

**AGENDA ITEM NO: 8/3 (f)**

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>County Matters Application: erection of anaerobic digestion facility (to process up to 20,000 tonnes of cereal crops/slurry) including ancillary reception/office building and workshop, two digesters, two storage tanks, combined heat power plant, energy crop storage area, flare stack, ancillary plant and improvements to proposed access (widening and resurfacing)</b>	
<b>Location:</b>	<b>Land N of Outfall S Off Transmission Cables W Off Road Cross Bank Road King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>Mikram Ltd</b>	
<b>Case No:</b>	<b>16/01145/CM (County Matter Application)</b>	
<b>Case Officer:</b>	<b>Mr C Fry</b>	<b>Date for Determination: 19 July 2016</b>

**Reason for Referral to Planning Committee** – At the request of Councillor Mrs B Buck

**Case Summary**

The site is located on scrubland to the east of Cross Bank Road, approximately 2km to the north west of King's Lynn town centre and some 200m to the north of the defined built environment.

The application seeks consent for an Anaerobic Digestion plant, producing up to 1 MW of renewable energy per annum (providing the equivalent power for 2,000 households).

The facility would comprise a reception building, 1 primary digester, 1 secondary digester, 2 storage tanks, energy crop silage clamp, measuring approximately 90m x 31m, combined heat & power plant, flare stack and ancillary plant.

The application is made to Norfolk County Council as the Minerals and Waste Planning Authority; the Borough Council as Local Planning Authority is a consultee.

**Key Issues**

The main issues raised by the application are:-

Principle of development;  
Landscape and Visual Impact;  
Traffic;  
Noise & Odour; and  
Flood Risk.

**Recommendation**

**NO OBJECTION** subject to the resolution of issues regarding flood risk.

## **THE APPLICATION**

The site is located on scrubland to the east of Cross Bank Road, approximately 2km to the north west of King's Lynn town centre and some 200m to the north of the defined built environment.

The site measures approximately 0.8 hectares.

Access to the site is from Cross Bank Road, which leads directly to Edward Benefer Way and the A148.

An existing mature hedgerow and intermittent trees separate the site from Cross Bank Road to the west. The River Great Ouse occupies a wide channel to the west of Cross Bank Road and King's Lynn sewage works lies to the north west of site, across the river. Industrial buildings are located to the south east, the closest being PIL Membranes. The eastern boundary of the site adjoins open farmland.

The site is located some 500m from the closest dwelling, and approximately 800m from The Wash National Nature and 1.7km from the closest European designated site, RAMSAR, or SSSI. It lies within Flood Zone 3.

The application seeks consent for an Anaerobic Digestion plant, producing up to 1 MW of renewable energy per annum (providing the equivalent power for 2,000 households).

The facility would comprise a reception building, 1 primary digester, 1 secondary digester, 2 storage tanks, energy crop silage clamp, measuring approximately 90m x 31m, combined heat & power plant, flare stack and ancillary plant.

The intention is to process approximately 14,000 tonnes of cereal crop matter per annum. However, the plant will have the capability, if required, to process pig slurry or similar liquid agricultural waste. The plant has a maximum throughput of 20,000 tonnes per annum.

The facility would be staffed by 1 full time employee (or equivalent), who would be responsible for the day to day management of the facility.

As a by-product of the process, the plant will produce approximately 6,000 to 7,000 tonnes of liquid digestate per annum, which will be taken from site for use as a soil improver.

## **SUPPORTING CASE**

The application is accompanied by the following documents:

- Planning Statement;
- Ecology Report;
- Transport Statement;
- Noise Assessment;
- Air quality Assessment;
- Landscape and Visual Impact Assessment; and
- Flood Risk Assessment.

The Planning Statement concludes as follows:

"In summary, the proposed development will provide an efficient and sustainable means of recovering energy from waste and accords with national and local planning policies aimed at

growing AD [anaerobic digestion] capacity. It will provide additional waste processing capacity in a way which will be beneficial to local businesses and the wider community and will achieve carbon savings. The principal energy customer will achieve significant savings in electricity use and has endorsed the scheme. The digestate will also provide a locally-sourced agricultural input.

The scheme design responds appropriately to the operational constraints of the site and local sensitivities. It is not located in or adjacent to an area designated for its conservation or landscape importance and will not impact protected species, groundwater, or heritage assets. Landscape and visual impacts have been assessed and, given the small scale of the scheme and the presence of a wind turbine and other incongruous features in the immediate vicinity of the site, there will be no significant adverse effects. It has also been shown that there will be no adverse impact on residential amenity as a result of the operation of the proposed AD plant.

Safe access can be provided and technical assessments show that all other policy requirements have been satisfactorily addressed. Overall, the scheme provides a good fit with adopted waste management policies, and with local planning policies. The application is commended to the Authority.”

