



23rd February 2016

Agenda Item:5

REPORT OF CORPORATE DIRECTOR – PLACE

PLANNING APPLICATION 1

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/15/02255/CMA

PROPOSAL: AMENDMENT TO THE DESIGN OF THE PREVIOUSLY APPROVED ANAEROBIC DIGESTERS, INCREASING THEIR HEIGHT TO 16.5M.

LOCATION: STUD FARM, RUFFORD PARK, RUFFORD

APPLICANT: RAINWORTH ENERGY LIMITED

PLANNING APPLICATION 2

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/00115/CMA

PROPOSAL: INSTALLATION OF GAS PIPELINE TO SUPPLY BIOGAS FROM ANAEROBIC DIGESTER FACILITY AT STUD FARM TO CUSTOMER VIA PRIVATE GAS PIPELINE.

LOCATION: STUD FARM, RUFFORD PARK, RUFFORD

APPLICANT: RAINWORTH ENERGY LIMITED

Purpose of Report

1. To consider two planning applications at Stud Farm, Rufford Park to undertake the following developments:
 - a. Planning application 3/15/02255/CMA seeks to increase the height of two anaerobic digester tanks from 7.3m to 16.5m.
 - b. Planning application 3/16/00115/CMA seeks planning permission to install a gas pipeline to connect the Stud Farm anaerobic digestion facility with the Centre Parcs complex.
2. The key issues relate to the visual impact that would occur from increasing the height of the anaerobic digesters and the level of significance on the heritage assets of the area and balancing these matters against the benefits that may be derived from the development, notably in terms of the contribution the facility would make towards renewable energy production and associated

climate change benefits. The installation of the pipeline would not result in any significant long term environmental impacts.

3. The recommendation is to grant conditional planning permission for the two planning applications.

The Site and Surroundings

4. The Stud Farm Anaerobic Digestion (AD) site is located within a countryside location, approximately 1.2km to the north of Eakring Road, 1.6km north-west of Eakring and 1.4km south-east of Rufford Country Park. (See Plan 1).
5. The AD Site is identified on Plan 2. The site is roughly rectangular in shape and measures 210m by 130m at its widest dimensions. It is situated immediately to the west of a large poultry unit operated by Noble Foods with capacity for one million egg laying birds. To the south is a plantation woodland, known as Long Belt Wood. Arable agricultural land adjoins the AD plant site to the west and the north.
6. Vehicular access to the site is obtained via a purpose built private road that was constructed as part of the original planning permission for the AD facility. The road which is approximately 1.6km in length runs in a north-south direction, following field boundaries and provides access between the planning application site and the adjoining Noble Foods poultry unit with Eakring Road.
7. The proximity of the site to surrounding residential properties is identified on Plan 2. The nearest residential property is the farm manager's bungalow situated 25m to the south of the main AD plant site. Park Lodge (a grade II Listed Building) is located 350m to the west of the AD plant site. Rufford Stud Farm which is owned by the applicant, is situated approximately 510m to the south west of the AD plant. Other properties including Round Plantation house are located to the north. The application site is situated within the designated historic park and garden associated with Rufford Abbey.
8. Centre Parcs holiday complex is situated approximately 1500m to the west of the AD plant site. The boundaries of planning application 3/16/00115/CMA have been drawn to provide a linear corridor of land measuring 2.65km in length linking the AD plant site to Centre Parcs across several agricultural fields and underneath Rainworth Water (stream), the A614 and a private road. The route is identified on Plan 3. A group of trees adjacent to the banks of Rainworth Water are covered by a Tree Preservation Order.

Planning History

9. Planning Permission was granted in July 2010 (under reference 3/09/01455/CMA) for the construction of an AD Plant, associated buildings and structures including a silage clamp and a new access road. The AD Facility was designed to manage around 26,000 tonnes per annum of feedstock comprising poultry manure from the adjoining Noble Foods poultry shed, vegetables which are unsuitable for market from local vegetable packaging plants and locally grown energy crops in roughly equal proportions. The AD process uses a natural bacterial action to breakdown these organic materials in a sealed vessel without the presence of oxygen. The process produces a methane gas (biogas) which was to be fed into a generator on the site and

used to generate electrical power, and a nutrient rich digestate which was to be used as an agricultural fertiliser. The planning permission was implemented by the construction of the access road, however the AD Plant infrastructure was never installed although this consent remain extant.

