

Item No. 10**SCHEDULE B**

APPLICATION NUMBER	CB/10/03200/FULL
LOCATION	Trinity Hall Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9PY
PROPOSAL	Construction of Biogas Plant including digester tank, storage tank, flare stack, technical building and silage compound . Development proposes a farm based anaerobic digester with a capacity of 1,063Kw using maize feedstock grown locally together with widening of the farm access where it joins the A5 Trunk Road
PARISH	Chalgrave
WARD	Toddington
WARD COUNCILLORS	Cllr Norman Costin & Cllr Tom Nicols
CASE OFFICER	James Clements
DATE REGISTERED	15 September 2010
EXPIRY DATE	15 December 2010
APPLICANT	Hallwick Ltd
AGENT	Jane R Orsborn Associates
REASON FOR COMMITTEE TO DETERMINE	Departure from the Development Plan
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is at Trinity Hall Farm, Hockliffe which is a 400ha (1000 acre) arable holding located three miles to the north of Dunstable, one mile to the south of Hockliffe and 1km to the east of Tilsworth. The main farmstead is on the eastern side of the A5 but the land holding extends both east and west of the A5. The land ownership is not continuous and is somewhat fragmented, covering Chalgrave, Hockliffe and Tilsworth Parish boundaries.

The farmstead comprises a range of modern agricultural buildings, Victorian brick ranges and two dwellings. The farmstead is accessed from the A5 by a track approximately 40m in length. The Victorian farmhouse is set back approximately 30m from the A5 and separated by hedges and a paddock. The access track passes to the south of the farmhouse and leads to the gated farmyard. A farm track accessing the holding runs northwards from the farm yard. The second residential property associated with the farm is located to the north east of the main dwelling and has views over the farmyard and a small private side garden. It is occupied by an employee of The Estate.

The Victorian, brick barns have an extant planning permission for offices. More modern utilitarian grain stores lie to the east about 12m away from the brick barns. These comprise a pair of connected barns with a ridge height of 7.8 and 8.6m. To the north east corner of the farm yard is a 12.5m high grain drier. The steel barns

and grain drier are clearly visible from the adjacent A5 when travelling north from Dunstable. To the south of the farm yard are two smaller steel framed buildings.

The site is enclosed on the east, south and west by a hedgeline which is somewhat patchy in places, a mature treeline and an evergreen treeline between the farmhouse and agricultural buildings.

To the east of the farm yard the land falls away approximately 1.5m into a hollow and then rises to the northeast. There is a hedgeline to the south which partly screens the site.

Two footpaths (FP45 & FP16) are to the south of the site at a distance of approximately 205m and 340m respectively.

The Application:

Permission is sought for the Construction of a bio-digester (biogas) plant, also referred to as an Anaerobic Digester (AD) Plant, for the processing of maize grown on the farmholding to produce renewable energy. AD refers to the process where organic material is biologically treated in the absence of oxygen using naturally occurring micro-organisms to produce biogas, which can be used to generate a renewable green energy, fed into the National Grid, and a nutrient rich bio-fertiliser that can be used as both a fertiliser and a soil improver. Heat is also produced as a by-product, which could also be utilised. The Biogas Plant would require 1 full time worker.

The Biogas plant would be located on and adjacent to the eastern side of the existing farmyard, and would include the following:

- Technical building - housing Combined Heat and Power Unit (CHP) - measuring 22.2m long x 17.2m wide x 4m high to eaves and 6.4m to ridge together with a separate transformer building 2.3m wide x 2.3m high x 6.0m long and exhaust gas flare stack with a height of 10m (only used in emergencies);
- Silage clamp (to the east of the farmyard) measuring 90.8m long and 68m wide formed from 4m high concrete grain walling on three sides with some cut and fill (north, east and south), divided internally into three bays; and a gas flare 5.5m high sitting on a shallow concrete plinth.
- A digester tank measuring 11.09m to the top of the membrane with a diameter of 30.4m and a liquid residue storage tank measuring 10.06m to the apex of the roof and with a diameter of 33.4m. The tanks are connected by means of an access gantry. The digester tank would be kept at a constant temperature of 38°C and is insulated to ensure that no heat escapes. The residue storage tank is not insulated but does not become hot.
- Widened access - following advice from the Highway Agency the existing access on to the A5 would be widened to bring it up to standard. This would mean that the first 17m would be widened to 7.1m to allow two tractors to pass each other. This would require the removal of a hedge which would be replaced on adjacent land to the south.

