

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**26 February 2019**

**C2/18/01876/CCC - planning application for the purposes of the erection of an anaerobic digester plant including reception building, offices, including mess and toilet facilities and a control room, all extending to 818 sq. Metres, a 22,000 cu m lagoon for the storage of digestate, a 1,500 cu m lagoon for the storage of water, gas to grid compound, testing facilities, erection of 7 no. 2.4 m high 30 watt led lighting posts, weighbridge, car parking facilities, a bio filter box (50 sq. Metres) and the creation of 3,182 sq. Metres of hard standing and soft landscaping works on land at Sowerton Farm Yard, Sykes Lane, Tollerton, YO61 1RE on behalf of Galtres Energy Ltd (Hambleton Historic) (Easingwold Electoral Division)**

**Report of the Corporate Director – Head of Planning Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the erection of an anaerobic digester plant including reception building, offices, including mess and toilet facilities and a control room, all extending to 818 sq. metres, a 22,000 cu m lagoon for the storage of digestate, a 1,500 cu m lagoon for the storage of water, gas to grid compound, testing facilities, erection of 7 No. 2.4 m high 30 watt led lighting posts, weighbridge, car parking facilities, a bio filter box (50 sq. metres) and the creation of 3,182 sq. metres of hard standing and soft landscaping works on land at Sowerton Farm Yard, Sykes Lane, Tollerton, YO61 1RE on behalf of Galtres Energy Ltd.
- 1.2 This application is subject to objections having been raised in respect of this proposal on the grounds of odour, visual amenity, traffic, inappropriate location close to village and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 The application site is located 1.5km east of the village of Tollerton, approximately 300m to the west of the A19.
- 2.2 The application site is approximately 2 hectares in size and is accessed along an existing farm track leading south from Sykes Lane near Tollerton. The site forms the rear of the farm yard of Sowerton Farm, but is separated from the farm yard for the purposes of this planning application, although the access road from the farm to Sykes Lane would be shared.
- 2.3 There is a further area of ground within the planning application site boundary which extends south into the adjacent field in which a digestate lagoon is proposed to be built.
- 2.4 The surrounding land comprises flat, open countryside, predominantly arable fields or used for grazing with a variety of uses in the surrounding area including residential properties, agricultural buildings and caravan sites.

2.5 A plan showing the application site is attached to this report.

#### Planning History

2.6 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -

##### 2.6.1 North Yorkshire County Council

C2/03/162/0259 Construction of a composting plant and treatment station on land off Sykes Lane, Tollerton - Refused planning permission 2003

##### 2.6.2 Hambleton District Council

06/02549/FUL - Construction of an agricultural building and associated hardstanding Refused 15<sup>th</sup> January 2007

07/02068/FUL – Revised application for an agricultural building Granted 28 August 2007

08/01174/FUL – Construction of an agricultural building Granted 25 June 2008

08/01177/FUL – Construction of an agricultural building, adjacent to an existing building Granted 25 June 2008

09/01907/FUL – Construction of an agricultural building. Granted 18 September 2009

09/01911/FUL – Extension to existing agricultural storage building. Granted 18 September 2009

16/00140/FUL Extension to livestock and farm storage building at Sowerton Farmyard, Sykes Lane, Tollerton.

### **3.0 The Proposal**

3.1 Planning permission is sought for the erection of an anaerobic digester plant including reception building, offices, including mess and toilet facilities and a control room, all extending to 818 sq. metres, a 22,000 cu m lagoon for the storage of digestate, a 1,500 cu m lagoon for the storage of water, gas to grid compound, testing facilities, erection of 7 No. 2.4 m high 30 watt led lighting posts, weighbridge, car parking facilities, a bio filter box (50 sq. metres) and the creation of 3,182 sq. metres of hardstanding and soft landscaping works on land at Sowerton Farm Yard, Sykes Lane, Tollerton, YO61 1RE on behalf of the Galtres Energy Ltd.

3.2 The planning application is for the erection of an Anaerobic Digester plant (AD plant) to be sited on land immediately to the south of Sowerton Farmyard. Sowerton Farmyard comprises several agricultural buildings situated approximately 200m to the south of Sykes Lane, Tollerton, accessed along an unmade track.

3.3 The proposed AD plant would import up to 90,000 tonnes of food waste per annum, which would be processed on site, producing both gas to be fed into the National Grid and digestate which would have an end use as a fertiliser used on arable fields.

3.4 The food waste to be imported to the site would be collected from a variety of locations in North and West Yorkshire. The importation would involve up to 170 HGV movements per day (170 in and 170 out). Some of these vehicles would be delivering food waste and leaving the site empty, whilst others would arrive empty and take away digestate that would be used on a number of farms in the locality. In addition, it is proposed that some of the digestate produced would be used on local farmland owned by Sowerton Farm. The digestate produced would either be liquid or in a dried form and would be PAS110 compliant, no longer being categorised as waste once it has formed digestate.

## 4.0 Consultations

4.1 The consultee responses summarised within this section of the report relate to responses to the consultation undertaken on the 30 August 2018.

4.2 **Hambleton District Council (Planning)** - The issues to be considered include;

- Principle of the proposed development in this rural location;
- The impact on the character and appearance of the landscape;
- Impact of the development on the amenity of local people;
- Impact of development on highway safety;
- The planning balance.

4.3 The NPPF has a presumption in favour of sustainable development and also encourages to help increase the use and supply of renewable and low carbon energy and heat. Therefore opportunities for development should be identified that would draw energy from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat for customers and suppliers. Policy CP15 of the Hambleton Council Local Development Framework document Core Policy states that support will be given to the social and economic needs of rural communities by encouraging small scale renewable energy projects and businesses to serve the industry. Therefore in principle national and local guidance encourages the development of renewable energy.

4.4 **Impact of the development on the character and appearance of the landscape.**

Policy CP4 says that development in other locations (countryside) will only be supported when an exceptional case can be made and where it would make provision for renewable energy generation, of a scale and design appropriate to its location. Renewable energy producing bio-gas would be generated locally with this proposal, however the scale of the proposed development is considerably large making it inappropriate due to the sensitivity of the landscape. The erection of tall buildings would be visually intrusive in the open and flat landscape of the area that is without enclosure other than by hedgerows or blocks of woodland.

4.5 Policy CP1 states that development that would significantly harm the natural or built environment will not be permitted. Policy CP16 makes the point that developments will be supported where they preserve and enhance the District's natural and manmade assets and development or activities will not be supported where they have a detrimental impact upon the interests of a natural or man-made asset.

4.6 Policy CP17 states that support will be given for proposals where they meet all the requirements including respecting and enhancing the local context. Policy DP30 states that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced, while Policy DP32 recommends that proposals must respect local character and distinctiveness, including that of the local landscape.