10. With regards to transport associated with the approved development, the delivery of vegetable, some of the energy crop and backhauling of liquid and solid end substrate would generate a total of 1506 HGV visits (3012 two-way movements) a year. However, the actual increase of HGVs on the public highway would be a little lower due to the development off-setting approximately 290 lorry trips per year due to poultry waste being processed on site and therefore not being hauled on the public highway. Thus the net increase in lorry movements over existing traffic levels would be an additional 1216 HGV visits each year (2432 two-way movements) or an average 23 visits/46 two way movements per week although there are likely to be some seasonal variances within this average associated with the agricultural growing season.
11. Planning permission was also granted in July 2010 under reference 3/10/00663/CMA for the construction of a storage tank for holding end substrate (the liquid digestate). The approved tank measured 44 metres in diameter and eight metres tall and was to be sited on land to the south-west of the main AD plant site. This planning permission was subsequently renewed in October 2013 for a further three year period (under reference 3/13/00983/CMA). The storage tank has not been installed to date.
12. Subsequently, a non material amendment planning application was approved to allow alterations to be made to the site design and structures approved under planning permission 3/09/01455/CMA. The approved alterations included revisions to the siting of the two anaerobic digester tanks in the site, but did not change the overall character of the previously approved scheme.

Proposed Development

13. This report considers two planning applications that have been submitted in connection with the proposed Rufford Stud Farm AD Facility.
14. Planning Application 3/15/02255/CMA seeks to amend the design of the two previously approved anaerobic digester units.
15. The approved design of these units specified them to be constructed utilising a concrete base and concrete side walls in a circular shape, 32m in diameter (804sqm each in area) with an overall height of 7.3m incorporating a shallow dome gas store on the roof. Gas produced by the AD process was originally proposed to be collected/stored within a gas tank measuring 14.6m diameter and 8.35m high.
16. The developer of the facility has reviewed the original design, in particular the arrangements for the storage of gas. The revised scheme now seeks to incorporate gas storage within a larger PVC membrane dome over the digester units. The digester unit now sought planning permission would retain the same 32m diameter base incorporating slightly taller concrete tank sides measuring 7m high. The enlarged gas membrane roof would be domed in shape and increase the height of each digester unit at their centres to 16.5m.

The membrane roof would be green in colour. The provision of gas storage within this membrane would result in the removal of the original freestanding gas storage tank from the facility. The developer wishes to store the gas within a dome over the digester unit since the biogas naturally rises once it has been produced, storing the gas in a separate tank as originally proposed requires further infrastructure and machinery to transfer the gas and is a process which is not commonly used today. Gas stores over the digester tank in PVC membranes is now the industry standard. The doomed PVC gas membrane stores over the digester tanks provides greater gas storage capacity thereby assisting with maintaining a continuity of supply to the gas customer which a smaller gas dome or storage tank could not provide. The gas domes incorporated within this scheme provide capacity for storing 4.6 hours gas production.

17. Planning Application 3/16/001115/CMA seeks to install a 2.65km length of gas pipeline to supply biogas from the AD facility to the Centre Parcs complex. The installation of the pipeline along most of this route would be across agricultural land, following field boundaries as far as possible. The pipeline would be installed by digging a 1m wide by 1.3m deep trench within which a 250mm diameter gas pipe would be installed on appropriate bedding materials. Once installed the trench would then be backfilled and the land put back to agricultural use. Where the route crosses underneath Rainworth Water (stream), the A614 and a private access road the pipeline would be installed by drilling, minimising construction impacts in these areas including the need to close roads.

