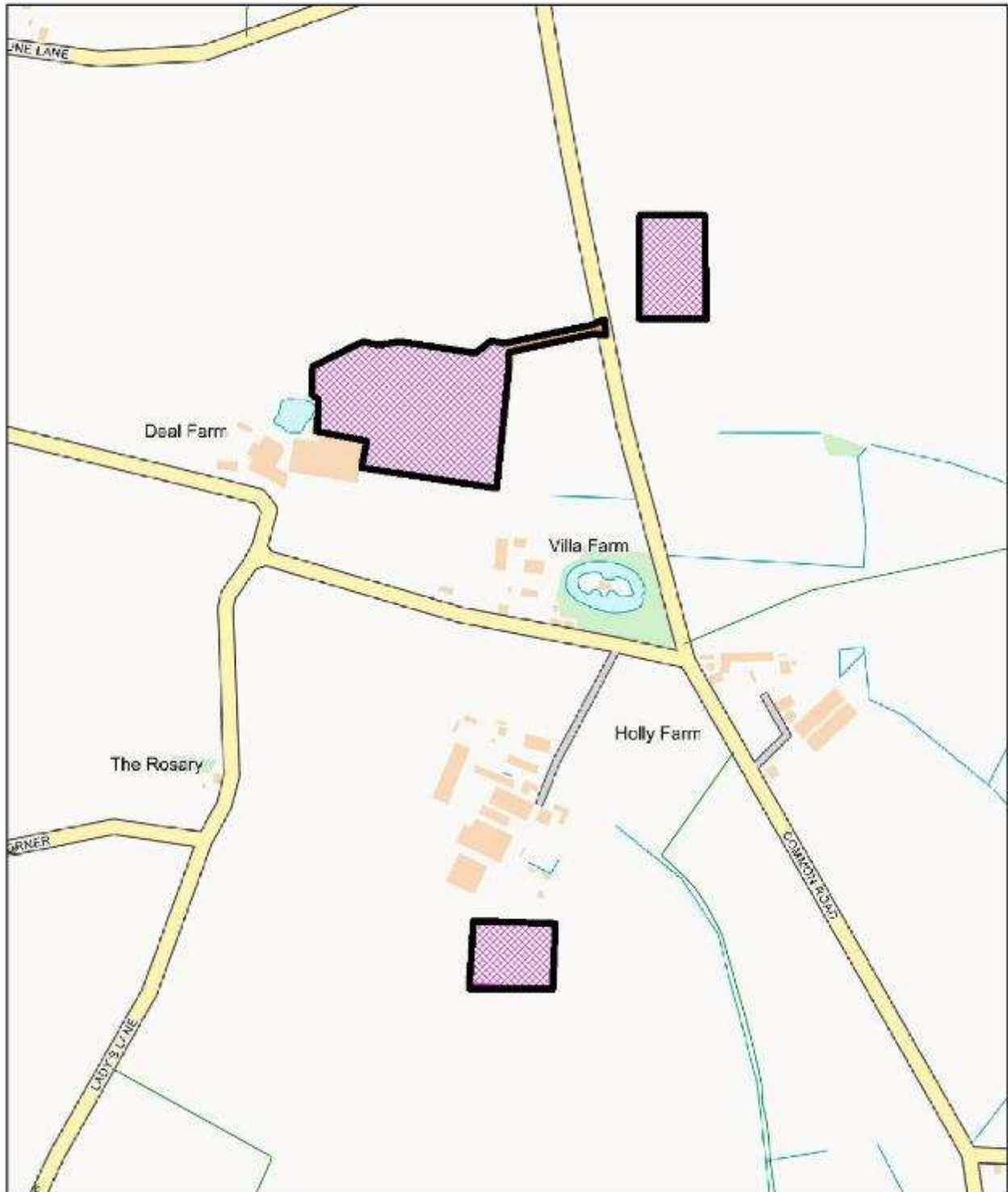


Major Application

Application 9

2022/1108



© Crown copyright and database rights 2011 to date.  
Ordnance Survey License no 100019483



South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

**Major Application**

- 9. Application No : 2022/1108/F**  
**Parish : BRESSINGHAM**

Applicant's Name: Deal Farm Biogas Ltd  
Site Address Deal Farm, Kenninghall Road, Bressingham  
Proposal Construction of an Anaerobic Digestion facility (part retrospective), comprising: 1 no. digester tank and 1 no. secondary digester/digestate storage tank, silage clamps, liquid and dry feed system; digestate separation, handling and pasteurization, biogas upgrading and mains gas-grid connection; carbon capture, CHP, agricultural building; office buildings, weighbridge, 2 no. covered digestate storage lagoons, and associated plant, vehicular accesses, roads and landscaping (including earth bunds). Revised application following withdrawn planning application 2021/2788.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4. In addition, the proposal has potential to generate employment but the recommendation is for refusal.

Recommendation summary :

Refusal

**1** Proposal and site context

- 1.1** The application relates to a largely constructed anaerobic digestion plant on a site in the parish of Bressingham and Fersfield, a little under 1.5km to the north of the main part of the village of Bressingham. The site has been the subject of a series of planning applications relating to this development, dating back to 2015.
- 1.2** The first application (ref: 2015/0595) was for a farm anaerobic digestion facility for which the applicant was Aves and Partners who are the farmers based at Deal Farm. This application was approved with a section 106 agreement which withdrew previous consents on a site granted to the south of Deal Farm for AD plants (the most recent of which was planning permission ref: 2013/1887) as it would not have been considered acceptable to have both plants constructed within such close proximity. The 2015 approval scheme had a feedstock of 22,360 per annum to be mainly sourced from the applicant's farm.
- 1.3** In 2018 some minor works to construct some concrete footings were undertaken but works progressed no further than that. Works resumed in the Spring of 2021, however what was subsequently constructed was substantially different from that approved under the 2015 permission. The applicant initially sought to rectify this with a section 73 application (ref: 2021/2306) to vary condition 2 (which required the development to be constructed in accordance with the approved plans) of the 2015 consent to regularise the difference in the layout of the development. As the application was considered it became apparent that the changes were more significant than initially appreciated. Legal advice was sought which led the Council to the view that the difference from what was now being applied for and what was originally granted consent were beyond the scope of what can be considered under a section 73 application and that furthermore because what had been constructed had differed so much that it could no longer be considered that the 2015 consent had been implemented. As a consequence, none of the plant installed or structures erected benefits from planning permission and the consent granted in 2015 is no longer implementable and has now expired.