The proposed farm based AD plant would use maize as the feed stock which would be grown as a spring break crop on the 400 hectares of land at Trinity Hall Farm. The use of maize as a spring break crop, replacing the commonly used rape seed, would mean that normal food production from cereal crops would not be affected. Although rape seed is often used in food production it is also used for many industrial applications.

The type of maize to be grown would be a variety of energy crop fodder maize which has been shown to be one of the most efficient way of producing methane from crops. The maize would be harvested in mid to late September and would be brought back to the farmstead in the same way as other crops i.e. by tractor and other farm vehicles. The maize would then be stored, wrapped in plastic and stored in the silage clamp. It is estimated that the proposed plant would use around 19,000 tonnes of maize pa. to produce a planned output of 1,063 kW.

The maize would be taken from the silage clamp on a daily basis by telescopic loader and fed into the solids feeder from where it enters the operations (technical) building via an auger. Here it is pre-mixed in a sealed mixing vessel with water combined with a nutrient rich natural additive that feeds the micro-organisms within the sealed fermentation process. When the materials are thoroughly blended they are transferred to the digester tank at regular intervals. In this large digester tank the materials are broken down by the micro-organisms leading to the release of biogas. This is retained within a gas tight membrane at the top of the tank. The biogas is then compressed and fed to a combined heat and power unit (CHP) designed specifically to run on biogas. This in turn drives an electricity generator. Heat is also collected through the engine cooling system.

The renewable electricity generated would be supplied to the National Grid. The applicant envisages that the Biogas Plant would connect to the national grid approximately 1km to the south of plant next to the A5/A505 roundabout, via underground cables.

The heat output from the CHP unit could be used for farm processes, the nearby consented offices and farmhouse or fed into a local district heating scheme. In this case, there is the possibility of feeding it into proposed housing development on the northern edge of Houghton Regis/Dunstable or on the eastern edge of Leighton Buzzard.

This application was initially on the agenda for the 8th December 2010 Planning Committee. However, following discussion with the applicant it became apparent that two-thirds of the maize would need to be grown on land other than that owned by Trinity Hall Farm. This has implications for traffic movements and an amended Transport Assessment was requested. This was submitted by the applicant in January and interested parties were reconsulted.

RELEVANT POLICIES:

National Policies (PPG & PPS)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Supplement to Planning Policy Statement 1: Planning and Climate Change (2007)

Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

Planning Policy Statement 7: Sustainable Development and Rural Areas (2004)

Planning Policy Statement 22: Renewable Energy (2004)
Planning Policy Guidance 13: Transport (2001)
Planning Policy Statement: Consultation – Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate (2010)
The UK Low Carbon Transition Plan (2009)
The UK Renewable Energy Strategy (2009)
Draft Overarching National Policy Statement for Energy (EN-1) (2009)
Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (2009)
Planning Policy Statement 5: Planning for the Historic Environment (2010)
Planning Policy Statement 7: Sustainable Development in Rural Areas (2004)
Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
Planning Policy Guidance 24: Noise (1994)

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development
ENV2 - Landscape Conservation
ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment
ENG1 - Carbon Dioxide and Energy Performance
ENG2 - Renewable Energy Targets

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental consideration
NE10 - Rural Diversification

Supplementary Planning Guidance

SPD Design in Central Bedfordshire - A Guide for Development

Planning History

SB/88/01371 Permission - Two storey extension to dwelling.

SB/08/00486 Permission - Change of use, alteration, extension and repositioning of farm buildings to provide (B1 (a)) offices, and construction of new access road.

Representations:

(Parish & Neighbours)

Parish Councils
Chalgrave

Chalgrave Parish Council wishes to make the following comments about this application:

1. The PC is concerned about the possibility of smell associated with the plant. The prevailing wind would blow across the plant and straight across the villages of Wingfield and Tebworth.
2. The PC is concerned about any toxic fumes which may be released from the plant, again because of the prevailing wind. The PC would seek assurances that there is no toxic release.