Consultations

Planning Application: 3/15/02255/CMA – Amendment to the design of the previously approved anaerobic digester increasing its height to 16.5m

18. Newark and Sherwood District Council: *Raise no objections to the development.*
19. Rufford Parish Council: *The Parish Council has provided a combined response in connection with both planning applications within which they raise an objection to the developments on the following grounds:*
 - *The development is contrary to Policy 3/3 of the Nottinghamshire Structure Plan and Policies C20 and NE9 of the Newark and Sherwood Local Plan on the basis that it would be detrimental to the character, appearance and setting of the registered park and garden of Rufford Abbey.*
 - *The development would be visible from the Robin Hood Way footpath.*
 - *The development should be considered as a new industrial use and not as an amendment to a previously approved development. The development is not agricultural in character and should be classed as a new industrial development in a rural area.*
 - *The application would increase the throughput of the site by 83% from that granted in 2009.*
 - *The development will add to traffic in the area which would have cumulative impacts in the local area when combined with the adjoining*

poultry plant and potential vehicles associated with the Bilsthorpe Energy Centre, if it obtains planning permission.

20. Bilsthorpe Parish Council: *Object to the planning application due to the size and height of the new design being excessive and would ruin the environmental value and character of the local landscape. The proximity of the development to Rufford Park could negatively impact on this area which is of both cultural and architectural value. The development could also have a negative impact on tourism.*
21. Environment Agency: *Raise no objections to the development*
22. NCC (Built Heritage): *The development falls within the boundary of the registered historic parkland of Rufford Abbey. The proposal has potential to impact on the setting of Park Lodge, a Grade II listed building and the historic parkland of Rufford Abbey. There would be some visual impact to these historic features in so far that the digester is a large and incongruous structure in the landscape and would be quite visible from the listed farm and from a variety of locations within the registered park. However, the backdrop tree belt does help mitigate the impact of the building in longer distance views. Overall it is concluded that the impact of the development on the heritage asset of the area is less than substantial in harm.*
23. NCC (Landscape): *The increased height of the digester units would not break the skyline of Long Belt Wood in views from any direction. The view would be negligible from isolated residential properties surrounding the site and in particular the closest property Rufford Park Lodge which is 350m to the west. It is therefore concluded that the enlargement to the height of the digesters would have a negligible visual impact from surrounding receptors. With reference to landscape impacts, the site is located in Landscape Policy Zone MN PZ 24 Rufford Park Estate Farmlands with Plantations which has a 'create' landscape action and is assessed as having low landscape sensitivity and poor landscape condition due to the presence of existing agricultural buildings and industrial units in a rural setting. The proposed changes would therefore have a minimal impact on the landscape. Controls should be maintained to ensure the landscape bund to the north of the site is provided and planted.*
24. NCC Highways: *No objections on the basis that the development would not impact the public highway.*
25. Eakring Parish Council, The Garden Trust, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas): *No response received. Any response received shall be orally reported.*

Planning Application: 3/16/00115/CMA – Installation of gas pipeline to supply biogas from anaerobic digestion facility at Stud Farm to customer via private gas pipeline.

26. Newark and Sherwood District Council: *The district council raise no objections but note that the pipeline passes through the historic park/garden of Rufford Abbey, consideration should therefore be given to the effects on the archaeology of this area. Consideration should also be given to the*

implications of developing in flood zone 2/3 and a belt of trees protected by a preservation order. .