- 1.4 Following withdrawal of the section 73 application the applicant submitted a new planning application (ref: 2021/2788) for the plant. In addition this included three lagoons which were not part of the previous proposals and other features such as a bund that had been created and lighting conductors that had been installed whilst the section 73 application was being considered. The application also now stated that the feedstock for the plant would be 46,750 tonnes per annum which was significantly more than previously stated. The application received a significant number of public comments, with some 363 objecting to the application and 61 supporting it. In addition the Council received a number of concerns from technical consultees including an objection from the Highway Authority due to the impact of the traffic serving a larger plant than that previously permitted on the local highway network.
- 1.5 After attempting to address the objection from the Highway Authority without success the applicant ultimately withdrew planning application 2021/2788 and then submitted a fresh planning application which is the one that is the subject of this report.
- 1.6 The current application still seeks to retain the plant and structures that have been erected, along with those proposed under planning application 2021/2788 but not built. The key differences are that one of the three lagoons previously proposed no longer forms part of this scheme and the feedstock is now proposed to be 23,950 tonnes per annum. The two lagoons that are still proposed are 385 metres to the north-east and 640 metres to the south of the main site and both within land that is currently in arable agricultural use.
- 1.7 The site itself is on land immediately adjacent to existing agricultural buildings of Deal Farm, which consist of buildings of various ages from large modern structures to the original listed farmhouse. The farm sits in an open, relatively flat landscape albeit with some undulation and a slight fall to the south. Access to the original farm is from Kenninghall Road but a new access (which forms part of this application) has been constructed from Common Road to serve the anaerobic digestion plant.

## 2. Relevant planning history

2.1	2021/2788	Construction of an Anaerobic Digestion facility (part retrospective), comprising 1 no. digester tank and 1 no. secondary digester/digestate storage tank, silage clamps, liquid and dry feed system, digestate separation, handling and pasteurization, biogas upgrading and mains gas-grid connection, carbon capture, CHP. Agricultural building, office buildings, weighbridge; 3 no. covered digestate storage lagoons, and associated plant, vehicular accesses, roads and landscaping (including earth bunds)	Withdrawn
2.2	2021/2036	Variation of condition 2 of planning permission 2015/0595 to allow for revised plans/drawings and comparative landscape visualisations	Withdrawn
2.3	2015/0595	Construction of a farm agricultural anaerobic digestion facility.	Approved

### 3. Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making  
NPPF 06: Building a strong, competitive economy  
NPPF 09: Promoting sustainable transport  
NPPF 12: Achieving well-designed places  
NPPF 14: Meeting the challenge of climate change, flooding and coastal change  
NPPF 15: Conserving and enhancing the natural environment  
NPPF 16: Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 5: The Economy  
Policy 6: Access and transportation  
Policy 17: Small rural communities and the countryside  
Policy 20: Implementation
- 3.3 South Norfolk Local Plan Development Management Policies  
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3: The sustainable location of new development  
DM1.4: Environmental Quality and local distinctiveness  
DM2.1: Employment and business development  
DM3.8: Design Principles applying to all development  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM4.1: Renewable energy  
DM4.4: Natural environmental assets – designated and locally important spaces  
DM4.5: Landscape character areas and river valleys  
DM4.9: Incorporating landscape into design  
DM4.10: Heritage Assets

#### **Statutory duties relating to setting of Listed Buildings:**

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### 4. Consultations

#### 4.1 Bressingham and Fersfield Parish Council

Comments on additional documents and supporting information:

Continue to recommend refusal of this application

- There is nothing in the additional reports that negates our previous response or causes us to reconsider any part of it

- The Memorandum of Understanding submitted between the applicant and Aves and Partners is not a legally binding document and therefore it is appropriate to assume that the traffic levels generated by Aves and Partners will not be reduced. Bearing in mind that the grant of planning permission would inevitably lead to the proposed DP plant being used at full capacity, it is reasonable for us to maintain our previous estimate that up to 5475 additional vehicle movements per year i.e. 15 vehicle movements per day would be created if this application were granted.
- Oppose in the strongest terms the “haul route” with “highway improvements” that has been proposed. The proposed route leaves the A1066 at a dangerous junction with limited visibility and passes along single track lanes in its entirety, following a disjointed route incorporating 90 degree bends and blind three way junctions. It is proposed to construct 36 passing places along the 2.7 mile route illustrating clearly that the route is unsuitable.
- Equally, putting so many passing places in is essentially a road widening exercise destroying them and putting other road users in danger. It is clear that road safety and quality of life cannot be maintained for the pedestrians, cyclists and horse riders that are accustomed to using this route should this development be allowed
- This in itself is sufficient that the application should be refused

Comments on originally submitted document (with this application):

#### Object

- There is a duty of care to Bressingham and Fersfield parishioners to refuse this application. South Norfolk Council cannot realistically expect to monitor or enforce the traffic movements and mass of feedstocks stated if it were to approve the application. This application describes and specifies exactly the same facility to that described in application 2021/2788 which had the capacity to process 46,750 tonnes of feedstock per annum. The reduction in the number of plant access driveways, number of storage lagoons, pipelines and output draw-off points do not control the facility’s production capacity or throughput and are, therefore, irrelevant and meaningless to the capacity to the plant.
- The proposed development breaches the three key principles for the UK’s Biomass Priority Use Framework defined in HM Government BEIS Biomass Policy Statement as it does not comply with the waste hierarchy principles, it makes no consideration of feedstock availability in its proposed contribution to carbon budgets and it will not operate in a hard-to-decarbonise sector and does not use carbon capture or storage
- It is contrary to policies DM3.8 and DM4.5 as its introduction into the rural landscape, without planning consent, has changed the landscape, destroyed views across farmland and open countryside, and has already been detrimental to its character through the erosion of its open nature; the proposed development does not respect, conserve or enhance the landscape character of the immediate environment; it does not achieve a positive improvement, and it does not respect the local landscape and does not integrate into the surroundings
- The proposal undermines residents living conditions and safety as it has not been demonstrated that road safety will be maintained. Our Parishioners have told us about being intimidated and too afraid to walk on the narrow lanes around Deal Farm, due to farm and transport vehicles and previously due to construction traffic used to build the AD plant without planning consent. Bearing in mind that the grant of this application would lead directly to the proposed AD plant being used at full capacity, the volume of Aves and Partners farm traffic associated with crops will not be affected by AD traffic movements and as there is no formal commitment between Deal Farm Biogas with Aves and Partners it is appropriate to assume that the volume of Aves and Partners traffic will not be reduced. As such there will be up to 7475 additional vehicle movements per year i.e. 15 movement per day on single track, low quality, country and village lanes that are unfit for purpose.