3. The PC is concerned about the visual impact of the flare which may be visible from Tebworth and Wingfield.
4. The PC is concerned about trucks and tractors turning into and out of the plant from the A5 particularly at harvest time. An extension to the 40mph speed limit southwards to beyond the turn into Trinity Farm is requested by the PC.
5. Should permission be granted for the plant the PC would object to construction traffic travelling en route through Tebworth and Wingfield and would expect all future vehicles associated with the plant to use the A5. Tebworth in particular already has severe problems associated with large goods vehicles negotiating their way through the narrow 'S' bend in its centre.
6. Concern was expressed about the possibility of noise from engines and generators etc from the plant. Again any noise would carry from the plant up to Tebworth and Wingfield because of the prevailing wind.
7. As the gas produced is highly flammable the PC would want assurance that all possible measures are taken to avoid possible explosions and leakage.
8. Finally the PC deemed the plant as inappropriate development on Green Belt land but conceded that land would be kept agricultural.

Reconsulted 25/01/2011 - No further comments received.

Hockliffe

Hockliffe Parish Council reviewed the application and resolved to support the application subject to the application having the additional condition applied:

That there will be no substantial increase in traffic movements to and from the site.

Reconsulted 25/01/2011 - No further comments received.

Tilsworth

None received.

Reconsulted 25/01/2011 - No comments received.

Neighbours
North Star Cottage,
Hockliffe

Objection - Air pollution, increased traffic, congestion.

Reconsulted 25/01/2011 - No comments received.

Consultations/Publicity responses

Sustainability Officer No objection.

Environmental Health
Officer No objection.

Landscape Officer	No objection.
Tree & Landscape Officer	No objection subject to 3 conditions
Natural England	Natural England considers that the proposals are unlikely to have a significant impact on any wildlife site designations. The Landscape and Visual Appraisal submitted as part of the application identifies that the proposals are within 5km of the Chilterns AONB, but that at this distance, views from the AONB will not be significantly affected by the development. Natural England is satisfied with this conclusion. Finally, Natural England has produced Standing Advice on protected species, which should be taken into account when determining the application.
Highways Agency	01/10/2010 - No objection subject to 1 condition for access improvements. Reconsultation response 01/02/2010 - original comments stand - No objection subject to 1 condition for access improvements.
Highway Officer	17/10/2010 - No objection subject to 2 conditions. 07/02/2011 Reconsultation response (verbal) - no objection subject to 3 conditions.
Environment Agency	No objections.

Determining Issues

The main considerations of the application are;

1. Principle Of Development
2. Visual impact
3. Environmental considerations (noise, smell)
4. Traffic issues
5. Conclusion

Considerations

1. Policy Background

Sustainability and climate change and the need to increase renewable energy generation and reduce carbon emissions are key components of current planning policy, which must carry considerable weight in determining this application.

The development would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire and should be encouraged in accordance with the national, regional and local policies specified. Tackling climate change is a key Government priority. Accordingly, the

planning policy context, at all levels, is supportive of renewable energy schemes.

PPS7 Sustainable Development in Rural Areas

PPS7 encourages farmers to diversify into new agricultural opportunities such as renewable energy crops. Paragraph 31 states that LPAs should give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The guidance further states that “Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the “very special circumstances” required by PPG2 for a development to be granted planning permission”.

PPS 22: Renewable Energy

PPS 22 specifically deals with renewable energy. It promotes and encourages the development of renewable energy resources and it notes that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.

Under the heading of Key Principles PPS 22 states, “The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission” and that “Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures”.

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development which may impact on the openness of the Green Belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

With particular reference to anaerobic digesters the Companion Guide to PPS22 - Energy from Waste (Biological Processes) states that:

“Energy from AD is effectively carbon neutral in that the carbon it releases is approximately equal to the carbon absorbed from the atmosphere by the plants which constitute the origin of the organic waste. It can therefore reduce overall quantities of carbon dioxide released in the atmosphere when it is used to replace energy from fossil fuels..... The by-products of AD may be put to beneficial uses and reduce the need for chemical fertilisers and other soil conditioners that may be manufactured using less sustainable methods.... small

digesters on farms can sometimes be accommodated quite satisfactorily within the existing complex of farm buildings....Transport movements at on-farm digesters are not likely to add significantly to the impact of normal farm activities”

The companion guide goes on to state that the anaerobic digestion of organic material may be odorous and that the consideration of odour control systems are therefore essential . The guidance notes, however, that emissions are generally minor and, "unlikely to present any significant environmental problem provided the equipment meets relevant design specifications and is properly serviced”.