4.7 The character of the surrounding environment is flat agricultural land with unobstructed views and little activity, making the area a natural asset and a benefit to the District. In comparison, the proposed plant would have tall and wide structures made from industrial materials and colours. The buildings would rise up over the landscape, obstructing views of the countryside and detracting from its flat and open feature. Collectively then, the proposed development would "harm" the natural environment and would "fail to preserve" or "respect and enhance the local context.

- 4.8 Policy CP17 also adds that the “requirement to achieve a high quality of landscaping is a priority in the case of all development proposals” and that in Policy DP33, that landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and creates a visually pleasant environment and also contributes to character, appearance and sense of place.
- 4.9 The landscaping proposed as part of this scheme is not appropriately proportional to the scale and height of the development and the structures would be higher than trees and shrubs even when fully grown in up to 15 years’ time. In the meantime the plant would be visible from a number of surrounding locations.
- 4.10 **The effect of noise and odour on the surrounding locality**  
Policy DP1 from the Hambleton Council Local Development framework Document Development Policy says that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours, daylight and pollution (including light pollution). Similarly, Policy DP42 says that the public, land uses and the environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity. Environmental Health had some reservations about the potential impact of odour and light emitting from the plant affecting nearby residents and Planning has concerns that there would be additional landscape impact arising from the provision of artificial lighting that would be intrusive to the agricultural landscape.
- 4.11 **Impact of development on Highway Safety**  
NPPF says that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network. The Sustainable Development Supplementary Development Plans 2015 says that transportation of farm slurry and other wastes can pose a hazard to the environment, so they are best located as close to the processing plant as possible to reduce its movement.
- 4.12 The A19 is close to the site and provides ready access to the strategic road network. The additional traffic associated with the proposed development will place additional pressures on the character of the place and make Sykes Lane less attractive to non-motorised users (foot, cycle, horse). The existing access road off Sykes Lane is in need of improvement as loose materials are drawn out onto the highway.
- 4.13 **The planning balance**  
At the heart of planning is the aim to achieve sustainable development. To ensure work is undertaken holistically three objectives guide this endeavour. The objectives are Economic, Social and Environmental. The three objectives are inter-dependent and planning applications are determined by weighing up the potential detriment they pose against the benefits it would bring. In relation to the Economic objective, para 83 of the NPPF refers to supporting a prosperous rural economy. Alternative sites in the District could be explored through a sequential test to help identify the best possible site in the area. In the Sustainable Development Supplementary plan 2015, the issue of Anaerobic Digesters has been considered and recommends that AD plants are best located near to sewage plants because their paraphernalia and structures can blend in well amongst the existing equipment.

- 4.14 The NPPF and LDF policies accept that the use of renewable energy should be encouraged but not to the detriment of interests of acknowledged importance such as the landscape and the amenity of local residents/. The proposed development is acceptable in principle but is of a scale inappropriate to its surroundings and would have a detrimental impact on road safety and visual and residential amenity of the locality. On balance, the benefits of the development are outweighed by the detrimental impact it would have on the area. Refusal of the application is recommended.
- 4.15 **Hambleton District Council (Environmental Health)** : The potential impact on amenity and likelihood of the development to cause a significant impact has been and although I have no objections in principle I have the following observations to make:
- 4.16 Environmental Health has received odour complaints from local residents around the site of the proposed Anaerobic Digester. These odour complaints mainly relate to current waste spreading activities, but cannot be solely attributed to the spreading of anaerobic digestate.
- 4.17 This plant will be subject to permit control by the Environment Agency which includes controls relating to production of the digestate and controlling odour and noise on the site. However this does not include controls on times of vehicle deliveries.
- 4.18 I accept the submitted acoustic report in that local residents should not be affected by normal operation of the plant, however the acoustic report acknowledges the low background noise environment and there will be increased vehicle movements so I recommend that the times of any delivery vehicles arriving or leaving from the site including vehicles collecting digestate is restricted to times suggested by the applicant to protect the amenity of local residents during quieter evening and night time hours.
- 4.19 **Environment Agency York**  
We have no objection to this proposal, however, the activities fall within the scope of Environmental Permitting and we therefore have the following comments to make.
- 4.20 **No major permitting concerns**  
The proposed development will require a standard rules permit under the Environmental Permitting Regulations 2010. We have not identified any major concerns about issuing a permit for this development based upon the current information submitted in support of this planning application. We consider risks to people and the environment are capable of being reduced to a satisfactory level using measures to prevent, minimise and/or control pollution. In particular, mitigation is likely to be required to control odour from the waste reception building and digestate lagoon.
- 4.21 We will not be able to issue a permit until information required to support the permit application has been provided.
- 4.22 **Scope of controls for anaerobic digestion installations**  
The proposed anaerobic digestion plant will require a permit under the Environmental Permitting Regulations 2010. We will be including the following key areas of potential harm when making an assessment for the Permit:
- Techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, energy, accidents, noise and monitoring.
  - Emission benchmarks for combustion products, temperature and PH.

- Air quality impact assessment, including odour and Habitats Regulations Assessment.

4.23 **Additional information**

We are aware of a long history of odour complaints being made by people living in areas close to the intended site of this Anaerobic Digester. The site is currently used in relation to the land-spreading of wastes under permit (deployment) and also the spreading of non-wastes and sludges. Many of the odour complaints have coincided with vehicle movements of wastes, sludges and digestates through nearby villages, e.g. Tollerton, Aldwark and Alne.

4.24 The application indicates that a larger proportion of the additional vehicle movements associated with the Anaerobic Digester will be via Tollerton and surrounding areas as opposed to the main A19 road (which will still carry the higher proportion of vehicle journeys). We feel that there is a potential for these additional vehicle movements through the aforementioned areas (during the hours of 07:00 to 19:00 every day except Sunday) to give rise to an increased number of odour complaints, and complaints about noise from the vehicles, and local roads being polluted.

4.25 Any Environmental Permit which may be issued in connection with this site will not include controls for these issues, these will need to be controlled through the planning system.

4.26 **Yorkshire Water Services** *no comment received*

4.27 **Natural England** has no comments to make.

4.28 **Tollerton Parish Council** object to the application due to the following points:

1. The increase in the volume of traffic this development would bring would be detrimental to the condition of the Road that is already crumbling due to the current amount of traffic that visits Sowerton Farm. It is currently in a dangerous state of repair with the verges being eroded by the tankers and tractors that visit the Farm on a regular basis. This would only increase to a dangerous level should there be an increase in production of this scale.
2. The risk that the increased traffic travelling through the village would cause to residents, who are already concerned with the current volume. The roads are used by children and elderly and are not suitable for regular use by commercial vehicles.
3. The scale of the development is felt to be too large and industrial to be placed so close to a residential village. The proposed developer has already increased traffic and production significantly in the past years, expanding towards the village itself. We feel this would be exacerbated by allowing an even larger production plant to be built so close.
4. We feel should the planning consent be considered it should be on the grounds that a completely separate entrance and exit should be created directly from the A19 to the plant itself, and undertakings received that no extra traffic would be allowed to access the plant via Tollerton Village and no extra access/Exit be created via Sykes Lane.