- The development would be damaging to quality of life and the environment as our Parishioners health, well-being and livelihoods have suffered already as a direct result of this development; the proposed AD plant site, including storage lagoons, is within the protected zone of Shelfanger Meadows SSSI which Natural England identify could be put at risk, and the risk of odours and leakage from the proposed storage lagoons has not been addressed satisfactorily
- Increases the risk of flooding locally. Run-off from the fields is already significant due to the damage they have sustained through questionable use. Allowing hardstanding, constructed without planning consent, to remain will increase flooding further
- Will be a large-scale industrial gas production plant, not a local agricultural waste management initiative as suggested. Despite the repeated reference to “the Farmer” on the application no farmer plays any part in the applicant’s business and the applicant has not committed to purchase feedstocks from any source. It would be commercially and practically impossible to commit to source feedstocks from any provider, including the farmer – R. G. Aves or its connected companies. This being the case, the claims that any additional traffic generated by the proposed AD plant will be balanced out by a reduction in agricultural traffic currently generated by R. G. Aves and Partners is fundamentally flawed and without basis and so must be discounted
- Conflict with UK environmental goals as the UK is committed to reduce emissions where as there will be an increase in CO2 emissions from vehicles up to 535 tonnes of CO2 per year as a direct result of granting this planning application

#### 4.2 Palgrave Parish Council

##### Object

- The development is contrary to the Local Plan as it is a large-scale industrial gas-production plant that, if allowed, will continue to be detrimental to the rural character of the surrounds that it has already damaged. It’s introduction into the rural landscape, without planning consent, has already changed the landscape, destroying views across farmland and open countryside and is already detrimental to its character through the erosion of its open nature. The proposed development does not respect, conserve or enhance the landscape character of the immediate environment.
- There is a clear public interest in enforcing planning law and regulation to refuse this application on the grounds of its significant negative impact on quality of life and our environment.
- The proposed AD plant, including storage lagoons, is within the protected zones of Shelfanger Meadows which is an SSSI and which could be at risk due to the changing of water levels and tables and water utilisation; construction, removal or destruction of rods, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying or removal of cables and pipelines; and the risk of odours and leakage from the proposed storage lagoons
- It has not been demonstrated that road safety will be maintained with villagers intimidated from walking on the narrow lanes around Deal Farm due to farm and transport vehicles. These roads are not fit for the volume of traffic using them currently, let along the additional and significant heavy traffic that would feed the proposed AD plant.
- This will not be a local agricultural waste management initiative as suggested. No farmer plays any part in the applicant’s business and the applicant has not committed to purchase feedstocks from any source

#### 4.3 Harling Parish Council

Whilst this site is not within or near the Parish of Harling, concerns were raised at the impact on the B1111 through Harling with the increase in traffic movements. Harling Parish Council has campaigned for over 20 years to see the B1111 being removed as a preferred route for HGVs and so we do not support any applications in any form that could cause increases in vehicle movements through our village

#### 4.4 Roydon Parish Council

Comments on additional documents and supporting information:

Reiterate our main concerns and objection to this planning application

- The main addition to the new transport statement is the inclusion of a new route from the A1066 via Halford lane and the Valley, these are some of the narrowest roads in Bressingham and are totally unsuitable for the type of traffic envisaged. The new proposed route is entirely unacceptable as it consists of little more than single track roads, along routes that are extremely favoured by walkers and cyclists from a wide area around and by visitors to the Waveney Valley, increasing our concerns of the safety of all those using the route.
- The proposed passing places appear to indicate the using of existing driveways and farm tracks in many places, which are totally unsuitable for this purpose. Ditches will be damaged and flooding will result from this. Additionally vehicle movements cannot be monitored accurately and no doubt will surreptitiously increase over time in order to ensure that the digesters are run to full capacity in order to ensure profitability. This AD plant has been constructed without the granting of appropriate planning permission in a location that is totally unsuitable for this type of operation, no amount of revisions will alter this fact.

Comments on originally submitted document (with this application):

Object

- The parish of Roydon is less than 1 mile from the Deal Farm site. Due to this proximity developments on this site will have a direct impact on the residents of the parish and our local environment. It has been noted that the applicant is no longer the farm business (application approved under 2015/0595) but a large international company and that there remain significant differences from the original approved plans
- In regard to traffic, this is an area of "Quiet Lanes" (as designated by Norfolk County Council) which as much are not designed nor are desirable for large, heavy vehicles to use them on the regular basis that the proposed AD plant would need. The road networks surrounding this site are suitable for the size of the villages only, mostly single-track narrow lanes with no footpaths. These country lanes are unsuitable for the increase in HGV and large farm vehicles that would need to use them and be dangerous to all roads users including pedestrians, dog walkers, cyclists, horse riders and the mobility impaired. Who would be responsible for ensuring agreed routes are adhered to?
- The substantive difference between the previous application and this current one is the reduction in feedstock. However, there is no planned reduction in size of the already built industrial scale facility. If this application is approved, what measures would be in place to ensure that the feedstock quantities were not gradually increased over time? Any increase in feedstock would lead to more traffic movements as the feedstock would need to be obtained from further afield, thus leading to an increase in the aforementioned dangers to the local roads, both structurally and for all users

## 4.5 Shelfanger Parish Council

Comments on additional documents and supporting information:

Reiterate previous objection

- If the applicant does not intend to use the in excess of 55,000 feedstock per annum capacity of the plant then why are they proposing a massive upgrade on a new route with 37 passing places over 2.7 miles?
- None of the traffic movements from application 2022/1930 which are in excess of 8- a day are taken into account even though this is an associated site operated by the same landowner
- The Stage 1 safety audit does an exceptional job of highlighting all the problems and hazards the new 2.7 mile Halford Lane route has. All the routes approaching the plant have these problems but no upgrades to other routes are being proposed
- No amount of modification will alter the fact that this was constructed without permission in an exceptionally poor location

Comments on originally submitted document (with this application):

Object

- This is for the 4<sup>th</sup> time an application has been made to try to get this industrial plant planning application accepted
- At this present time we have an unauthorised building / development that has no planning consent whatsoever and although not exactly operational there is a generator operating 24 hours a day to keep the domes inflated. The generator hums constantly and many Shelfanger residents have complained that they have been unable to sleep at night because of the noise
- It has also been reported that there have been fatal incidents of lapwings drinking the slurry which is discharging from the stack of stored digestate material which the ecology report does not include
- The numbers of proposed vehicle movements does not include the large number of extremely big vehicles that will be delivering propane to enrich the gas before its pumped into the gas main
- There is already an increased number of large vehicles on the road from the Oaks Farm and Deal Farm and narrow local roads were never designed to take the traffic they handle now let alone future increases. There is no mention of traffic movements where drain off points are located in Common Road and Stone Lane, or how split liquid and excessive smells will be dealt with

## 4.6 Tibenham Parish Council

Object

- The existing construction was made without planning consent and should be removed as it makes a mockery of planning legislation
- The large volume of traffic the site generates is totally unsuitable for the small roads that surrounds it
- The original application has already been turned down, and to simply reduce the proposed output does not provide grounds for reconsideration. If it were given permission, what body would be responsible for policing the output that remained at the level specified?