## **PLANNING HISTORY**

15/02144/CM: Application Withdrawn: 27/01/16 - County Matters Application: Erection of anaerobic digestion facility (to process cereal crops/food waste) including ancillary reception/office building and workshop, two digesters, two storage tanks, combined heat power plant, energy crop storage area, flare stack, ancillary plant and new vehicular access - Land N of Outfall S Off Transmission Cables W Off Road, Cross Bank Road, King's Lynn, Norfolk

12/01681/FM: Application Permitted: 05/02/13 - The grounds will be used as a temporary means to support solar PV panels, which will generate electricity for the use of the national grid. Small storage blocks will accompany the alteration to house electrical equipment and will as such not include any extension or demolition - Mickram Limited - Cross Bank Road, King's Lynn, Norfolk, PE30 2HD – Lapsed without implementation.

## **RESPONSE TO CONSULTATION**

The application is to be determined by Norfolk County Council as the Minerals and Waste Local Planning Authority. The Borough Council has not, therefore, carried out its own consultation.

However, the following comments have been received and will be forwarded on to Norfolk county Council:

**Environmental Health & Housing:** Environmental Health are consulted and respond separately. They have sought additional information as follows:

1. I note that the planning statement describes the application as ‘Anaerobic Digestion plant, producing up to 1 MW of renewable energy per annum processing approximately 14,000 tonnes of cereal crop matter per annum. However, the plant will have the capability, if required, to process pig slurry or similar liquid agricultural waste.’ The planning statement also states that this scheme makes no provision for processing food waste. Scenario 3 in the

Transport Statement refers to both animal waste and refuse from a central depot; it is unclear what waste this refers to.

Can the applicant clarify what will be processed at the site. Would consent if granted, limit feedstock to cereal crops/slurry as described in the application form?

2. The Planning Statement states that the site will be licensed by the Environment Agency under a standard rules permit

Can the applicant clarify if a permit application has been made or if a view has been sought from the EA on the type of permit required. I will take account of the EA's comments on the planning application when they are made available.

3. The Air Quality Statement from Isopleth Ltd - dated March 2016 considers combustion pollutants from the CHP and states that bioaerosols would be addressed at permitting stage. The screening reports that the process contributions of CO and SO<sub>2</sub> to Environmental Assessment Levels are not significant and that predicted environmental concentrations of NO<sub>2</sub> will not require detailed dispersion monitoring.

From recent research I understand that the background concentration of NO<sub>2</sub> is 13ug/m<sup>3</sup> rather than 10.26ug/m<sup>3</sup>. Can the applicant clarify this in the report. Also, potential pollution (including PM<sub>10</sub>) from the additional traffic during both the construction and operational phases is not included in the Air Quality Statement, has this been considered? Will a separate planning permission be required to establish the 'farm track route' (scenario 1 in the Transport Statement). Will a Construction Environmental Management plan be provided?

4. Storage and movement of materials appears to be carried out in the open air.

Can the applicant clarify the plans for storage and movement of materials on site

**King's Lynn Area Consultative Committee Planning Sub-group:** No comments received at date of publication. Any comments will be reported as late correspondence.

## REPRESENTATIONS

The application is to be determined by Norfolk County Council as the Minerals and Waste Local Planning Authority. The Borough Council has not, therefore, carried out its own consultation.

However, the following comments have been received and will be forwarded on to Norfolk county Council:

**THREE** letters of **OBJECTION** have been received raising the following points:

- Smell;
- Not enough room for vehicles to manoeuvre on-site;
- Safety;
- Residential amenity;
- Devaluation of property; and
- Visual impact.

**Councillor Buck** has **OBJECTED** to the application stating that:

- This would cause damage to the natural countryside harming the natural beauty of the area.
- Pollution control is a concern.
- How often is 20,000 tonnes being processed?
- The highways are not suited for heavy traffic.

**Associated British Ports: OBJECTS** because of increased traffic and impact on port operations.

## **NATIONAL GUIDANCE**

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM2 – Development Boundaries**

**DM20** - Renewable Energy

## **PLANNING CONSIDERATIONS**

The application is submitted to Norfolk County Council as the Minerals and Waste Local Planning Authority. The Borough Council as Local Planning Authority is not the determining authority: the purpose of this report is to seek the Committee's views on a consultation response.

The main issues raised by the application are:-

- Principle of development;
- Landscape and Visual Impact;
- Traffic;
- Noise & Odour; and
- Flood Risk.

## **Principle of Development**

The site lies in land defined as countryside where Core Strategy CS06 seeks to restrict development in line with NPPF policy to preserve the intrinsic beauty of the countryside.

Outside settlement boundaries, emerging development management policy DM2 details the kind of development that may be acceptable in the countryside and includes renewable energy such as anaerobic digestion, which creates energy from waste or plant materials.

Policy DM20 states that proposals for renewable energy will be assessed in terms of their impact upon:-

- Sites designated for their landscape or ecological value, such as the AONB and SSSIs;
- Landscape;
- Heritage assets;
- Ecological interests;
- Amenity including noise and air quality;
- Contaminated land;
- Water courses;
- Public safety including road safety and users of footpaths, by-ways etc.; and
- Tourism and other economic activity.