East of England Plan, May 2008 and Milton Keynes & South Midlands Sub-Regional Strategy, March 2005

Following the judgement in the case brought by Cala Homes in the High Court, the Regional Strategies have been re-established as part of the Development Plan. Although a proposed clause of the Localism Bill will still intend to abolish the Regional Strategies, and will start its passage through Parliament before Christmas, it will take some considerable time before the abolition of the Regional Spatial Strategy.

Policy ENG2: Renewable Energy Targets states:

'The development of new facilities for renewable power generation should be supported with the aim that by 2010 10% of the region's energy and by 2020 17% of the regions's energy should come from renewable sources. These targets exclude energy from offshore wind'.

The East of England region failed to reach the 2010 figure and is a considerable way from achieving the 17% by 2020. In view of this the policy should be given considerable weight.

Green Belt

Trinity Hall Farm is within the South Bedfordshire Green Belt. PPG 2: Green Belts states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The most important attribute of the Green Belts is their openness. Five purposes are listed for including land within a Green Belt. The most relevant to this application site is the safeguarding of the countryside from encroachment.

The silage clamp, and to some extent the digestate and residue tank, are typical modern agricultural structures and would be regarded as appropriate development if the proposal were purely for agricultural purposes. However, in accordance with advice in PPS22 advice the proposal constitutes inappropriate development because the structures would have a non-agricultural end purpose.

Inappropriate development is, by definition, harmful to the Green Belt. It is therefore necessary to demonstrate why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Very Special Considerations (VSCs) in the Green Belt

The VSCs provided by the applicant are as follows:

1. Sustainability credentials and the strong legislative support for renewable energy

The generation of energy from the AD plant, powered by maize grown locally which is a renewable source, would save 8,504 tonnes of carbon dioxide pa compared with an equivalent energy generation from fossil fuels;

2. Reduction in the use of artificial fertilisers

The substitution of artificial fertilisers for residue from the AD process would save an additional 1,806 tonnes of carbon dioxide pa in the manufacturing process plus further carbon dioxide emissions otherwise arising from the transportation of artificial fertilizer to the farm;

3. Generation of heat from the CHP unit

The excess heat could be utilised, probably off site, in local development projects;

4. Introduction of a viable break crop

When grown as part of a crop rotation, maize has the advantage of naturally reducing weeds thereby reducing the use of artificial herbicides; and

5. Farm diversification

The production of a renewable energy crop is actively encouraged by advice in PPS7 as a form of farm diversification. Maize is particularly suitable because it is three times more effective than other forms of energy crops in the production of biogas by using it as a break crop it provides a financial return which other break crops rarely produce. Paragraph 31 of PPS7 which states that LPAs should give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, is relevant in the determination of this application. The wider benefits of this diversification may contribute to the "very special circumstances" required by PPG2 for a development to be granted planning permission, especially given that the diversification will not result in excessive expansion and encroachment of building development into the countryside.

It is acknowledged that due to the timing of the development, the national economic situation and the prematurity of the Core Strategy that the applicant, although willing, is not able to enter into a Section 106 Legal Agreement to link the scheme to the urban extensions or nearby consented office development. The applicant envisages that the Biogas Plant would be able to provide heat for future urban extensions either at Houghton Regis / Dunstable or East of Leighton Buzzard. Following advice from PPS22 this should be regarded as a

material consideration and should be given weight in determining this application.

It is considered that the VSCs forwarded by the applicant provide material considerations which taken together are sufficient to provide Very Special Circumstances for by definition 'inappropriate development' in the Green Belt.

