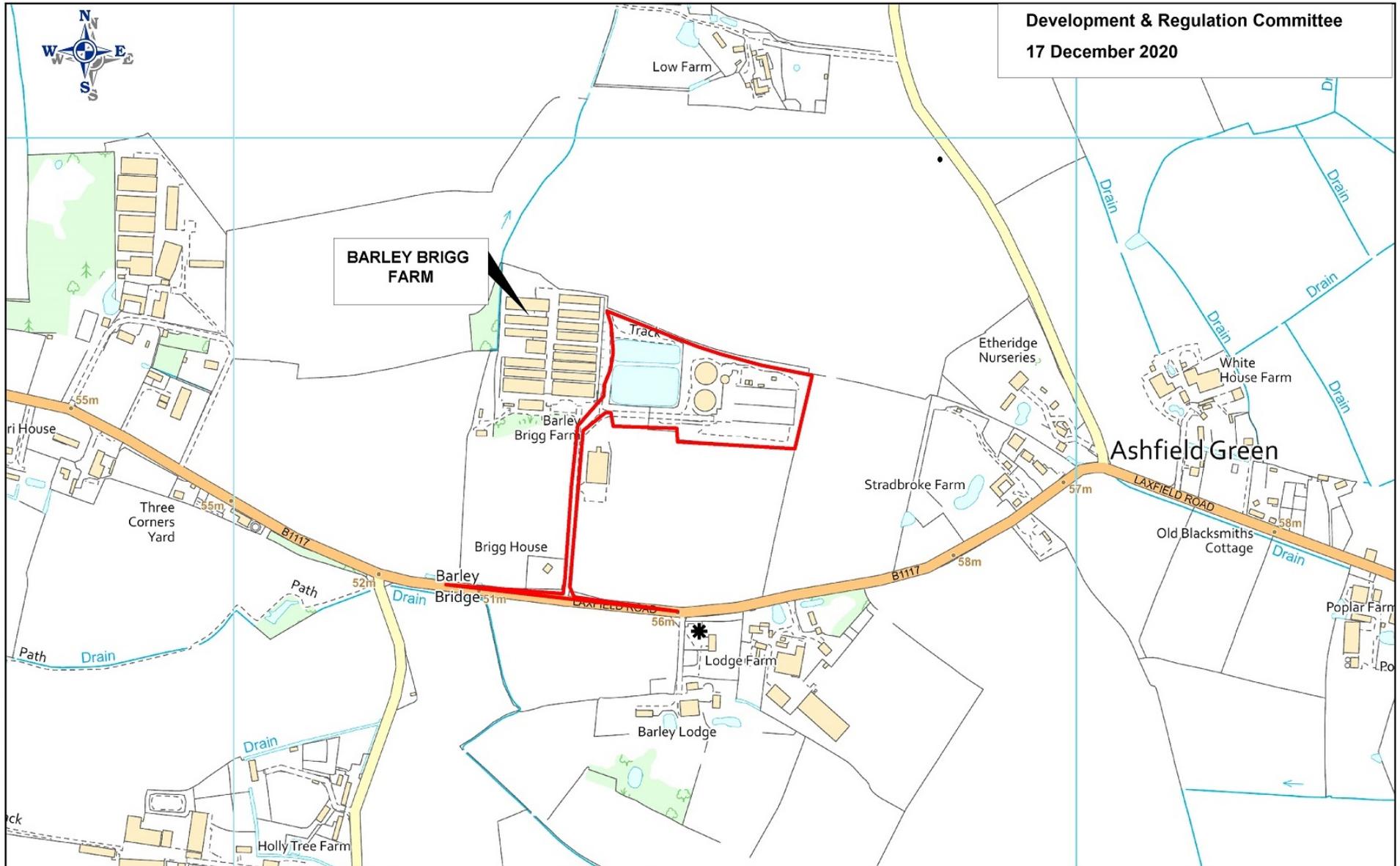
Reason: To ensure the reinstatement of the site, having regard to GP4 Suffolk Minerals and Waste Local plan 2020, setting out general considerations relevant to all waste management facilities and which are required in order to make the development acceptable.

Transport Management Plan.

- 16) All HGV traffic movements to and from the site shall be subject to a Transport Management Plan which **shall be submitted to the planning authority for approval a minimum of 6 months of the permission date.** No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

Reason: To make HGV remain on classified roads as far as is reasonably possible the effects of HGV traffic in sensitive areas as stated in Suffolk Minerals and Waste local plan 2020 Policy GP3 Special strategy and GP4 General environmental criteria.