4.29 Second comment received 7/12/2018

4.30 **Tollerton Parish Council wish to object to the above planning application for the following reasons**

1. Contrary to information on the application the scheme will be clearly visible from neighbouring public rights of way, Angram Lane and Sykes Lane which is a major route into the village. The main building at 14.5 metres (47 feet) and the Flare Stack at 19 metres (62 feet) will be significant and imposing on what is currently very flat farm land. The Flare Stack in particular will be visible across a wide area.
2. The access route via Sykes Lane is currently in a dreadful state. When wet the tankers currently using this site bring large amounts of mud onto the road. The increase in volume of traffic this development would bring would be detrimental to the condition of the road that is already crumbling due to the current amount of traffic that visits Sowerton Farm. It is currently in a dangerous state of repair with the verges being eroded by the tankers and tractors that visit the Farm on a regular basis. This is a constant source of complaint from Parishioners to the Parish Council.
3. The potential for increased heavy vehicle traffic travelling through the village either to bring crops or food waste to the site or disposing of the end waste products. Residents are already concerned about risks concerned with the current volume. The roads are used by children and elderly and in places have no pavement and are not suitable for regular use by commercial vehicles.
4. The scale of the development is felt to be too large and industrial to be placed so close to a residential village. This site has already seen increased traffic and production significantly in the past years, expanding towards the village itself. We feel this would be exacerbated by allowing this plant to be built so close and use the same access route.

4.31 Finally we feel should the planning consent be considered for approval then it should be on the grounds that a completely separate entrance and exit should be created directly from the A19 to the plant itself, and undertakings received that no extra traffic would be allowed to access the plant via Tollerton Village, and no extra access/exit be created via Sykes Lane.

4.32 **Aldwark Area Parish Council**

Although not a formal consultee to this application, Aldwark Area Parish Council has considered the development proposals and would make the following comments:

- There is significant concern about the potential for increased HGV traffic through the village of Tollerton and neighbouring villages to the west of the A19 emanating from the development proposals and the proposed deliveries of unprocessed waste to the development site and the subsequent distribution of digestate material.
- The condition of the existing rural roads is generally poor with verges continually being damaged by existing HGV and farm traffic.
- Mud on the local roads is an on-going issue for local residents.
- The scale of the proposed development is likely to have a detrimental effect on the visual amenity and character of Tollerton.

4.33 Aldwark Area Parish Council would strongly recommend that any planning consent is conditioned as follows:

1. There should be strict limits imposed in respect of total HGV movements to and from the development site and in particular the restriction of HGV movements through the village of Tollerton to ensure that most traffic uses the A19 only.
2. Wheel wash facilities should be provided on site to prevent mud being deposited on Sykes Lane and the A19.
3. Resurfacing of Sykes Lane prior to any development coming into operation.

- 4.34 **Ministry of Defence Safeguarding Organisation** no comments received
- 4.35 **County Cllr. Peter Sowray (Local Member)**  
Having read the transport statement I see no mention of wheel washing facilities. The site is very muddy even in a dry year and mud is deposited on Sykes Lane, this needs to be conditioned if this is approved. I am also concerned about the access onto Sykes Lane and the visibility and safety of vehicles turning. Will the proposed conditions include a lorry routing plan?
- 4.36 The transport statement annoyingly refers to Easingthorpe when it should be Easingwold, this needs correcting.
- 4.37 **NYCC Heritage - Principal Landscape Architect** (initial comment) The proposed scheme is for a new anaerobic digester plant located on land at Sowerton Farm Yard to the south side of Sykes Lane, Tollerton. The proposed buildings are industrial in scale and style and likely to be visible within the local area. A landscape and visual assessment has not been submitted as part of the application.
- 4.38 There is potential for significant landscape and visual effects.
- 4.39 (Re-consultation): A landscape and visual assessment has been submitted as part of the application which has identified a number of sensitive receptors in close proximity to the site including isolated residential properties, roads and footpaths around the site.
- 4.40 It is generally agreed that the LVIA has correctly identified the key receptors which are likely to be adversely affected, I do not agree with the findings which in my view are understated in their significance.
- 4.41 **Landscape and Visual Effects of the Proposed Development**  
The proposed development is in open countryside and is likely to adversely affect local landscape character and setting. Key issues are:  
1) Impact on local landscape character and setting  
2) Visibility and impact on openness.
- 4.42 **Impact on Local Landscape Character and Setting**  
The site is located within open and flat arable farmland with gappy hedgerows and occasional small blocks of woodland. Tree cover is generally sparse. The character area is generally sensitive to development due to its rural character.
- 4.43 Sowerton Farm is located to the south side of Sykes Lane and incorporates several large farm buildings and barns. Although large in scale, the existing buildings are typical of many farm and agricultural developments in the area.
- 4.44 As well as a new access road and car parking and vehicle turning area the proposed development includes several large buildings, processing tanks, Flare Stack, control room and offices:  
- A 22,000m<sup>3</sup> Digestate Lagoon  
- Gas to Grid Compound  
- 1,500m<sup>3</sup> Fresh Water Tank  
- Reception Hall [25 x 25 x 13.5m to apex]  
- 2,200m<sup>3</sup> Gas Bag [13.738m high with 18.735m high screen walls to each side]  
- Pasteurisation Plant  
- 4,000m<sup>3</sup> Digester Tank [16.296 m high]  
- 1,500m<sup>3</sup> Hydrolysis Tank [13.7m high]  
- 1,000m<sup>3</sup> Buffer Tank [13.7m high]

- Combined Heat and Power [CHP] Motor
- Flare Stack [14m high]
- Control Room
- Offices.

4.45 The proposed development is set apart from the existing farm buildings, is industrial in scale and style and incongruous with the rural context and likely to cause significant adverse effects on local landscape character and setting.

4.46 **Visibility and Impact on Openness**

The local landscape is generally flat. A combination of intermittent hedgerows and trees tends to screen wider long distance views of the site. However there are several sensitive receptors close to the site likely to be adversely affected by the development including isolated residential properties and farmhouses, public rights of way (PROW), and local roads.

4.47 In particular these include views from Sykes Lane to the north side of the site, views from PROW to the west and south sides of the site in close proximity, and from the A19 to the east side. Views from Sykes Lane are particularly open. The proposed development is likely to cause significant adverse visual effects due to the scale, height and style of the buildings and processing tanks which are likely to be visible above local hedgerows.

4.48 **Landscape Proposals and Mitigation**

The Application includes a Landscape Strategy plan. This describes proposed native boundary hedgerows 2m high around the site with additional grassland and tree planting to the south side around the Digestate Lagoon.