## 4.7 Winfarthing Parish Council

## Object

- A major concern is the huge increase in traffic movements which will be needed to service the digester. Construction traffic has already impacted on Winfarthing, along the B1077m, and single track lane (Dog Lane) to access the plant. This road is completely unsuitable with no passing places and the road edges and verges are already being eroded. The developer should pay for this damage
- The B1077 passes through the length of Winfarthing and passes the village primary school. Parents are being encourage to walk their children to school, thus speed limits should be lowered and time restrictions placed on access to the plant which again should be paid for by the applicant
- We feel that this development is not suitable for the location due to its industrial nature and lack of suitable road infrastructure

## 4.8 District Councillor – Cllr James Easter

## Comments on additional documents and supporting information:

- New transport statement is little different to the previous one. It is still full of holes and unanswered questions. The data supplied regarding quantities of feedstock are no different than the previous statement. The amounts suggested in the report will not allow the current set up to produce sufficient gas to make it profitable or to allow the digesters to work properly for more than a few months. Which suggests if this application was agreed then further applications will follow to increase the input which will no doubt be made to the EA and not SNC where control is lost. The probable input to maximum capacity is possibly in the region of 150k – 200k and this amount will have to come from far and wide with the numbers of HCV and tractors going along the inadequate road system running into the 1000s.
- We have now been alerted to another issue of excess vehicles in the areas from The Oaks where there are 14 units rented out with approx.. 40 employees all coming and going in their own vehicles plus customers and farm vehicles, possibly 100 vehicles per day
- The main addition in the new transport statement is the inclusion of a new route from the A1066 via Halford Lane and The Valley etc. These are some of the narrowest roads in Bressingham and are totally unsuitable for the type of traffic envisaged I have had a meeting with local inhabitants who are appalled at the suggestion to use these roads for this purpose. The roads were just cart tracks until the Second World War when they were skimmed with tarmac and no improvement has been made to them since. They will not last long with heavy traffic.
- Adding to the issues regarding the war in Ukraine and high energy costs is an insult to everyone and should be removed from the report
- This application has been flawed from the very beginning and is still so

## Comments on originally submitted document (with this application):

## To Committee if for approval

- At this present time we have an unauthorised building / development that has no planning consent whatsoever
- This new planning application is supposed to have everything included in it but sadly is lacking in many ways and there is lots of information missing

- This suggests to me that as consultations are returned the applicant will provide a counter argument and the whole process will be on hold for another period of time. Whilst I understand that this is normal practice, in this case it is not acceptable
- This planning application has generated hundreds of emails to myself raising serious issues e.g. noise from the generator operating 24 hours at present to keep the domes, noise which will be lot worse if it does operate normally
- There are a lot less birds and animals in the area, obviously they are also affected by noise and have moved off. Once fully operational I anticipate that those birds and animals still here will also disappear
- The traffic report is an utter nonsense, there is no way that the amount of feedstock being brought to the plant can be monitored to see if it complies.
- The number of vehicle movements that the report suggests omits a large number of extremely big vehicles that will visit e.g. vehicles delivering propane to enrich the gas
- The large number of vehicles already on the road from Oaks Farm and Deal Farm are too many
- These narrow roads were never designed to take the traffic they handle now let alone any increases
- I would be very upset as a taxpayer if any money is spent on making passing places on unsuitable country lanes for the use of a large multinational company
- Officer's time could be much better spent on the large volume of new planning applications rather than continuously repeating consultations and adding comments for this particular application

#### 4.9 Anglian Water Services

No comments as there is no connection to Anglian Water sewers

#### 4.10 Civil Aviation Authority

No comments received

#### 4.11 CPRE

Object

- Much of the justification for the proposed plant comes from the assertion that it will significantly contribute towards renewable energy targets, however the proposed use of 56% bioenergy crops is of great concern as this will divert land from more environmentally preferable uses. This concern is magnified if the land being used for such crop production is of the Best and Most Versatile grades 1, 2 and 3a
- There is an assumption throughout the application documentation that biomethane is a "green gas". The view of the Climate Change Committee is that supply of AD plants from annual crops as will be the case here do not have a role in renewable energy. DEFRA figures suggest that of the 93,000 hectares used for energy crops for AD plants, 75,000 hectares is for maize. This the source of "renewable" energy that occupies the greatest area of countryside is one that is not recognised by the Climate Change Committee as making a worthwhile contribution to CO2 reduction.
- Another assumption is that none of this matters if the land is already in cultivation, however the land use and landscape are changed detrimentally and the cultivation of maize has a particularly damaging effect on soil
- Concerns that run-off / surface water would be likely to cause pollution of local water courses

- Major concerns about the location of the site in terms of the HGV and tractor / trailer access to it along the surrounding minor road network and the impact of this on pedestrians, cyclists and horse riders. The local lanes lack designated passing places and have few informal places to pass. It is therefore difficult to see how the roads can be used safely which makes the proposal contrary to NPPF paragraph 110 as this significantly impacts on highway safety which cannot be effectively mitigated against. We feel that the development would lead to an unacceptable impact on road safety and should therefore be refused permission in line with NPPF paragraph 110
- Several elements of the proposed development will have negative impacts on the landscape character of the area. In particular, the height and mass of the main domes, along with the two lagoons giving greatest cause for concern. The presence of the lagoons in this application greatly increases these negative impacts when compared to the earlier application.
- Any lighting should not be pointed upwards or outwards and dusk to dawn lighting should be avoided with motion sensor-controlled lighting more appropriate

#### 4.12 Environment Agency

No objection

Comments from response to 2021/2788 remain relevant

#### 4.13 Historic England

No comments

#### 4.14 MOD Safeguarding

No objection

#### 4.15 Natural England

Comments on additional documents and supporting information:

To be reported

Comments on originally submitted document (with this application):

Object

Further information required as the application could have potentially significant effects on:

- Blo' Norton and Theltenham Fens Site of Special Scientific Interest (SSSI)
- Breckland Forest SSSI
- Breckland Special Protection Area (SPA)
- Redgrave and Lopham Fens SSSI
- Redgrave and Lopham Fens Ramsar
- Shelfanger Meadows SSSI
- Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC)
- Wortham Lings SSSI

## 4.16 Norfolk Police Architectural Liaison Officer

Comments relating to design and security including:

- Hedging should contain species with sharp thorns to dissuade casual intruders and provide defensive hedging
- Security fencing should meet Government security standards for such establishments
- CCTV should be installed
- Lighting design should be coordinated with CCTV installation and is recommended for entrance gates and routes to the main entrance and doors, car parks and observable building elevations
- Temporary buildings should not be used for the storage of high value equipment
- Alarm systems should be installed

## 4.17 NCC Historic Environment Service

No comments received

## 4.18 NCC Highways

Comments on additional documents and supporting information:

Object

The Highway Authority has no choice but to continue to recommend refusal for the reasons outlined previously.