27. Rufford Parish Council: *The Parish Council has provided a combined response in connection with both planning applications within which they raise an objection to the development, The Parish Councils concerns are summarised above.*
28. Environment Agency: *Raise no objections subject to the development being undertaken in accordance with the recommendations of the flood risk assessment to ensure that there is no loss of flood storage and that the integrity of the riverbed is maintained. The gas pipeline would carry gas from an AD facility treating waste materials and therefore its gas remains a waste until it is burnt. Therefore the biogas pipeline will require a permit before it can carry the gas.*
29. NCC Ecology: *The level of ecological impact is likely to be small. Nevertheless, it is requested that an ecological walkover survey of the route is carried out to confirm that the proposals would not affect any protected species. This could be targeted at areas where these are most likely to be present such as along hedgerows/woodland and watercourses and thereby avoiding the survey of extensive areas of arable field where the absence of protected species can be reasonably assumed. In addition it should be noted that a small section of the route at the western end lies within the Centre Parcs Local Wildlife Site (5/2214). The walkover survey should give consideration to potential impacts in this area.*
30. NCC Archaeology: *Raise no objection subject to a planning condition requiring the submission of a written scheme of archaeological mitigation to be submitted prior to the commencement of the development.*
31. NCC Reclamation: *The development does not give cause for concern for causing or encountering ground contamination. Best practice should be implemented when working adjacent to water bodies to prevent contamination, particularly the release of sediments into Rainworth Water.*
32. NCC Highways: *The proposal is for the installation of a gas pipeline to supply biogas from the anaerobic digestion facility to a private customer. This is not expected to affect the public highway, therefore, no highway objections are raised.*
33. The Coal Authority: *There are no recorded coal mining legacy risks affecting the application site and there is no requirement for the applicant to submit a Coal Mining Risk Assessment, or equivalent, in support of this planning application.*
34. NCC Built Heritage, The Garden Trust, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas): *No response received. Any response received shall be orally reported.*
- 35.

Publicity

36. The planning applications have been publicised by means of site notices, press notices and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review.
37. One letter of representation has been received from the resident of Round Plantation Farm who objects to the planning application 3/15/02255/CMA for extending the height of the digesters on the basis that the development would be in full view of Round Plantation Farm and an intrusion in the landscape. The AD Facility must be painted green to blend in with the landscape. A tree planting scheme should be in place on the north facing side which should be mainly pine or deciduous as prior developments have been hard wood which does not provide screen in the winter months.
23. Councillor John Peck and Councillor Bruce Laughton have requested planning application 3/15/02255/CMA for extending the height of the digesters be reported to Planning and Licensing Committee since the increase in size of the development seems to constitute a material change and ought to be re-considered by Planning Committee.
38. Councillor Roger Jackson has been notified of the application.
39. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

40. The planning applications seek to make modifications to the main digester units by installing PVC dome gas storage membranes to their roofs and providing a gas pipeline to connect the facility to Centre Parcs thereby enabling the biogas product to be exported direct to customer rather than being used as a fuel on the site to generate electricity for export to the national grid.
41. The assessment of the two planning applications does not require a full re-examination of the planning merits of the original Rufford AD facility since this has the benefit of an implemented planning permission and can be developed at any time in the future. The amended digester tanks are proposed to be sited in accordance with the approved layout for the site and the alteration to the height of the structures therefore would not affect the layout of the site.
42. However, the planning system requires the Council to reach its decision having regard to the development plan in its entirety and other material considerations. In undertaking this assessment the planning authority is required to make a balanced judgement in cases where there are some areas of negative effects but also policy support within the development plan.
43. In the context of the planning balance the development is for an industrial installation to generate renewable energy. The facility is not agricultural in character, but its feedstock is closely linked to the local agricultural economy. As a renewable energy scheme it is important to consider the merits of the development in the context of the wider objectives of the development plan and national planning policy which are strongly supportive of renewable energy

developments and tackling the effects of climate change are of key importance, as referenced in the following planning policies.