Subject to the impact of the proposal upon these interests, the proposal is acceptable in policy terms.

## **Landscape and Visual Impact**

The buildings that the development would comprise of are described earlier on in this report. The two domed digester tanks would rise to a height of 12m above existing ground level. These are the two tallest structures as the flare stack and the combined heat and power plant are both set at a lower level.

The application is accompanied by a Landscape and Visual Impact Assessment. This concludes that there would be limited landscape and visual effects arising from the proposed development and that these would largely be restricted to the immediate surroundings of the development. It bases this conclusion upon an analysis of the existing landscape, which includes industrial elements in the form of the sewage works on the opposite side of the river and industrial plant at Porvair and Dow to the south as well as pylons and two wind turbines.

## **Traffic**

The amount of traffic generated once the plant is operational will depend upon the fuel source for the digester. Three scenarios are assessed by the applicant's transport statement.

- 1) Biomass material (maize) from farmer of adjoining land;
- 2) Delivery of biomass from outside contractor; and
- 3) Animal waste used as fuel.

Under scenario 1, maize will be delivered during a 7 week harvest period by 40 tractor and trailer movements a day carrying 18 tonne loads. These will access the site directly from the local fields via Cross Bank Road and will not impact the public highway. Outside the harvest period, there would be 3 movements a day.

Scenario 2 involves maize being delivered from further afield during the harvest season. Twenty-four bulk tankers would visit the site per day during the season with 3 movements per day outside. These vehicles would access the highway via Cross Bank Road to Edward Benefer Way.

Under Scenario 3 animal waste would be used to fuel the plant. This would take place over the year with a total of 5 tanker movements per day using the same route as under scenario 2.

The transport statement considers that much of Cross Bank Road is wide enough to accommodate 2 way HGV movements. Where it is not the statement proposes widening the road on the bend as the road swings round to run parallel to the river with widening to the north of this point beyond John Lake Shellfish with passing bays beyond.

The surface of the road where it passes beyond Porvair and is currently surfaced with shell fish will be hardened and improved to a haul road up to the access to the digester.

There is an objection from Associated British Ports regarding increased traffic on Cross Bank Road through the port and from members of the public to increased use of the private section of the road.

The Local Highway Authority has not yet commented on the proposal. The LHA will, however, limit themselves to the impact upon the adopted highway, which ends at the junction with Edward Benefer Way.

The committee will need to consider the impact of the proposal upon the private sections of Cross Bank Road and the users of it, including the public by-way.

Under the 3rd scenario, with vehicle movements spread across the year, the impact will be much less significant than under the first two scenarios. Under the latter, activity is concentrated into an intense 4 to 6 week period with up to 40 additional vehicle movements per day. The likelihood of conflicts between vehicles accessing the plant and existing users of the private road (businesses, residents and members of the public) will be much increased during this period. However, outside the harvest period movements and conflicts will be much lower.

## **Noise & Odour**

On-site process will be covered by a permit from the Environment Agency under separate legislation. A license application will be made but has not been yet. The licensing process will control all emissions from the processes on the site, including noise and odour. The planning process should not replicate other legislation so the committee is advised that an objection would not be sustainable on noise and odour grounds.

## **Flood Risk**

The site is in Flood Zone 3. The County Council as determining authority needs to be satisfied that there are no sites available at lower risk of flooding (the sequential test) before applying the exception test.

The development is classed as 'Less Vulnerable' in the national Planning Practice Guidance and is acceptable under the exception test provided that the development is accompanied by a site specific Flood Risk Assessment (FRA) that demonstrates the site is adequately protected from the risk of flooding.

At the time of publication the Environment Agency objects to the proposal due to deficiencies in the FRA. A revision to the FRA has been submitted to NCC to address these but at the moment the proposal does not meet the exception test.

### **Other matters**

#### *Designated Sites*

Correspondence to NCC from Natural England indicates that the proposal will not have a detrimental impact upon nationally designated nature conservation sites.

The site is 3km distant from the AONB and has little impact upon views into and out of the area.

#### *Heritage Assets*

Comments from Historic England to NCC state that the proposal will not impact on heritage assets.

#### *Contaminated Land*

No comments have been made by the Council's Environmental Health team regarding contamination of the site or the need to remediate.

#### *Water courses*

No objections regarding pollution have been raised by the Environment Agency, which has a statutory responsibility to protect controlled waters.

### **CONCLUSION**

The proposal complies with policy CS06 of the Core Strategy as elaborated upon by emerging policies DM2 and DM20 provided that the issues regarding the FRA can be addressed.

In the light of this, it is recommended that the Council as Local Planning Authority does not object to the proposal, subject to the resolution of the outstanding issues relating to the FRA.

### **RECOMMENDATION:**

**NO OBJECTION** subject to the resolution of issues regarding flood risk.