Comments on originally submitted document (with this application)

Object

As previously outlined, ultimately to robustly assess the proposals both the local planning authority and local highway authority need to be clear what traffic is currently associated with the landowner, how much additional traffic will be on the local network, at which points / roads they use, what other existing activities from the landowner will continue, and that the local highway network is suitable to cater for this.

The assessment is based upon the assumption that throughput of feedstock would be limited to around 50% of capacity, the land owner would be the primary provider of feedstock (both waste and non-waste) and also recipient of the digestate (solid / liquid). However, the absence of a legal agreement, there is no guarantee that this will be the case.

We would need to have confidence that the capacity would be limited and that the feedstock and digestate output will be from the immediate local catchment as suggested and that this arrangement can be secured in perpetuity. If it cannot be guaranteed that this will be the case then clearly the concerns we have previously outlined, at length, in our two responses to relation to application 2021/2788 remain.

Furthermore, even if this were the case, there are a number of reductions that have been applied which cast the applicants own traffic figures in doubt. For example, a significant 'saving' is applied for the lack of double handling should the AD facility be approved particularly in relation to moving of crops / muck from stores to the final destination. However it is not clear how this had been calculated. As this relates to over 1,000 in and out movements per annum it is essential that this is understood. Likewise, the applicant has not confirmed which of the 'existing' movements they have outlined would continue.

Given that the applicant's Transport Statement relies on the assertion that the proposals will not increase traffic on the local road network, and will in fact decrease traffic, clearly these factors need to be considered and understood now.

4.19 NCC Lead Local Flood Authority

No objection following the receipt of updated information

4.20 NCC Public Rights of Way Officer

Object

- The route of the proposed pipeline to the west of Folly Farm will cross the alignment of Bressingham Footpath 13. We would expect that the footpath remain unaffected by using the 'burrowing under' method of installation of the proposed pipework routes and require confirmation of this

4.21 Norfolk Wildlife Trust

Object

- Support Natural England's request for further information to inform a sufficiently rigorous and robust Appropriate Assessment
- Support the comments by Suffolk Wildlife Trust in regard to the additional sites that should be assessed

4.22 Old Buckenham Aerodrome

No comments

4.23 SNC Environmental Quality Team

Conditional Support

- No external lighting other than that proposed
- Boundary noise level limit
- No reversing alarms on site
- No external storage

4.24 SNC Senior Conservation and Design Officer

No objection

- The proposals will not result in having a harmful impact on heritage assets

4.25 Suffolk Wildlife Trust

Object

- Inadequate assessment of impact on air quality where background levels of air pollution are already exceeding critical levels
- Inadequate assessment on statutory sites identified by Natural England
- Also consider that same consideration should be given to Bugg's Hole Fen, Thelnetham SSSI, Hopton Fen SSSI, Kenninghall and Banham Fens with Quidenham Mere SSSI and Roydon Fen Local Nature Reserve (LNR)

- Assessment should also be made of impact on County Wildlife Sites such as Bressingham Fen, Horse Fen, Horse Fen Carr and Garboldisham Old Fen
- Inadequate ecological assessment and water quality assessment

#### 4.26 The Ramblers

No comments received

#### 4.27 Other Representations

Comments on additional documents and supporting information:

Richard Bacon MP

I would like to take this opportunity to reiterate the strength of feeling of my constituents in respect of this application.

The new transport statement introduces yet another unsuitable 'haul route' for the biodigester with a suggested 37 passing places on the 2.8 mile route – equivalent to one every 211 metres. This clearly suggests that the route is unsuitable and unacceptable. I am told that the subsequent road safety audit highlights issues concerning the proximity of the passing places to deep drainage ditches, earth banks, trees, road signs and telegraph poles along with service chambers along the route – this further exacerbates concerns relating to the safety of those using the route on foot, cycle and horse given that the route is a very narrow country lane.

I am further concerned that it is proposed measures to ensure that all commercial vehicles adhere to the unsuitable route suggested and advises that the biodigester operator will check GPS tracking devices to ensure this happens which can then be audited by the Council. This is not a role that the Council should have to fulfil and it indicates that the majority of the traffic, which will be agricultural in nature, will not have their journeys monitored and audited and could therefore use other unsuitable routes through surrounding villages to access the plant.

It appears that the applicant is able to make changes to their plans in an attempt to justify the development and protect the substantial investment already made. The local community is angry that this blatant disregard for the planning process is allowed to continue.

I remain firmly of the opinion that this development is not in a suitable location.

Elizabeth Truss MP

I remain opposed.

Plans for a new 'haul' road still overlook the infrastructural problems which exist in this location. 2.7 miles of 37 new passing places along a rural road network will be chaotic and dangerous for road users.

A planned reduction in two-way vehicle movements per annum from 5,128 to 4,142 is minimal, amounting to just 3 two-way vehicle trips per day. Any perceived benefit is also cancelled out, as the number of heavy commercial vehicles under these new plans will increase by 142 two way movements per annum. The weight and size of these vehicles will put too much physical pressure on the network, as well as maintaining a considerable risk to cyclists, horse riders, runners, and walkers. The absence of hedgerows and trees along this 'haul' road increases the chance of the network becoming a quagmire under heavy and extensive traffic flows, rather than allowing for easier movement. Taken together, this still results in an unacceptable impact to highway safety.

Plans for a tracking system which can be audited are problematic. The addendum gives no indication of how and when non-compliance will be dealt with. Checking route compliance upon arrival will also be time consuming and costly for the company. These issues put into question the feasibility of this plan.

Limiting the throughput of feedstock to 23,950 tonnes per annum when the plant can handle up to 46,750 tonnes raises questions about the company's ability to operate at such a reduced level. This reality could lay the foundations for future application amendments, and so putting my constituents through further stress.