4.49 The proposed hedgerow and tree planting is unlikely to provide sufficient screening to mitigate and reduce the significant adverse landscape and visual effects of the main AD Plant due to its scale and incongruous character

4.50 **Highway Authority**

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

- The local highway network has a restriction due to the width of a railway bridge over the east coast railway just west of the existing access into the development. Large vehicles already have issues when passing each other at this location.
- Whilst the level of traffic to be generated by the proposal is considered low it is considered inappropriate for any additional HGVs to use the part of Sykes Lane, west of the site access. The additional traffic generated by the proposal should therefore turn right from the site on to the A19 unless deliveries are local to the Tollerton area.
- The existing access which has adequate visibility will need to be improved with either a concrete or tarmac construction set back from the highway by at least 25 metres.

4.51 The Local Highway Authority therefore recommends that conditions are attached to any permission granted in relation to the use of the existing access, provision of visibility splays and details of access, turning and parking and wheel washing on the site.

4.52 **NYCC Public Rights of Way** commented that there is a Public Footpath running east-west approximately 70m to the south of the planning application site.

- 4.53 **NYCC Heritage - Ecology** This application has been accompanied by a thorough Ecological Impact Assessment (EclA). The proposed development is within an existing farm yard and adjacent agriculturally-improved pasture, so impacts on wildlife are expected to be limited. According to the EclA, operation of the facility would not adversely impact on ecological receptors in terms of air or water pollution, noise or lighting. The planting of native trees and hedgerow shrubs on the screening bunds of the digestate lagoon will provide significant habitat enhancement, although we would suggest that Beech is not a particularly appropriate species in the Vale of York (*Proposed Landscaping Plan*, AJS Structural Design). In accordance with the findings of the EclA, we recommend the following two conditions.
- 4.54 The retained hedgerows will be protected throughout the construction phase in accordance with BS 5837 (2012) *Trees in relation to design, demolition and construction*. This will include establishing appropriate root protection areas and maintaining protective fencing to avoid damage to the hedgerows. Reason: to protect the hedgerows adjoining and within the application site, which form part of the 'green infrastructure' of the surrounding landscape.
- 4.55 Site clearance should follow the recommendations contained in paragraphs 5.2.6 to 5.2.8 of the Ecological Impact Assessment (Enzygo, August 2018)  
Reason: to minimise risks to wildlife during site clearance.
- 4.56 The following Informative is also suggested:  
Any clearance of dense vegetation (trees, shrubs, brambles etc) should take place outside the bird nesting season (March to August inclusive) or after a suitably experienced ecologist has checked to determine that no nesting birds are present.  
Reason: to ensure full compliance with the Wildlife & Countryside Act 1981 (as amended)
- 4.57 I do not consider the biodiversity enhancement measures recommended in the EclA to be significant enough to merit a condition or informative.
- 4.58 **Lead Local Flood Authority** In accordance with the Sustainable Drainage Systems : Written Statement (18 Dec 2018), all major developments must consider the use of Sustainable Drainage Systems (SuDS) for the disposal of surface water. A waste application is considered to be a major application.
- 4.59 The proposal for this site involves a significant area of hardstanding which is likely to increase the surface water runoff from the site/. I would therefore expect to see some drainage details, and how the applicant intends to manage surface water on site without increasing flood risk elsewhere. No drainage details have been submitted with the application. Whilst there maybe reasonable means of dealing with surface water generated on site, the applicant has not demonstrated this. It is therefore recommended that the application is **refused** on the grounds that the applicant has not demonstrated through the submission of a drainage strategy that flood risk will not be increased elsewhere.

## 5.0 Advertisement and representations

- 5.1 This application has been advertised by means of a Site Notice posted on 10/09/2018 (responses to which expired on 02 Oct 2018). The Site Notice was posted at the

entrance to the site on Sykes Lane. A Press Notice appeared in the The Press (York) on 18<sup>th</sup> September 2018 (responses to which expired on 02 Oct 2018).

5.2 A total of 160 representations have been received raising objections on the grounds of:-

- Increased traffic on rural roads, especially from HGVs, potentially through the village
- Danger to other road users including pedestrians
- Unsatisfactory entrance and access road
- Mud on road and damage to verges
- Potential odour
- Lighting from a plant in operation 24/7 in a rural area
- Rural area is unsuited to an industrialised complex that will be visible
- Impact on wildlife
- Problems in relation to flooding and drainage
- Inappropriate location due to road network

5.3 A total of 11 letters of support have been received raising support on the grounds of:-

- Modern technology
- Sustainable use providing fertiliser for local farms
- Provides employment in a rural area.
- Appropriate use next to farm use

## 6.0 Planning policy and guidance

### The Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.

6.2 The *Development Plan* for the determination of this particular application comprises the extant 'saved' policies of the North Yorkshire Waste Local Plan (2006) and the extant policies of the Hambleton District Core Strategy (2007).

6.3 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. The following document contains emerging local policies that are of relevance to this application and should be given increasing weight.

- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and the North York Moors National Park Authority)

6.4 The MWJP was published in November 2016 to receive representations. Consultation subsequently took place in relation to proposed changes during Summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 with Examination in Public Hearing sessions taking place until

April 2018. Further re-consultation responses are expected to come in shortly following the latest hearing sessions. Once the Inspector has written her report it is then anticipated that the Plan could be adopted by the end of autumn 2019. There are no significant matters proposed in the Modifications in respect of the policies listed below which would affect the general policy position on those topics.

6.5 *Relevant Development Management Policies in the MWJP*

- D01 Presumption in favour of sustainable minerals and waste development
- D02 Local amenity and cumulative impacts
- D03 Transport of minerals and waste and associated traffic impacts
- D06 Landscape
- D07 Biodiversity and geodiversity
- D09 Water environment
- D11 Sustainable design, construction and operation of development
- W01 Moving waste up the waste hierarchy
- W06 Managing agricultural waste
- W10 Overall locational principles for provision of waste capacity
- W11 Waste site identification principles

6.6 **The North Yorkshire Waste Local Plan** (adopted 2006) is still extant and has relevance in the determination of this application. The policies most relevant include:

- **Policy 4/1 Waste Management Proposals** “Proposals for waste management facilities will be permitted provided that :
  - a) the siting and scale of the development is appropriate to the location of the proposal;
  - b) the proposed method and scheme of working would minimise the impact of the proposal;
  - c) there would not be an unacceptable environmental impact;
  - d) there would not be an unacceptable cumulative impact on the local area;
  - e) the landscaping and screening has been designed to effectively mitigate the impact of the proposal in way that is sympathetic to local landscape character;
  - f) where appropriate, adequate provision is made for the restoration, aftercare and management of the site of the site to an agreed afteruse;
  - g) the proposed transport links are adequate to serve the development; and
  - h) other environmental and amenity safeguards would effectively mitigate the impact of the proposals;
  - i) it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;
  - j) the location is geographically well located to the source of the waste thereby according with the proximity principle.
- **Policy 4/3 Landscape Protection** “Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of the local landscape character”.
- **Policy 4/7 Protection of Agricultural Land** “ Proposals for waste management facilities”
- **Policy 4/18 Traffic Impact** “Where rail, waterway or other environmentally preferable modes of transport are not feasible, waste management facilities will only be permitted where the level of vehicle movements likely to be generated