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County Council

SCALE: 1:5000

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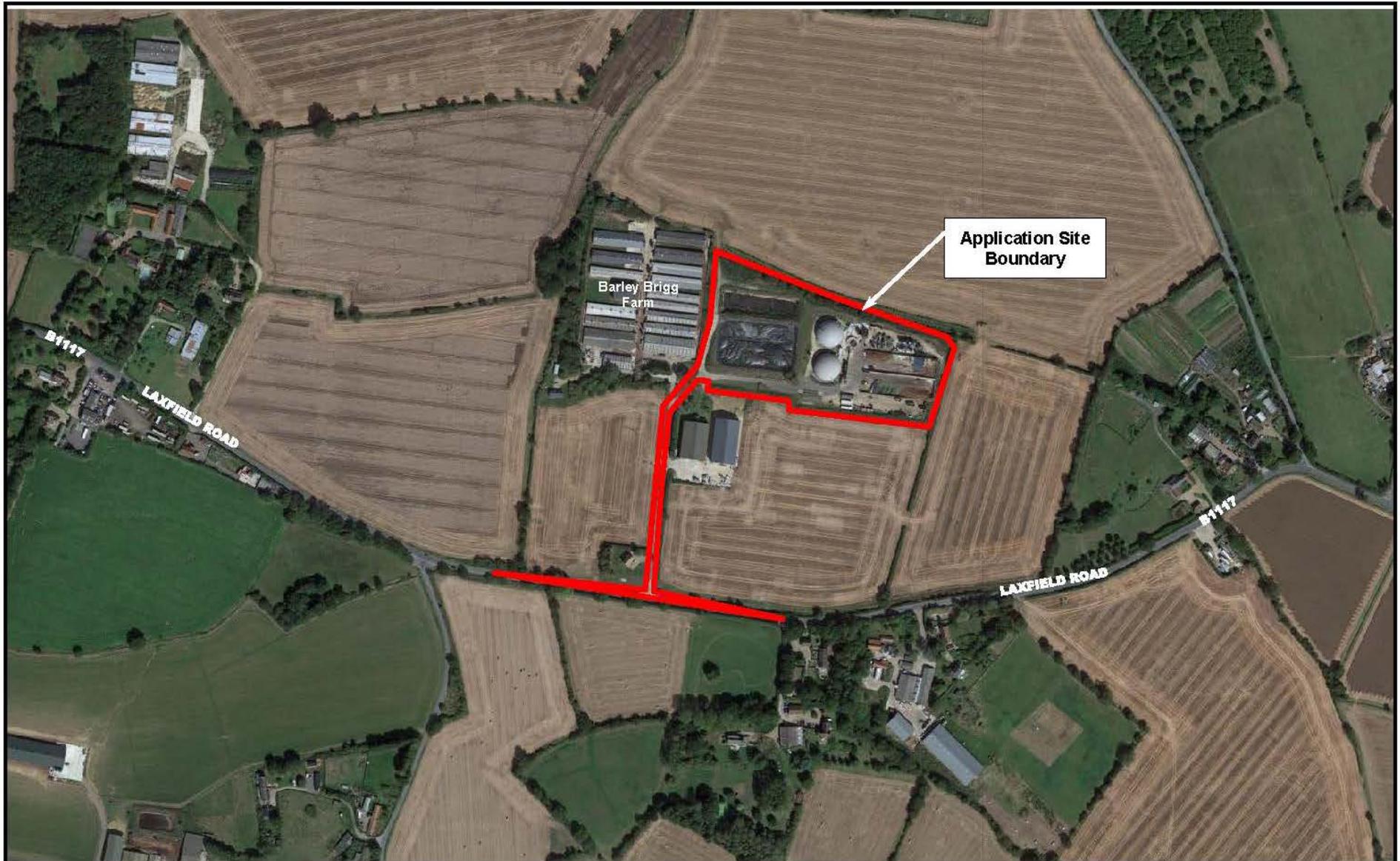
KEY

- Application Site Boundary
- * Objector

SCC/0055/20MSVOC
BARLEY BRIGG AD PLANT, BARLEY BRIGG FARM, LAXFIELD ROAD, STRADBROKE IP21 5NQ

Removal of Condition 15 from original application: MS/3892/15 as is unnecessary.

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Endeavour House
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Development and Regulation
Committee

17 December 2020

AERIAL PHOTO – BARLEY BRIGG AD PLANT,
BARLEY BRIGG FARM, LAXFIELD ROAD,
STRADBROKE. IP21 5NQ



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