2 letters of support

- Further comments supporting the development in regard to reducing UK dependence upon imported gas and for the principle of this form of development
- Other such plants such as at Kenninghall operate without any harm to local residents
- Concerns about additional use of road are unfounded as the majority of the crops are grown within a 2 mile radius and harvested with tractors and trailers for a 10 day period once a year for ensiling
- If the revised access numbers in the new Transport Statement can be verified and enforced then the application should be supported

114 letters of objection

- Earlier objections remain
- Revised application does not alter the vehement opposition to this project
- Further comments made repeating concerns about possible odour, use of farmland for growing crops for fuel rather than food, soil degradation, methane emissions, industrial lighting in a rural environment and disruption to local residents and wildlife
- Also note that permission is still sought for the two digester tanks with a feedstock over twice than the feedstock they are proposing to be limited to with no proposal to physically restrict the capacity such as by demolishing one of the tanks
- Remains in an entirely unsuitable location
- No substantial difference
- Although the addendum to the Transport Statement indicates that R G Aves & Partners would contribute 67.4% of the plant's feedstock there is no indication that they would do so for the full life of the plant. If they were to pull out, then up to 100% would be imported by road from further afield
- A section 106 agreement would be required to tie Aves to the project. However, neither a draft 106 nor a copy of the Feedstock Supply Agreement allegedly entered into by Aves has been provided. Therefore, the terms and extent of Aves' involvement remain unverified and, in many respects, completely unknown. It is likely that the document is withheld as its terms do not meet the Council's requirements
- The addendum indicates that 32.6% of feedstock would be sourced from suppliers other than Aves. However, there is no detail whatsoever of who they might be, where they are based, how much they would contribute or how long they would be contracted for. Again, no contractual details have been provided
- The applicants depend heavily on the use of conditions as a means of restricting the extent of feedstock throughput and vehicular activity at the plant. However, these are all framed in such a way that they could not effectively be monitored and enforced by the Council – their use would therefore be contrary to national tests set out in the NPPF
- A development should never be larger than it needs to be. The activity at the plant should be restricted by its physical limitations, not by unenforceable conditions
- The addendum contains a great deal of new statistical analysis concerning crop tonnages and vehicle movements. However, none of this is backed up by source data which would enable the authorities to double-check that the claims being made are accurate and authentic. Without that backup the figures seem to have been plucked from the air in order to retrofit the applicant's case to achieve the desired outcome. The stakes are too high in this case to take a leap of faith and accept the figures at face value

- There are many inconsistencies, discrepancies, omissions and unexplained references in the data in the addendum which, until clarified, will continue to further undermine its credibility. The case now presented is also at odds with that made by previous consultants which undermines the credibility of both sets of data
- The addendum indicates that during the maize harvest up to 60 heavy goods vehicle movements per day would be generated which is far in excess of anything that happens at present
- The addendum contains no month-by-month breakdown of vehicle movements throughout the year, this being something that the Highway Authority has specifically asked for
- The current production level of Maize at Deal Farm is advised at 7,000 tons but in the 'revised statement' submitted by Storengy not Deal Farm Biogas Ltd and as before advises that only 3,500 will be used in feedstock to the digester if approved?
- The traffic statement only refers to the digester feedstock surely the additional potential 584 movements for collection and 'export' of the maize elsewhere should be considered especially as these would presumably be exported by the newly advised route via Halford Road etc at best C level roads to the A1066. Other movements along this route would include the propane deliveries at 52 movements and the fertiliser deliveries at 6 and CO2 removal at 402 which total 1,044.
- The revised statement advises a figure of 5,128 vehicle movements less manure movements at minus 2,182, less straw at minus 114 but plus digestate at 1,326 giving a total of 4,158. But there is no information advising the crossing of roads as the applicants land is not an whole unit but is bisected by local roads. It is not possible to give such an accurate estimate and as such the claim should be treated with upmost caution. Consequently erring on the side of caution the figure of 5,128 should remain unchallenged. To which the additional 584 maize movements exported from the farm should be added resulting in an overall total of 5,712.
- Figures given overestimate amount of muck produced by pigs at Deal Farm therefore furthermore imported manure will be required
- No reference to water needed for AD process which as consequence the feedstock required is much greater than stated at 64,900 tonnes per annum
- The applicants' plan to require suppliers' drivers to adhere to one particular haul route is ill-conceived. Firstly, the Council would not be in a position to enforce compliance with any contracts to that effect and secondly, as there is no indication of where suppliers are based, it is not clear if the haul route will be convenient for their drivers as if it isn't they will not use and it is unlikely that any penalty will be sufficiently harsh to make them do so
- Halford Lane, The Valley, Nordle Corner and Lady's Lane which form parts of the haul route are all designated Quiet Lanes and used by parents collecting children attending the village school
- Roads are essentially cart tracks covered in tarmac that are not suitable for current use let alone what this scheme would create
- One section, Nordles Corner, has grass growing in the centre of the road
- Lady's Lane is extremely narrow with a blind corner at The Rosary
- Part of Lady's Lane is showing signs of subsidence
- Algar Road is lined with trees
- The Valley is one of the loveliest unspoilt lanes in the village
- The Valley bisects Valley Farm which are listed buildings including the listed farmhouse built in 1480 and a fragile traditional flint garden wall
- Halford Lane has a tight double bend with high banks either side
- Poor visibility onto A1066 from Halford Lane
- Halford Lane is much narrower where it meets the A1066 compared to other routes
- Halford Lane has high bank at its southern end and deep ditches at the northern end, neither of which would accommodate passing places
- Passing places proposed will be useless with the size of traffic proposed
- The fact that so many passing places is proposed just shows how unsuitable the site is
- Question economic viability of providing so many passing places
- Who would pay for the maintenance of all these passing places?
- No details of size of passing places



- Objections from local residents to proposed passing places outside their properties
- Passing places proposed to be constructed over water courses
- Just because there are no accidents in the latest five year period does not mean it is suitable for HGV traffic, it is because it is not much used due to its winding narrow unspoilt nature
- Crash map data doesn't include tow serious tanker accidents
- More likely is that traffic will stay on the A1066 and use School Road
- Stage 1 Road Safety Audit submitted highlights 20 problems with the route
- Four months into the application we have a revised Transport Statement from a different consultant
- Revisions and substitutions by different traffic experts remote from the area cast doubt on both the accuracy and legitimacy of these continually modified traffic figures and routes
- Completely ignores traffic movements from The Oaks industrial park
- Since the application has been submitted, a recycling centre has started operating on Fersfield Airfield. This has increased traffic levels substantially and should be taken into account.
- This consists of 18 industrial units employing 35 full time staff and five part time staff with parking for 40 vehicles
- If 200,000 tons per year of digestible waste there will be 200,000 vehicle movements per year
- Probably only way to reduce road damage is to kerbstone both sides of all approaches
- Part of Diss Beacon Cycle Route but not physically possible to allow legal requirement of 1.5 metres for passing cyclists
- Some traffic will go through Palgrave violating the conservation area
- What guarantees have been made as to the volume of gas that will be unavoidably discharged during the process
- Revised Air Quality Assessment makes much of the material covering the lagoons being 80% effective, which means that they are 20% ineffective!
- The report acknowledges that there are 18 days when for one hour air quality will exceed normal limits. That is 18 days when local residents won't be able to enjoy their gardens and when horse riders, cyclists and pedestrians won't be able to enjoy our rural landscape
- What do they say about the possibility of odour emanating from the plant and spreading across the area
- Reference to war in Ukraine in professional reports is inappropriate
- How much longer are people going to have to suffer all these re-applications?
- Such documents should be ignored having been submitted after many deadlines
- Waste of taxpayers money
- Some of the supporting representations have a financial interest in the development; for example there is a representation by the Association for Renewable Energy and Clean Technology of which the applicant (Storengy Ltd) is a member
- Would severely undermine public confidence in the local authority if this were to be approved