- The vision and objectives of the Newark and Sherwood Core Strategy (N&S CS) seeks to maximise opportunities for appropriate renewable energy to help reduce the impact of climate change (objective 11). In particular Core Policy 10 (Climate Change) seeks to tackle the issues of climate change by delivering a reduction in the districts overall CO₂ emissions by maximising the use of available local opportunities for district heating and decentralised energy and promoting the development of community-led renewable energy generation projects.
 - Policy DM4 (Renewable and Low Carbon Energy Generation) of the Newark and Sherwood Allocations and Development Management Document (N&S A&DMD) states that planning permission will be granted for renewable energy generation schemes where its benefits are not outweighed by any detrimental impacts. The policy identifies that particular consideration should be given to the protection of landscape character, heritage assets, amenity, highway safety and ecology.
 - Strategic Objective 4 of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) seeks to encourage the efficient use of natural resources by promoting waste as a resource. This objective is reflected in Policy WCS1 which provides a presumption in favour of sustainable development and WCS3 which gives priority to AD facilities as a way of ensuring that waste is managed sustainably.
44. Although not part of the development plan, central government's National Planning Policy Framework (NPPF) is a material consideration in the determination of the planning application. The NPPF incorporates as a 'golden thread' establishing a presumption in favour of sustainable development. Achieving sustainable development includes the efficient use of natural resources, the minimisation of waste and the mitigation and adoption of climate change impacts including moving to a low carbon economy. It seeks to increase the use and supply of renewable energy, requiring planning authorities to plan positively to promote energy from renewable resources, maximise its production whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. The NPPF seeks to encourage opportunities where development can draw its energy supply from decentralised renewable energy supply systems and co-locate potential heat customers and suppliers. When determining planning applications the NPPF requires planning authorities to approve renewable energy developments if its impacts are (or can be made) acceptable.
45. The Government's Overarching National Planning Policy Statement of Energy (EN-1) sets out the UK's need to diversify and decarbonise electricity generation by increasing dramatically the amount of renewable generation capacity so as to ensure the commitments under the EU Renewable Energy Directive are met, improve energy security, decrease greenhouse gas emissions and provide economic opportunities. There is an urgent need for new renewable projects to come forward to meet the target of achieving 15% of total energy needs from renewable sources by 2020. The policy statement acknowledges the role that biomass and energy from waste plays in achieving

this target, noting that such energy would normally provide 'baseload' power that is not affected by climatic conditions such as wind and solar.

46. The development proposed within the planning applications will assist with the provision of additional renewable energy generating capacity and is therefore fully supported by the policies set out within the development plan and national planning policy. The Council is therefore required to take a positive approach towards the provision of renewable energy facilities and encouraged to approve planning applications for such development if the environmental impacts are (or can be made) acceptable. This consideration is critical in the overall balanced assessment of the merits of the two planning applications.

Assessment of Environmental Effects

47. The planning consultation process and assessment of the planning applications has identified a number of environmental matters that require consideration. These matters are considered below.

Visual Impact

48. WLP Policy W3.3 seeks to minimise the visual impact of waste management facilities by identifying appropriate sites to minimise impacts to surrounding land, grouping of facilities together to prevent unsightly sprawl of development, keeping facilities as low as practicable and the use of appropriate colouring. WLP Policy W3.4 encourages the use of existing structures and landscaping and the planting of new landscaping to minimise visual impacts.
49. The planning application for the alteration to the height of the digester units is supported by a comprehensive visual impact assessment that gives consideration to the visual effects and change resulting from the enlarged height of the digesters from seven viewpoints surrounding the site.
50. The visual assessment identifies that the development would occupy a flat site in a relatively low level landscape. The assessment identifies that the proximity of the adjoining poultry sheds and Long Belt plantation woodland make significant contributions in screening views from the south and west as well as providing a backcloth for views of the development from the north and east. The visual assessment incorporates a series of photomontages illustrating the visual effects of the enlarged digester units when compared to the approved scheme. Notably these photomontages show that the development would not penetrate the skyline above the trees in Long Belt Wood. The approved development incorporates a landscape bund with woodland planting on its northern boundary. This planting (once mature) would assist with screening middle distance views from the north including Round Plantation Farm and towards Rufford including the Robin Hood Way footpath. .
51. The methodology and conclusions reached within the visual assessment have been reviewed by NCC's Landscape Officer who has confirmed that the results accurately reflect the magnitude of visual impact from the development.
52. Overall the visual assessment concludes that the difference between the current approved scheme and the proposed amended scheme is minor in

terms of the magnitude of visual impact and unlikely to significantly affect local views, subject to the membrane cover being finished in green to blend in with the backcloth of vegetation and landscape planting being provided/retained.