*can be satisfactorily accommodated by the local highway and trunk road network and would not have an unacceptable impact on local communities”.*

- **Policy 4/19 Quality of Life** *“Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity.”*
- **Hambleton District Council Core Strategy** (2007) is extant. The following saved policies are relevant:
  - CP1 Sustainable Development
  - CP2 Access
  - CP15 Rural regeneration
  - CP16 Protecting and enhancing natural and man-made assets
  - CP17 Promoting high quality design
  - DP3 Site accessibility
  - DP26 Agricultural issues
  - DP30 Protecting character and appearance of the countryside
  - DP32 General Design

Other policy considerations:

National Planning Policy

- 6.7 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published July 2018)
  - National Planning Policy for Waste (NPPW) (published October 2014)

**National Planning Policy Framework (NPPF) 2018**

- 6.8 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.
- 6.9 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) **‘an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’
- 6.10 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be

approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- i.) *‘the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- i.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.*

- 6.11 This national policy seeks to ensure that there are positive improvements in people’s quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.12 The presumption in favour of sustainable development means that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF also states that decisions should contribute to and enhance the local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and preventing new development from being adversely affected by unacceptable levels of soil, air, or noise pollution. Development should wherever possible help to improve local environmental conditions.

#### **National Planning Policy for Waste (NPPW) 2014**

- 6.13 The NPPW sets out a framework in which communities and businesses can take more responsibility for their waste, including by enabling waste to be disposed of and helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.
- 6.14 It also sets out criteria against which Waste planning authorities should assess the suitability of sites for new waste management facilities including physical and environmental constraints on development including existing and proposed neighbouring land uses and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.
- 6.15 When determining planning applications Waste planning authorities should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located and that a detailed assessment of the likely impacts on the local environment and amenity is undertaken as laid out in Appendix B (Locational Criteria).

## **7.0 Planning considerations**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the following:

### **Principle of the proposed development**

- 7.2 This application seeks permission for the erection of an Anaerobic Digester plant on land to the rear of Sowerton Farmyard, Sykes Lane, Tollerton, York. The proposed development would take access off Sykes Lane, using an existing farm track which leads to the current farmyard. The current farmyard comprises a number of existing

agricultural buildings and the proposed access to the land at the rear would traverse through the centre of the farmyard.

- 7.3 The proposed development would comprise the following:
- Erection of a reception building (25m x 25m) with a negative pressure system. Internal height of 11 metres and external height of 14.5m.
  - Erection of a canteen building, offices, toilets, mess and testing facilities.
  - Digester tank ( 4000cu m)
  - Hydrolysis tank.
  - Buffer tank.
  - Gas bag,
  - Fresh water lagoon.
  - Digestate lagoon (22,000 cu m)
  - Control room
  - Pasteuriser plant
  - Bio filter
  - Gas to grid compound
  - Combined Heat and Power engine
  - Flare stack (18.5m high)
  - Weighbridge
- 7.4 A 3 metre high bund (partially dug into the ground) is proposed to be constructed around the digester, hydrolysis and buffer tanks. The gas supplied would be piped to the National Grid by a pipeline which would extend 300m to the east of the application site.
- 7.5 The proposed development, when operational, would employ 5 permanent members of staff and would operate for 24 hours through each day and night. The application states that most of the product entering the plant (waste food) would be returned to the land in the form of dry compost or liquid digestate which would be applied to arable fields as a fertiliser. In addition, gas would be produced which would be piped into the National Grid. The applicant considers that this ensures that the proposal constitutes sustainable development which reduces the need for the use of landfill.
- 7.6 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In achieving sustainable development the planning system needs to consider three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three objectives that need to be considered are economic, social and environmental. In determining whether the proposed development is sustainable in principle, it can be seen that in relation to economic objectives that the proposal could lead to an increase in rural employment and growth in the local area as well as supplying gas to the National Grid.
- 7.7 The NPPF also requires that environmental objectives are assessed, to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land. It also includes moving to a low carbon economy. Together with the third thread which is a social objective, looking for development to support communities' health, social and cultural well-being.
- 7.8 Although it can be argued that the principle of an AD use is one that supports moving towards a low carbon economy, raising the disposal of waste up the waste hierarchy to recycling rather than disposal, each case must be assessed on its own merits and a balance of the benefits and dis-benefits made. Guidance in the NPPF is that

planning decisions should play an active role in guiding development towards sustainable solutions whilst taking local circumstances into account to reflect the character, needs and opportunities of each area.

- 7.9 The character of the area in which the planning application is sited is rural and flat, with arable or grazing fields interspersed with villages nearby. The A19 runs close by to the east, and development on the proposed site would be visible from there as well as local lanes and footpaths. The proposed AD plant would appear as a collection of industrial style buildings together with a flare stack, none of which would be able to be screened effectively, even into the long term as trees mature.
- 7.10 The unmade access track to Sowerton Farm is currently in a poor state due to the number of heavy vehicles that have been using it in recent times. The same track is proposed to be used as the main access to the AD plant, which would run centrally through the existing farm yard to gain access to the application site at the rear, and would be shared with traffic arriving and departing from the farm. Although the applicant has indicated that this track could be surfaced with concrete to provide a more appropriate surface for HGVs to gain access, it is considered that to upgrade it to the appropriate width and surface suitable for these vehicles could detract from the rural character of the open countryside within which the site is located. The planning statement submitted with the application indicates that there are currently deliveries to Sowerton Farmyard of both food waste and digestate produced at other AD plants in the area. These current HGV movements are already a source of complaint from the local community who consider themselves and the area to be adversely affected.
- 7.11 The HGVs bringing the food waste to the proposed AD plant, together with those arriving at the site to collect digestate would represent a significant increase in traffic on local roads in the area, and vehicles could travel through the village of Tollerton and other local villages. No specific information has been submitted to detail where the food waste might come from has been submitted except that it is stated that it would come from various locations across North and West Yorkshire. It is proposed that some of the digestate would be used on Sowerton Farm land whilst the rest would go to farms in the local area. It is likely that there would be a significant number of extra HGVs arriving and departing from the site on a daily basis. As such it is considered that there could be an adverse impact on the well-being of the local road network and community of the Tollerton area, which would be affected. The application is not consistent with the aims of the MWJP which suggests maximising the potential of existing waste management facilities and supporting proposals for development of waste management capacity at new sites where the site is compatible with the requirements of Policy W11. The policy indicates that where sites would serve multi-district scale catchments, such as this site, they should be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.
- 7.12 MWJP Policy W11 provides guidance on a number of waste site identification principles. Determination of planning applications for new waste management facilities should be consistent with a number of principles which includes:
- Siting facilities involving the recovery of energy from waste, ***including through anaerobic digestion***, on previously developed land, industrial or employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby, including where the energy produced can be utilised efficiently. Where the site or facility is proposed to deal mainly with agricultural waste through anaerobic digestion including energy recovery, then use of redundant agricultural buildings or their curtilages and other appropriate on-farm locations will also be acceptable in principle.