Comments on originally submitted document (with this application):

Richard Bacon MP

- A substantial response to the first planning application from more than 340 South Norfolk residents resulted in two robustly worded objections for Norfolk County Council Highways, a Flood Report objection, a Waveney Trust objection, together with due concerns from Natural England, Environmental Health and many more

- It therefore seems acutely unfair that by simply adjusting one obvious factor (that is, a reduction of feedstock going into the plant), the applicant is now allowed to resubmit a free full planning application and that as a result my constituents have to go through the whole process again – and this for a very big AD plant which has already been substantially constructed, without planning permission. I believe this take “gaming of the planning process” to a new level and will add to the administrative burdens and costs for South Norfolk Council Taxpayers
- This unauthorised AD plant – which I understand is twice the size of the original 2015 consented application, - is having a detrimental and unacceptable impact on the local landscape and environment and the rural communities that surround it. The local roads, many of which are very narrow, poorly constructed and which are designate as “Quiet Lanes”, will not cope with the increased traffic, given that there would be large heavy vehicles presenting serious hazards for pedestrians, cyclists and other road users
- My understanding that on the 2<sup>nd</sup> March 2022 NCC Highways objected to the application and recommended “refusal without hesitation”, stating serious concerns for “other road users, including vulnerable users”. This was reiterated on the 5<sup>th</sup> May
- Reducing the feedstock in order to reduce traffic movements without enforcing the reduction in size of this construction does not make sense; and if planning consent were granted, it would open up the possibility of “development creep” and a gradual uplift in the throughput of feedstock later on. The consequential growth in traffic movements would this intensify and exacerbate the current situation on these lanes, potentially leading to hazardous manoeuvres and becoming even more dangerous for local residents. I am sure that maintaining the reduced feedstock limit would also be very difficult and costly for the council to monitor accurately
- My constituents express a genuine sense of unfairness and anger over the roughshod manner in which they feel they have been treated. I believe a people-centred approach to alternative energy development would make far more sense. ‘If you want development to be a good word, then you have to have good development’. This construction is clearly not that.
- Given the scale of objection and local strength of feeling over this unapproved construction I would request the Council to refuse this application.

Elizabeth Truss MP

#### Object

- The location of this plant falls outside of my constituency, but it nevertheless concerns residents in South West Norfolk. Villages like Kenninghall, North Lopham and South Lopham function with rural roads unfit for excessive traffic flows or heavy vehicle movements. The plant is a hazard to cyclists, dog walkers, horse riders, runners, and general pedestrians wanting to enjoy Norfolk’s rural beauty. Not to mention local road users who will face constant disruption in their day to day lives from heavy transport on single track roads. Suggestions that more signs, a reporting system and more pull ins can offset these concerns fails to seriously acknowledge the innate infrastructural problems surrounding this plant
- The original planning in 2015 was also not followed, and the most recent application was withdrawn. It therefore seems unfair that a resubmission can be allowed for a new application which has made minimal changes. When scrutinised, these changes are also inadequate. Reducing feedstock is going to be very time consuming and costly to oversee, whilst the plant’s size will remain as it is and so could encourage an increase in output later on
- In conclusion, I ask that South Norfolk Council refuse this application

## 13 letters of support

- The local community will benefit from the production of renewable bio-methane to provide a valuable supply of gas to approximately 4000 homes.
- We are now in a critical situation across Europe where the supply of renewable energy, or indeed any energy, is jeopardised by the crippling actions of the Russian government to restrict the supply of natural gas
- Generation of reliable and sustainable power
- The local council will receive approximately £100,000 in business rates and other benefits including carbon capture and reduction of Heavy Goods Vehicles going through local villages
- Footage recently shown on Anglia TV shows how the soil bund, swale and planting 15km of new hedging and treeline will significantly reduce the visual impact
- The plant will receive manure instead of it being stored on muck pads where ammonia leaks into the atmosphere
- The bi-products which is solid and liquid digestate when put back on the land will improve soil quality and significantly reduce the need for artificial fertilisers
- Crops affected by black grass can be converted into renewable gas and fertiliser
- Whilst traditional arable crops including winter cereals, oilseeds and sugar beet are grown in the local area, the addition of an Anaerobic Digestion facility gives other growing options such as winter forage rye and forage maize. These crops also have agronomic benefits in managing grass weed issues so reducing the need for additional pesticides. Additional cropping options allow the spreading of risk and workload throughout the growing season
- Letter from the National Farmers Union supporting the application, stating that AD plants have a positive impact on the environment, rural businesses and the local economy by helping to create a circular process which makes better use of slurries / manures and creates a valuable organic fertiliser in the form of digestate which helps reduce the need for high carbon production artificial fertilisers. Furthermore loss of ammonia into the environment is reduced, this helping the industry's 2040 net zero target. The planning application was well considered the first time around, and the variations to reduce feedstock and the number of lagoons has further reduced any perceived negative effect. The location is ideal as a significant distance from the nearest residents, close to grid gas, based on a farm with high output of manures and slurries from pig and poultry production and based in one of the most productive areas in the country for pig and poultry production
- Farmers need to be diverse and yes farmers should grow food however without energy and fuel this will not be able to be processed to use within the food industry
- Support from business connected to the applicant and farmer
- Do hope the decision makers do their own research

1 letter from the River Waveney Trust not objecting to the application but considers there is still further scope to limit potentially adverse environmental impacts

- Ratio of feedstock input is currently 44% muck to 56% crops but the Trust believes much higher priority should be given to waste products not crops grown specifically for the biodigester
- Although maize is only proposed to provide 23% of the cop input we would like to see further progress on growing this crop to protect water
- Visual and olfactory testing of liquid in the drainage sump is not sufficiently rigorous or objective and qualitative measures should be used instead
- Where overflow is discharged from the fire-water lagoon a wetland treatment system should be considered to enhance safety and biodiversity
- The Maintenance Regime Schedule for the plant should be extended to cover the digestate pipelines and storage lagoons
- The Trust would like to see enhanced buffers next to all watercourses
- There should be a formal Nutrient Management Plan to ensure digestate is only spread where crops need it and the soil conditions are right
- The Trust is reassured that the applicants intend removing existing manure heaps, clamps and tanks at Deal Farm and would like to see this enforced by condition