53. The planning conditions imposed on the original planning permission for the AD facility incorporate a requirement to provide the northern landscape bund and associated planting. This control therefore does not need repeating in this current decision.
54. The existing planning permission does not incorporate any controls to protect Long Belt Wood from being felled. The applicant's own visual impact appraisal identifies that the retention of Long Belt Wood is important to minimise the visual impact of the development and achieve compliance with WLP Policy W3.4. Since Long Belt Wood is not within the planning application site or identified as other land which the applicant has ownership or control of, a requirement cannot be imposed through the planning conditions requiring the retention of this woodland. The woodland could potentially be felled at any time in the future.
55. The only legal mechanism to secure the retention of this woodland would be through a Section 106 legal agreement. This matter has been discussed with the developer who is willing to enter into a Section 106 legal agreement with the owner of the woodland to ensure that the part of Long Belt Wood to the rear of AD plant site is retained as a visual screen and not lopped or felled for the life of the development.
56. With regard to the visual impact resulting from the installation of the pipeline, this would have a minor temporary visual impact during its installation as a result of ground excavations associated with the construction works. Following the completion of construction works the pipeline would have no visual impact.
57. The visual impacts of the development are considered as part of the overall conclusions section of this report. In considering the balance of the planning assessment, consideration should be given to government guidance contained within the Overarching National Policy Statement for Energy (EN-1) concerning visual impacts from energy infrastructure. This policy states: *'all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The Infrastructure Planning Commission will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.'*

Landscape Effects

58. The site is located in Landscape Policy Zone MN PZ 24 Rufford Park Estate Farmlands with Plantations which has a 'create' landscape action and is assessed as having low landscape sensitivity and poor landscape condition due to the presence of existing agricultural buildings and industrial units in a rural setting. The proposed changes are assessed as having a minimal impact on the landscape since the site currently has an extant planning permission for the development of an AD facility and the increased height of the digester unit would not change this. The works to install the pipeline are undertaken below ground and therefore would not be visible within the landscape.

Heritage

59. The development site is located within the historic park of Rufford Abbey, and 350m to the west of Rufford Park Lodge (a Grade II listed building). N&S A&DMD Policy DM9 sets out the local policy for the historic environment. The policy seeks to ensure that heritage assets including listed buildings and registered parks and gardens continue to be protected and enhanced. This policy has effectively replaced the heritage policies from the Nottinghamshire Structure Plan and Newark Local Plan identified in the consultation response from Rufford Parish Council which no longer form part of the development plan.
60. With regard to effects on the historic park of Rufford Abbey, the development site is on the edge of the historic park and its location adjacent to the existing poultry shed and the backdrop of Long Belt Wood ensures that impacts to the character, appearance and setting of the park are very limited. The development would not affect any features of architectural or archaeological interest and therefore no archaeological investigation works would be required during the construction of the development.
61. With regard to the effects to Rufford Park Lodge, views from this property towards the development site (the east) are limited. The main views from this property are to the south (its frontage). The AD site is sited approximately 350m to the west with views towards the development site being partially obscured by the woodland that extends from Long Belt Wood. This means that only one digester would be visible from an upper storey side window and the site would be viewed against a backdrop of the poultry sheds. Impacts to the setting of this listed building are therefore considered to be less than significant.
62. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the planning authority to have special regard to any heritage impacts. Paragraph 134 of the NPPF provides scope to balance impacts to the historic environment which are less than substantial against any benefits provided by the development, an approach which is consistent with A&DMD Policy DM9. Consideration of this balance is provided within the conclusions section of the report.
63. With regard to the archaeological effects of excavating the pipeline, there is increasing understanding of the monastic estate at Rufford. The monks who occupied the estate were developing extensive water management features, linked to mills and other uses of water. The development of the pipeline would result in a linear transect across the landscape with potential to impact on earthwork features within the landscape and loss of valuable archaeological information. To ensure that any potential archaeological remains are properly recorded it is recommended that a planning condition be imposed requiring the excavation works to be monitored by professional archaeologists and any finds appropriately reported.

Impact on the Public Highway

64. Rufford Parish Council in their consultation response raised concerns that the development would result in an 83% increase in the volume of material processed at the site. The Parish argue that this is a material change to the

original application and would affect the vehicle movements to and from the site.