- 7.13 This development proposal would involve the importation of food waste, collected up predominantly in urban areas to be used in the anaerobic digestion process. The proposal is not small scale dealing with agricultural waste, and even though there would be energy recovery in the form of gas to the National Grid, it is considered that the proposal is not appropriate in principle for the on-farm location that is the application site. The application site is not on previously developed land, or at an existing waste management site and the only co-locational benefit that could arise would be the spreading of some of the digestate on land at Sowerton Farm. The remainder of the digestate however, would be exported by road. Policy W11 goes on to state that in all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.

Location, Design and visual impact on landscape

- 7.14 The proposed AD plant would comprise the erection of a number of different industrial style buildings including a reception building that the food waste would be brought into, tanks and other ancillary structures. The reception building would be 25m x 25m square with the roof having a highest point of 14.5m. The building would need to be of that size to accommodate HGVs delivering food waste to the site which would need to go inside the building to deposit the waste. In addition a flare stack proposed on site would reach a height of 18.5m and screen walling of a gas ball would reach a height of 18.7m.
- 7.15 It is considered that the AD plant would have the appearance of an industrial development in the countryside, when seen from surrounding viewpoints including from the A19 and Sykes Lane near Tollerton village. It would also be particularly visible due to the height of the proposed buildings and structures in the context of the surrounding flat, open rural area in which the site is situated. The proposed development would be located to the south of existing agricultural barns comprising Sowerton Farmyard itself, however these buildings are of agricultural style, are lower in height and are therefore less obtrusive. Also, the site of the proposed AD plant is considerably closer to the nearest Public Footpath, which runs across an open area east-west, approximately 70m to the south of the site. The landscape when viewed from the footpath would be significantly altered with an industrialised appearance.
- 7.16 In addition, the planning application site for the proposed AD plant is located to the south of Sykes Lane and the entrance road cuts through flat, arable fields. A significant number of HGVs (170 movements per day) are proposed to use this route to gain access to the AD plant and in doing so, would be very visible in the vicinity of the site. These HGVs are proposed to arrive and depart throughout the day from 7am until 7pm 6 days a week.
- 7.17 The MWJP states in Policy D06 that all landscapes will be protected from the harmful effects of development and that proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. The planning application does provide for some planting of hedgerows around the site, as mitigation, however given the height of some of the proposed structures, it is considered that hedgerows will not be able to screen the development even when mature.. In addition, the application states that the proposal intends to operate continuously and therefore a level of lighting will be required at the site throughout the night with full deliveries commencing at 7am each morning. Therefore in the wider landscape context of the location it is considered that there would be an adverse impact on dark night skies in the vicinity. Mitigation measures are unable to

avoid the problem with the continuous proposed operation of the AD plant. It is therefore considered that the proposal would be obtrusive in its proposed location due to lighting, and visible from a number of locations around, including Sykes Lane to the north and a Public Footpath to the south. It would also be visible from the A19 across the fields.

- 7.18 It is therefore considered that there would be a likely adverse impact on the local environment affecting the character and quality of the area. As such, it is considered that the proposal does not accord with national or local policy for the development of new waste management facilities. One of the aims of the NPPF is that new development should contribute to protecting and enhancing our natural, built and historic environment and in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. The NPPF also requires that development proposals should recognise the intrinsic character and beauty of the countryside, and development should wherever possible help to improve local environmental conditions. The NPPW requires that Local Planning Authorities should ensure that 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. This proposed development would be unable to integrate well with the landscape due to the character of surrounding land being flat and open, and therefore very visible in the locality. The proposal is therefore considered contrary to both national and local policy.

- 7.19 Local amenity (noise, light pollution) and air quality (emissions, odour and dust)  
The planning application site is situated approximately 1.5km east of the village of Tollerton, with the A19 being situated less than 0.5km to the east. The application site boundary includes an unmade access track leading south from Sykes Lane through the existing farmyard leading to the land to the rear where the AD plant is proposed. Local residents have raised concerns regarding the number of HGVs currently using the access to reach the farmyard. This application states that these vehicle movements are in connection with current food waste and digestate deliveries and exporting of fertiliser product which has no current planning permission. Nevertheless, the impact that that the current use has made is a cause of great concern to local communities, including mud on the road, damaged soft verges on the rural lanes, the noise and inconvenience of heavy vehicles in a rural area and odour problems.
- 7.20 It is considered that if planning permission were granted for the proposed AD plant that similar issues could occur. The proposed AD plant has the potential to cause further adverse impacts on the amenity of local communities including residents, visitors and local businesses. Policy D02 of the MWJP (Local amenity and cumulative impacts) states that waste development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network in relation to a number of issues that may arise. In relation to this proposal it is considered that there is the potential for unacceptable impacts in relation to odour, noise, emissions to air, and from site lighting to occur.
- 7.21 A noise impact assessment has been submitted with the application which indicates that the proposed development would not be likely to directly result in any undue noise impacts on nearby residents.
- 7.22 An odour impact assessment has also been submitted with the application. This report has concluded that there could be the potential for slight adverse odour effects at the nearest sensitive receptors. The report does however indicate that the level of

odour could vary depending on a number of factors such as the volume and composition of the food waste, the length of time it is stored and temperature and moisture at the time together with any mechanical action that could arise. The two most likely sources of odour would be the reception building which would receive the food waste and the digestate lagoon. It is proposed to cover the digestate lagoon with an Aerocover which is supposed to seal in the odour, although it is accepted that this may be moved from time to time to ventilate the lagoon at which point odour could escape. Likewise the reception building is designed to have the door shut when deliveries take place, but quantities can be variable and in a period of particularly heavy deliveries there could be more potential for odour to escape. Overall though, the applicant's assessment judged potential odour to not be significant.

- 7.23 Unfortunately the current operations at Sowerton Farm have led to odour complaints being made to the Environment Agency and NYCC. According to this planning application, both food waste and digestate is imported to Sowerton Farm for storing and mixing prior to being used on the land as fertiliser in the local area. It is possible that the proposed AD use could result in less odour due to mitigating factors and proper controls. However, the Environment Agency has commented as follows: *“Many of the odour complaints have coincided with vehicle movements of wastes, sludges and digestates through nearby villages, e.g. Tollerton, Aldwark and Alne. The application indicates that a larger proportion of the additional vehicle movements associated with the Anaerobic Digester will be via Tollerton and surrounding areas as opposed to the main A19 road (which will still carry the higher proportion of vehicle journeys). We feel that there is a potential for these additional vehicle movements through the aforementioned areas (during the hours of 07:00 to 19:00 every day except Sunday) to give rise to an increased number of odour complaints, and complaints about noise from the vehicles, and local roads being polluted”.*
- 7.24 Given that the EA has suggested that there is a potential for the extra vehicle movements to lead to an increase in odour complaints in the local area it is considered that the application has not fully demonstrated that there would not be an unacceptable impact on amenity as the deliveries of digestate and importation of food waste in the local area could affect amenity. There could be further effects on the local area from the noise and disturbance from HGVs travelling through the local area. These impacts would potentially be cumulative with any similar activities taking place at Sowerton Farm resulting in a cumulative impact. In addition the AD plant would need to be lit as it would operate 24 hours a day and although its location is set away from most residential properties there would still be an impact on a rural area that is currently in darkness except for security lighting at the farm.
- 7.25 It is therefore considered that weight should be given to the potential adverse effects on amenity in the local area and as such the application is considered not be in accord with MWJP Policy D02 (Local amenity and cumulative impacts). The EA has confirmed that odour from the reception building and lagoon on site could potentially be controlled through the permitting system using mitigation measures.