2. Impact of development on Landscape Character, Openness and Visual Amenities of the Green Belt

The proposed Biogas Plant would include a technical building, transformer building, flare stack, digester tank, residue tank and silage clamp. They would be closely associated with the existing agricultural buildings located on the eastern side of the existing farmyard, which includes a grain drier measuring 12.5m in height and two large agricultural buildings measuring 7.8 & 8.6m in height. The two main elements of the proposal would be a digester and residue tank, which would be slightly higher than the main existing barns but below the height of the grain store drier tower. The silage clamp would be in a field to the east of the farm yard.

A Landscape and Visual Appraisal was submitted with the application which evaluates the proposal in relation to National Character Areas and the South Bedfordshire District Landscape Character Assessment (2009). The appraisal also assesses the scheme in relation to its impact on the Green Belt. Both PPG2 and PPS22 require that the visual impact of development, including those for renewable energy, be carefully considered so they do not adversely affect the openness and visual amenity of the locality.

The South Bedfordshire Landscape Character Assessment indicates that the Site is located on the cusp of the Clay Hills and Clay Vale landscape types. To the north of the site are the Toddington - Hockliffe Clay Hills and to the south Eaton Bray Clay Vale framed by the strong chalk escarpment at Sewell leading eastwards to Dunstable Downs and Totternhoe.

The key characteristics of the area around Trinity Hall Farm include:

- Individual farmsteads and associated agricultural buildings scattered throughout the landscape (frequently bordered by solid coniferous hedges);
- Historic features include medieval ridge and furrow pasture and two medieval moated sites;
- Some areas of marginal, unmanaged, farmland occur adjacent to the main transport routes and there are occasional blocks of secondary woodland, together with blocks of ancient semi-natural woodland;
- The majority of fields have native hedge boundaries but are patchy or overgrown in places;
- A pylon line cuts across part of the vale and are prominent vertical structures against the simple, flat landform.

Due to the underlying pattern of geology the most open views of the Site and proposal would be across the adjacent Clay Vales and the Chalk Escarpment to the south. The visual impact assessment has identified that distant views from the chalk escarpment would be barely perceptible (including those from the Chilterns AONB) with those views within 500--750m being the most prominent.

The most prominent view is restricted to a few public footpath locations immediately to the south of the site.

The layout of the proposed Biogas Plant has, however, been carefully arranged to minimise the visual impact of the structures by grouping them closely to the existing buildings, at a similar height. The largest structures would be the two tanks, at a maximum of 11m above finished level, but these would still be within 2m of the ridge line of the existing easterly barn and below the grain store drying tower.

The proposal would make efficient use of the space closely associating the digestion tank, residue storage tank and technical building with the existing farm buildings and barns to reduce impact on the wider landscape. The proposed materials and selection of colours would appear agricultural with a mixture of green and grey cladding. While the silage clamp would have to be constructed in a field to the east, it would be situated on the relatively lower lying ground that also partially forms a hollow and is more hidden from north and east. The clamp would also be constructed with areas of cut and fill to reduce the impact on the landscape.

In terms of landscaping, the proposal would retain existing tree groups and hedges which would provide immediate and ongoing screening. Mitigation planting would reduce the impact from the more significantly affected locations with new native planting helping to create a tree belt to screen and mitigate the development from the more open southern and eastern aspects. There would also be a new native hedgerow on the alignment of a former historic hedge west of the silage clamps.

While there would be a small impact on the openness of the Green Belt the proposal would appear agricultural in its appearance, matching the modern farmyard and its buildings. In addition, there would be mitigation in the form of new planting. It is therefore considered that there would be no detrimental impact on the openness or visual amenities of the Green Belt.

3. Environmental Considerations - noise, pollution

A number of issues have been raised regarding potential environmental impacts of the proposal.

Odour

An odour statement has been submitted with the application which states that there will be very little odour emitted from the plant. Of the few potential odour issues, none are perceptible more than a few metres from the source. The process, due to it being anaerobic, is fully sealed and therefore minimal odour is released. A small amount of odour can be released during the pre-mixing phase but this happens within the cellar of the technical building and is therefore contained within it. The silage clamp is covered in plastic sheeting to stop degradation of the maize and loss of energy and therefore any smell is again contained. As this is an energy crop plant and not a waste plant, there are no issues relating to waste transport and processing.