65. It is unclear how the Parish Council have reached this conclusion. The planning submission clearly states that no additional transport impacts are anticipated over those originally identified. The annual feedstock for the proposed AD plant would comprise of roughly 8,000 tonnes of poultry manure sourced from the adjoining Noble Foods poultry unit, 8,000 tonnes of vegetable out grades originating from local vegetable packing plants and 10,000 tonnes of energy crops, approximately 10% of which would be grown on Stud Farm with the remainder being grown locally and transported on the public highway. In the context of vehicle movements this waste would generate the following number of HGVs.
- The 8,000 tonnes of poultry manure would be delivered to the AD plant on a daily basis from the existing manure store within the Noble Foods poultry unit. This waste is currently transported off site and disposed and therefore the on-site management of this would reduce the number of lorry trips associated with the transport of this waste on the highways system by 290 per year.
 - The 8,000 tonnes of vegetable out-grades would require 278 trucks.
 - The 10,000 tonnes of energy crop would generate in the region of an additional 360 lorry trips per year.
 - The solid end substrate would be transported to farms in backloads of vehicles thus not generating any additional vehicle movements.
 - The haulage of the liquid end substrate would generate a further 575 lorry visits per year.
66. The original planning permission did not incorporate a planning condition limiting the number of vehicle movements at the site. To address the parish council's concerns and ensure that this matter is regulated within this current decision it is recommended that a planning condition be imposed limiting the vehicle numbers to the levels originally sought consent which equates to a net 923 deliveries a year.

Tree Preservation Orders

67. The route of the gas pipeline crosses through a belt of trees adjacent to Rainworth Water which are covered by a tree preservation order. To ensure that adverse impacts to these protected trees and their root structures are avoided the pipeline would be installed by drilling rather than open trench in this area. The construction specification of this drilling work can be regulated through planning condition to ensure the works are undertaken at a sufficient depth and distance from tree roots to avoid potential damage to the trees.
68. A further group of trees are covered by a tree preservation order to the east of the A614 in the vicinity of Centre Parcs. In this area the gas pipeline would be installed on the west of the A614, therefore adverse impact to these protected trees is not anticipated.
69. In other locations the route of the pipeline avoids as far as possible impacts to trees. Where the route of the pipeline comes in close proximity to trees, notably in the section near Centre Parcs, impacts to trees can be controlled

through a planning condition to ensure that excavation works are carefully managed to limit the intrusive effect to trees.

Ecology

70. The installation of the pipeline would necessitate the excavation of a trench, resulting in some localised disturbance of the ground. Since most of the route crosses agricultural land the ecological level of impact is considered to be minor. Notwithstanding the generality of this conclusion, sections of the pipeline route cross areas of potentially greater ecological value such as along hedgerows, woodland and watercourses and in particular a small section of the route at the western end which lies within the Centre Parcs Local Wildlife Site (5/2214). In these locations it is recommended that a walkover survey should be carried out to confirm that the proposals would not affect any protected species.
71. The alterations to the digester tanks would not result in any ecological effects.
72. It is therefore concluded that the planning application complies with the N&S CS Policy 12 (Biodiversity and Green Infrastructure) insofar that the development would not harm the biodiversity of the area.

Flood Risk and Drainage

73. A small proportion of the pipeline route crosses Rainworth Water which is in flood zones 2 and 3 (areas at medium risk of surface water flooding). To ensure there are no adverse impacts in these locations direct drilling would be used to install the pipeline to ensure there is no disruption of the river bed and no excess spoil would be deposited in the flood zone area to avoid any increase in flood risk. Once the development has been completed there would be no risk to the developed pipeline from flooding.

Other Matters

74. Bilsthorpe Parish Council have expressed concerns that the enlargement to the height of the digester units would adversely impact on tourism but have not provided a reasoning for this conclusion. It is assumed that their concerns are based on the height and size of the digesters. Whilst acknowledging the digesters would be slightly more visually prominent they would not be readily visible from the tourist attractions of the area including the visitor attraction at Rufford Country Park. It is there difficult to see how the development would have significant impacts on tourism having regard to the comparatively low environmental impact of the development.
75. The planning applications will not alter other aspects of the consented development. In particular the alterations to the digester tanks and pipeline would not change the predicted traffic levels, noise emissions nor result in any change in odour emissions.