#### Soils and agricultural land use

- 7.26 The agricultural land surrounding the planning application site is Grade 3.

#### Drainage issues

- 7.27 The Lead Local Flood Authority recommends refusal due to the application not having submitted a drainage strategy and not having demonstrated that the proposal would not result in an increased flood risk in the vicinity. The proposal is therefore contrary to Policy D09 of the MWJP which requires applications to submit measures to contribute to flood alleviation including the use of sustainable urban drainage systems.

#### Highways matters- Traffic and transport

- 7.28 An updated Transport Statement was submitted by the applicant in January 2019 due to errors in the original one. In the statement it confirms that Sowerton Farm, as part of its agricultural contracting operation currently brings in both anaerobic digestate and food waste, where it is mixed and stored on site before being used as an agricultural fertiliser, distributed to various locations across the local area. Currently 35,000 tonnes of food waste and 30,000 tonnes of anaerobic digestate arrives on site, with 30,000 tonnes of anaerobic digestate departing the site, per annum.
- 7.29 The application states that the anaerobic digestate deliveries to the farmyard would cease and the food waste deliveries overall would increase to 90,000 tonnes per annum from numerous locations across North and West Yorkshire. 80,000 tonnes of digestate produced by the AD plant would be distributed from the site by HGV. Deliveries of food waste to the AD plant would take place between 7am and 7pm although it is proposed that the plant would operate 24 hours a day, 365 days per year.
- 7.30 The submitted transport statement has assessed the existing operation at Sowerton Farmyard in terms of its importation of food waste and anaerobic digestate deliveries and calculates that around 170 HGV/tractor/trailer movements (in, and out) take place currently per day. The report concludes that these existing movements would need to be offset against any new movements that would occur in connection with the proposed AD plant, by deducting the amount of digestate and food waste that currently arrives at the farmyard. However, the applicant has confirmed that this planning application is completely standalone and has no connection to the existing farmyard or operations that take place there. As a result, there appears to be a discrepancy in the factual information submitted in this application.
- 7.31 The current food waste operations at Sowerton Farm, as described in this application, do not have the benefit of planning permission and as such cannot be offset in any way as has been attempted to be done in the calculations shown in the Transport Statement. This is because there is no link between the two uses and there would be no control over activities that may take place outside the red line of the planning application. The calculation in relation to HGV trips is therefore erroneous and does not represent a true picture. The deliveries to Sowerton Farmyard could continue (currently the subject of investigation) and they could then be in addition to the HGV movements to and from the AD plant.
- 7.32 The entrance to both the farmyard and the AD plant would be shared, and comprises an unmade track in poor condition, unsuited to be used by a significant number of HGVs. The track could be hard surfaced, but to be made up and widened to appropriate standards for HGVs would lead to an industrialised style of entrance and road within an open, rural landscape. In addition, the access to and from the proposed AD plant is off Sykes Lane which is a rural road between Tollerton village and the A19. The current HGV movements to and from the farmyard are the subject of complaints from the local community with evidence of soft verge damage and noise from vehicles causing disturbance. In the vicinity of the planning application site are two caravan sites used by holiday makers and a local pub/restaurant which relies on increased trade in the summer months with people dining outdoors.
- 7.33 It is therefore considered that the proposal is not acceptable, as it has not been demonstrated that there would be no unacceptable impacts on local amenity and local businesses in the area from extra vehicle movements and that there could also be the potential for cumulative impact from the existing (unauthorised) waste use

taking place at Sowerton Farm. Together the adverse impacts from both uses would have the potential to be significant in the area. As such, the AD plant proposal would be contrary to emerging MWJP Policy D02 (Local Amenity and cumulative impacts) and national policy.

- 7.34 NYCC Highways do not object to the application however and consider that whilst the level of traffic to be generated by the proposal is considered low from a highways perspective, it would not be considered appropriate for any additional HGVs to use the part of Sykes Lane, west of the site access towards Tollerton village. The additional traffic generated by the proposal should therefore turn right when exiting the site on to the A19 unless deliveries are local to the Tollerton area.

#### Economic impacts and employment

- 7.35 The proposed AD plant would employ 5 members of staff. The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking account of both local business needs and wider opportunities for development. However, planning decisions should recognise and address the specific locational requirements of different sectors and distribution operations should be in suitably accessible locations. Policy also supports enabling a prosperous rural economy including the development and diversification of agricultural and other land-based rural businesses together with supporting sustainable rural tourism and leisure developments which respect the character of the countryside. Developments should be sensitive to their surroundings and not have an unacceptable impact on local roads. The use of previously developed land should be encouraged where suitable opportunities exist.

- 7.36 Within the local area around the application site are two caravan parks. These sites are existing successful businesses which rely on tourism in the Yorkshire area with easy access to York. The village pubs also rely on custom from these businesses and extra summer trade from tourists. It is considered that there would be the potential for adverse impact on the caravan parks and tourism in the local area if planning permission were granted for the proposed AD plant.

#### Biodiversity, habitats, nature conservation and protected species

- 7.37 NYCC Ecology does not object to the application subject to appropriate conditions and an informative and considers that this application has been accompanied by a thorough Ecological Impact Assessment (EclA). The proposed development would be adjacent to an existing farm yard and impacts on wildlife are expected to be limited. According to the EclA, operation of the facility would not adversely impact on ecological receptors in terms of air or water pollution, noise or lighting.

## **8.0 Conclusion**

- 8.1 It is considered that the material planning considerations considered above warrant the refusal of this application for the erection of an anaerobic digester plant including reception building, offices, including mess and toilet facilities and a control room, all extending to 818 sq. metres, a 22,000 cu m lagoon for the storage of digestate, a 1,500 cu m lagoon for the storage of water, gas to grid compound, testing facilities, erection of 7 No. 2.4 m high 30 watt led lighting posts, weighbridge, car parking facilities, a bio filter box (50 sq. metres) and the creation of 3,182 sq. metres of hardstanding and soft landscaping works.