Toxic Fumes

There would be no toxic fumes released from the plant. PPS22 states that with regard to Bio-digester plants that, 'emissions are generally minor and are unlikely to present any significant environmental problem, provided the equipment meets relevant design specifications and is properly serviced.' Hallwick Ltd (agent) have stated that they will have a comprehensive maintenance and service regime for all elements of the plant.

Flare stack

The flare stack is 5.5m tall and therefore lower than the tanks and surrounding buildings and will therefore not be visible. Although concern has been raised regarding the use of the flare this should happen very infrequently, if ever. The flare is a safety measure which is only used if the CHP is not operable for a length of time. The gas storage in the tank roof has sufficient capacity for all standard maintenance downtime issues. If the flare is ever used, it will not be visible due to its location in the plant design and the local lay of the land.

Noise

The CHP would be the primary noise source and would be kept within a sound proofed cabin within the technical building. The noise statement states that the nearest noise receptor would be 145m away from the technical building and would experience noise levels of approx 35dB. British Standard 4142 states '*rating levels below 35dB are very low.*'

Safety

The Biogas Plant has a number of safety measures that would minimise and eliminate any potential issues. Safety measures include automatic engine cut off, automatic plant shut down systems, gas detection systems and the gas flare.

The amount of gas stored at any one time is actually very low. Because the CHP engine runs 24/7, the methane is processed very quickly. Should any issues arise, the system shuts off the feed to the plant, thereby reducing the methane production. Should the engine fail for a prolonged period of time, the system automatically directs the gas to the flare. As well as the on site operator, the plant will also be remotely monitored, through the online computer system, by Hallwick and Envitec Biogas (the technology provider). If any issues arise, the computer sends text messages to six pre determined people informing them of the issue. Envitec Biogas then personally call these people to ensure the issue is being resolved.

Hallwick Ltd have stated that they will follow all of the industry regulations for the operation of the plant.

It should be noted that the Environmental Health Officer has no objections to the proposal subject to a noise condition.

4. Highway Issues

Concern has been raised relating to the potential of the Biogas Plant to increase

traffic movements in the area, particularly through the villages of Tebworth and Wingfield.

The application as originally submitted stated that all the required maize would be grown on Trinity Hall Farm therefore the proposal would not materially increase the movement of vehicles or affect local villages. The Highway Agency and the Council's Highway Officer made comments on the basis of these statements and raised no objections subject to conditions.

Following discussions with the applicant it became apparent that due to the maize being a spring break crop, with a three year rotation of the land, that two-thirds of the maize would have to be grown on land not owned or controlled by Trinity Hall Farm. As a consequence the application which was expected to be heard at the Development Management Committee Meeting in December was deferred until further information was submitted clarifying the traffic movements. Subsequently the applicant's Highway Engineer submitted an addendum to the Transport Assessment to take the different traffic movements into account. A reconsultation process has taken place.

The amended Transport Assessment states that the worse case scenario is that maize would be harvested from farm land up to 8 miles from Trinity Hall Farm with 60-90 new traffic movements per day for between 15 and 20 days a year.

The Highways Agency have been reconsulted and have confirmed that their original comments remain. The Highways Agency has no objection to the proposal subject to a condition to implement improvements to the access on to the A5, which would allow 2 tractor trailers to turn into and out of the entrance at the same time, thereby ensuring tractors are not waiting on the A5 to turn in.

The Council's Highway Officer has stated verbally that he has no objection to the proposed traffic movements subject to a condition for a code of conduct and route management scheme for vehicles transporting maize to the Biogas Plant. The route management scheme would identify areas of the road network which are unsuitable for large vehicle movements, re-routing them on to appropriate roads. We will report further at Committee any additional, formal, comments.

5. Conclusion

The proposed Biogas Plant has provided Very Special Circumstances for inappropriate development in the Green Belt, which would preserve the openness of the Green Belt, would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire and is acceptable in all other ways.

Recommendation:

That Planning Permission be Approved subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Before any part of the development is brought into occupation or beneficial use the access to Trinity Hall Farm is to be brought up to current standards applying at the time of implementation based on the enclosed drawing prepared by "David Tucker Associates", number 12145-01 dated August 2010. The approved scheme is to be supported with a Road Safety Audit.

Reason: To ensure that the A5 trunk road will continue to fulfil its purpose as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on the road.