Other Options Considered

76. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

77. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service. Where such implications are material they are described below, appropriate consultation has been undertaken and advice sought on these issues as required.
- Crime and Disorder Implications: The digestion tanks would be developed as part of a wider development for an anaerobic digestion facility which would benefit from perimeter security fencing. The gas pipeline would be developed below ground.
 - Human Rights Implications: Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no adverse impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
 - Implications for Sustainability and the Environment: These implications are considered within the planning considerations and conclusions sections of the report.
78. There are no Implications for Service Users, Financial Implications, Equalities Implications, safeguarding of children implications, human resources implications.

Conclusion

79. The original location of the Stud Farm AD plant was selected primarily as a result of its proximity to its feedstock, notably the waste produced from the one million egg laying birds in the adjoining poultry unit, the proximity to surrounding agricultural land which would be used for growing energy crops using fertilizer produced by this facility and the waste from vegetable packaging plants operating in the area. This latest planning application for the installation of a pipeline to enable the gas to be used locally further reinforces the justification for developing the site in the Rufford area.
80. The two planning applications assist with increasing the amount of renewable energy generation and would assist the UK reach binding targets set by the EU Renewable Energy Directive of producing 15% of its energy by 2020 from renewables.
81. Planning has an important role in the delivery of new renewable energy infrastructure. The strong message contained at Paragraph 98 of the NPPF is that local planning authorities should approve planning applications for renewable energy schemes if impacts are, or can be made acceptable. The planning application is strongly supported by Core Policy 10 of the N&S CS, Policy DM4 of the N&S A&DMD, strategic objective 4 of the WCS as well as the NPPF which aim to maximise the production of renewable energy. The

benefits of the scheme in terms of the production of renewable energy weigh heavily in the balance of acceptance of the proposal.

82. The enlargement of the height of the two digesters would increase their visual prominence, however the magnitude of visual impact is comparatively minor due to the distance from nearby sensitive receptors and the screening provided by both Long Belt Wood, the poultry sheds and the proposed new landscape planting on the northern boundary. Impacts to the heritage asset of the historic park of Rufford Abbey and Rufford Park Lodge (a Grade II listed building) have been assessed as being of less than significant.
83. The benefits of the development in terms of its renewable energy capacity and its contribution to reducing carbon emissions and global sustainability should not be underestimated. Planning authorities are encouraged to grant planning permission for new renewable energy capacity unless there are irresolvable material considerations which indicate otherwise. The harm that has been identified is comparatively minor and would largely be mitigated by the existing and proposed landscaping. The development therefore is supported by the underpinning presumption in favour of sustainable development contained within the NPPF.
84. Subject to the imposition of appropriate conditions and a Section 106 legal agreement to ensure the retention of the landscaping screening provided by Long Belt Wood the overall balanced conclusion is to support a grant of planning permission.

Statement of Positive and Proactive Engagement

85. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

PLANNING APPLICATION 1

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/15/02255/CMA

PROPOSAL: AMENDMENT TO THE DESIGN OF THE PREVIOUSLY APPROVED ANAEROBIC DIGESTERS, INCREASING THEIR HEIGHT TO 16.5M.

86. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the long term protection of the woodland screening provided within Long Belt Wood.
87. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 23rd May 2016 or another date which may be agreed by the Team Manager Development Management in consultation with the

Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 23rd May 2016, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

PLANNING APPLICATION 2

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/00115/CMA

PROPOSAL: INSTALLATION OF GAS PIPELINE TO SUPPLY BIOGAS FROM ANAEROBIC DIGESTER FACILITY AT STUD FARM TO CUSTOMER VIA PRIVATE GAS PIPELINE.

88. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report. SLB 29/01/2016

Comments of the Service Director - Finance (SES 29/01/16)

There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Rufford Division Cllr John Peck

Report Author/Case Officer

Mike Hankin

0115 9932582

For any enquiries about this report, please contact the report author.