- 8.2 The proposed development is considered to not be compliant with the policies which comprise the Development Plan currently in force for the area and taking account of all other relevant material considerations including accepting that the proposed development would contribute to gas supplied to the National Grid. However on balance, it is considered that the proposed development would result in a level of harm to the local environment and local communities which would not be appropriate for the location in which the development is proposed and that the harm that could be caused would outweigh any potential economic benefits.

## **9.0 Recommendation**

- 9.1 For the following reasons it is recommended that Planning Permission be refused:

That, **PLANNING PERMISSION BE REFUSED** for the following reasons:

1. The proposed site for the Anaerobic Digestion plant is located in open countryside away from any existing, former or proposed industrial estates, previously developed land or existing waste management facilities. As such it would not protect or enhance the natural environment and is therefore contrary to Policy DP30 of the adopted Hambleton District Council Development Framework, Policy 5/3 of the adopted North Yorkshire Waste Local Plan (2006) and Policy D02 of the emerging Minerals and Waste Joint Plan as well as conflicting with The National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).
2. The proposed development would have the potential to generate adverse impact on the local environment and local communities due to odour and from traffic movements associated with the development in particular due to possible cumulative effects arising from the use of adjacent sites sharing the same access. As such the proposed development would be contrary to Policy DP30 of the adopted Hambleton District Council Development Framework, Policy 5/3 of the adopted North Yorkshire Waste Local Plan (2006) and Policy D02 of the emerging Minerals and Waste Joint Plan as well as conflicting with the National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).
3. The proposed development would have the potential for significant adverse landscape and visual effects in the local area due to its industrial scale and appearance which is likely to be visible when viewed across the flat landscape. As such the proposal is contrary to Policy DP30 of the adopted Hambleton District Council Development Framework, Policy 4/3 of the adopted North Yorkshire Waste Local Plan (2006) and Policy D06 of the emerging Minerals and Waste Joint Plan as well as conflicting with the National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).
4. The application has not demonstrated through the submission of a drainage strategy that flood risk will not increase elsewhere as a result of the development. The proposal is therefore contrary to Policy D09 of the emerging Minerals and Waste Joint Plan, the National Planning Policy for Waste (2014) and the National Planning Policy Framework (2018).

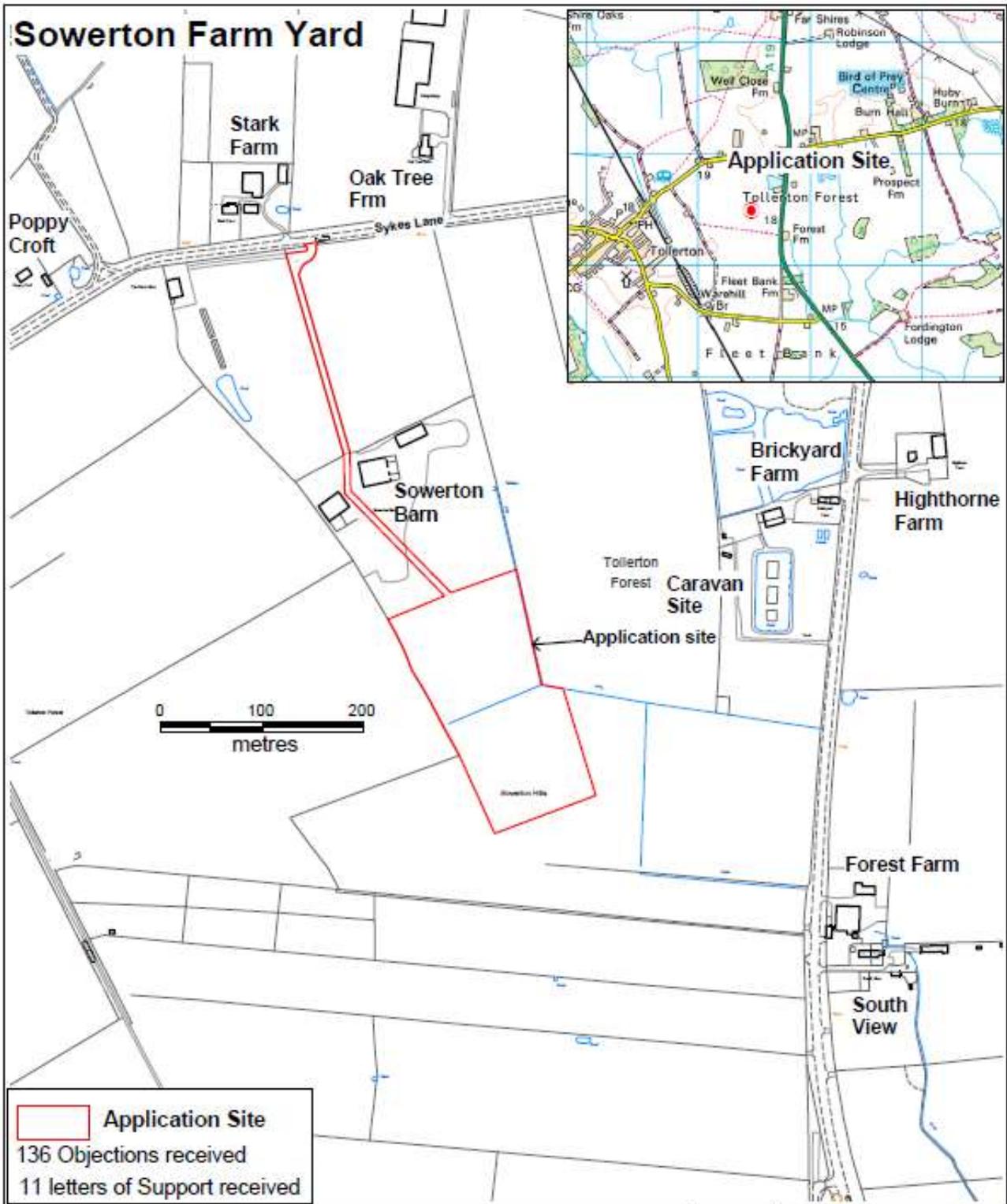
### ***Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015***

DAVID BOWE  
Corporate Director Business and Environmental Services

Author of report: Felicity Hart

Background Documents to this Report:

1. Planning Application Ref Number: NY/2018/0104/FUL registered as valid on 20<sup>th</sup> August 2018. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.



**Application No : C2/18/01876/CCC**  
 Title: Erection of an anaerobic digester plant including reception building, offices, including mess and toilet facilities and a control room, all extending to 818 sq. metres, a 22,000 cu m lagoon for the storage of digestate, a 1,500 cu m lagoon for the storage of water, gas to grid compound, testing facilities, erection of 7 No. 2.4 m high 30 watt led lighting posts, weighbridge, car parking facilities, a bio filter box (50 sq. metres) and the creation of 3,182 sq. metres of hardstanding and soft landscaping works at Sowerton Farm Yard, Sykes Lane, Tollerton, YO61 1RE

**Business and Environmental Services**  
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**Scale : 1:5,000**  
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