- 3 **Prior to development commencing, a Tree Protection Plan shall be submitted for approval to the Local Planning Authority, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the designated Root Protection Area (RPA) of all category A, B and C trees as indicated on the Tree Constraints Plan prepared by Arbtech Consulting Limited as per their Drawing No. TCP-01 (Project No. 90945) and dated 26th August 2010. The fencing shall form a "Construction Exclusion Zone" (as specified in Section 9 of BS 5837 : 2005), which shall be demarcated by Protective Barriers (as specified by Figure 2 of the BS 5837: 2005). These measures will be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by plant and machinery.**

Reason: To safeguard the rooting medium, natural canopy spread and health of trees marked for retention on the site layout plan and which are considered to be strategically important for screening in the wider landscape.

- 4 Consent is being granted in recognition that no underground services are scheduled to be routed through designated Root Protection Areas (RPA's) of all category A, B and C trees, as indicated on the Tree Constraints Plan prepared by Arbtech Consulting Limited, as per their Drawing No. TCP-01 (Project No. 90945) and dated 26th August 2010. If any services are subsequently required to be routed through Root Protection Areas then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees".

Reason: To safeguard the integrity of the rooting medium within the Root Protection Area of retained trees.

- 5 **Prior to development, a landscape scheme shall be submitted for approval to the Local Planning Authority to indicate the size, position/density and species of trees and shrubs to be planted in the areas indicated for proposed tree planting on the Site Layout Plan prepared by Arm Buildings Ltd., as per their Drawing No. P10-THFB-**

003 (Rev C). All landscape planting shall be maintained for a period of 5 years thereafter, replacing any specimens lost during the first planting season following failure.

Reason: To ensure satisfactory landscape establishment that will reinforce existing planting and help soften the new structures from views from within the wider landscape, in the interests of visual amenity.

- 6 Prior to the development being brought into use an external lighting scheme, including hours of use, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To protect the amenity of neighbouring properties and/or highway safety.
(Policy BE8, S.B.L.P.R).**

- 7 Before development begins, a scheme for the parking of vehicles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure provision for car parking clear of the public highway.

- 8 The development shall not be brought into use until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.**

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 9 Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building/s.
(Policy BE8, S.B.L.P.R).**

- 10 Two months before the first maize to be used at the Biogas Plant hereby granted approval is harvested, a code of conduct and route management scheme for vehicles transporting maize to the Biogas Plant shall be submitted for approval and agreed in writing with the Local Planning Authority. Every year thereafter, should any different land be used to grow the maize crop, details of a route management scheme for vehicles transporting the maize from that land to the Biogas Plant shall be submitted for approval and agreed in writing with the Local Planning Authority.**

Reason: To assist in the safe operation of the surrounding road network and to minimise disturbance to residential properties.

- 11 All fixed plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: In the interests of residential amenity.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P10-THFB-001, P10-THFB-002, P10-THFB-003, P10-THFB-004, P10-THFB-005, P10-THFB-006, P10-THFB-007, P10-THFB-008 and TCP-01.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed Biogas Plant has provided Very Special Circumstances for inappropriate development in the Green Belt, which would preserve the openness of the Green Belt, would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire, and is acceptable in all other ways. Accordingly the proposed development is in accordance with Local Plan Policies BE8 and NE10, East of England Plan Policies SS1, ENV2, ENV3, ENV7, ENG1 and ENG2 and Planning Policy Statements 1, 4, 5, 7, 9, 22 and Planning Policy Guidance 13.

The proposal does not need to be referred to the Government Office for the East of England under the Town and Country Planning (Green Belt) Direction 2005 (Circular 11/2005) as the floorspace proposed is significantly below the 1,000 sq.m threshold and the development by reason of its scale, nature and location would not have a significant impact on the openness of the Green Belt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the East of England Plan May 2008 and Milton Keynes & South Midlands Sub-Regional Strategy March 2005, Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

ENG2 - Renewable Energy Targets

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental Consideration

NE10 - Rural Diversification

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The Environment Agency requests that the applicant follow the EA surface water management information, which can be found at:
<http://www.environment-agency.gov.uk/research/planning/82584.aspx>

DECISION

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