## 257 letters of objection

- Plant has been erected without planning permission
- The works undertaken in 2018 were not pursuant to the 2015 permission and therefore there is no fall back position
- Repeated applications has resulted in members of the public and consultees having to write repeated objections
- Another application designed to manipulate a system demonstrably unfit for purpose
- The underhand, unauthorised manner in which this site has been developed means that the applicants have completely circumvented the usual site selection process which would have ruled out this location
- The whole process by which this has come about demonstrates that there can be no trust in the applicants remaining within whatever consents are given
- They refused to stop work when instructed to do so by the Council showing contempt for the authority
- Fail by SNC to limit capacity in the 2015 permission was a serious error
- Road infrastructure inadequate with roads such as Dog Lane and Common Road being far too narrow, twisty and full of blind bends
- Particularly the case now that the Highway Code has been amended to give 1.5 metres clearance to cyclists
- Won't feel safe commuting as a cyclist any more
- People less likely to use sustainable means of transport
- The majority of roads are limited to 7.5 ton and not suitable for HGVs
- They are also officially designated 'Quiet Lanes' and form part of the brown-signposted Diss Beacon Cycle Route
- Surely whole point of quiet lanes is to provide quiet space for wellbeing and Covid 19 has made us need these quiet lanes even more
- They are well-used by cyclists, horse-riders, walkers and joggers, as well as on the school run for Bressingham and Winfarthing
- Verges of roads are already damaged
- It has been proved that damage to roads is not just due to weight but to the size of the vehicle as well
- Roads through Kenninghall and North Lopham already suffer too much lorry traffic from Crown Mill in Heath Road, Kenninghall without lorries serving this site
- Access from the A1066 to Common Road is already fraught with danger with blind corners, narrow lanes and restricted visibility on junction with A1066
- Access from A1066 via School Road also suffers from being narrow and with the position of the primary school making travel along here further problematic
- How will traffic get to access route along Dog Lane? Assume it will have to come through Diss which is already heavily congested
- No width enhancements possible on approach routes
- It would not be possible to upgrade the road network merely by providing passing bays as there are many other deficiencies
- In any event, passing bays of the size and solidity required would be severely detrimental to the appearance of the local lanes
- Who would provide the land for any passing places and how would they be funded?
- No street lighting
- No on-site parking area for delivery vehicles and given that the new access drive onto Common Road would have to be two way given that the Kenninghall Road access has now been excluded from the access, no queueing would be possible here either. This would result in heavy goods vehicles waiting on the public highway
- Lorries parked on the public highway could block emergency services
- Only way to remedy this would be an enormous lorry park
- Additional heavy vehicle traffic will result in serious problems of residential amenity for those living alongside the routes to and from the site

- Amended Transport Statement suggests using the A1066 as a route to and from Deal Farm. I have lived beside the A1066 for over 20 years and little agricultural traffic uses this route, choosing to use the narrow lanes as a more direct route between fields and farms. How can this be enforced?
- It is notable that, whereas the current applicant claims that their 23,950 tonners per annum of feedstock scheme would result in an overall reduction in traffic on local roads, the 2015 application envisaged an increase in traffic as a result of their smaller 22,360 tonnes per annum of feedstock scheme which casts doubt on the current claims
- The actual maximum feedstock capacity of the plant remains unclear. In the previous application it was claimed to be 46,750 per annum, however BioWatt have claimed it is 55,000 per annum
- Applicant now asserts that the annual feedstock would be limited to 23,950 tonnes but are silent as to how this restriction will be secured
- no reference to washings within the feedstock but information elsewhere suggests this can be calculated at 8826 tonnes which are apparently sourced from chicken sheds as far as Newton Flotman which would increase the overall annual feedstock tonnage to 32,776 tonnes per annum
- This is half the capacity of the plant as built
- The two digester tanks have sufficient capacity to handle 55,000 tonnes per year
- If the intention is to limit feedstock throughput to this extent is genuine then they should demolish one of the tanks but this is not proposed
- If not, sooner or later they will be fully brought back into play as common sense dictates that having incurred such a massive financial outlay they will seek to operate the plant at full capacity
- Is the planning authority able to reliably monitor compliance with a condition that sought to limit annual feedstock throughput to 23,950 tonnes and enforce this?
- Is the local planning authority able to ensure that the adjacent agricultural landowner, RG Aves & Partners, would remain the principal provider of feedstock and principal recipients of digestate without a section 106 agreement to that effect?
- Conditions to enforce this do not satisfy the test of 'enforceability' set out in the NPPF, which all conditions must meet. This is because the planning authority would be entirely reliant upon record kept by the plant operators which can easily be falsified or hidden from investigators
- Such conditions also fail the NPPF test of being 'reasonable in all other respects' in circumstances where, as in this case, the envisaged throughput limit is only 50% of the plant's capacity and the availability of sufficient feedstock within the specified catchment area has not been proven – they would therefore be removed by any competent Inspector at appeal
- Accordingly, the planning authority would be unable to enforce compliance with either a throughput limitation or a geographic restriction, thus enabling the plant to operate at full capacity and draw feedstock from far further afield than 5km - without an independent means of monitoring, the Authority could never be in a position to confirm a breach of planning control, irrespective of whether complaints were received
- There is no documentation that confirms how much feedstock R G Aves and Partners would supply, how much land it would devote for that purpose and how much its conventional farming activity and how much of its conventional farming activity would continue
- Nor is there any documentation demonstrating how many farmers have been signed up to supply feedstock and receive digestate; how much feedstock / digestate each would supply / receive per annum; how much land would be devoted to that purpose; where that land is; or that any agreements to that effect would run for the life of the plant
- The consequences of this is that in the absence of 20-year legal agreements, the plant could run as a regional industrial hub unrelated to its locality, with all the region's farm traffic funnelled down not Dog's Lane, Kenninghall Road and Common Road
- On the applicant's own figures, with a restriction of feedstock in place, the plant would still generate 1,636 heavy goods vehicles movements per year on local roads, with 357 of these taking place in September. Without a restriction on feedstock this becomes 2,017 heavy goods vehicle movements per year

- R G Aves and Partners have 436 hectares of available land. In 2015 they were prepared to devote just half of this to the smaller plant then proposed. Nothing suggests that they would devote any more land this time around
- If other farms further afield have to supply the plant then rather than replacing local farm traffic that already uses the local roads at present this would be additional traffic with existing traffic still being generated by R G Aves' conventional farming practice continuing to take place
- The highway authority has already made it clear when objecting to application 2021/2278 that the existing network of narrow roads and lanes is incapable of accommodating any significant additional heavy traffic safely
- Several other concerns raised by the highway authority relating to the applicants' unfounded claims concerning a reduction in the double-handling of manure, a highly questionable reliance on lorries delivering feedstock and then taking digestate from the site and the dubious benefits of a Traffic Management Plan have still not been addressed
- No mention of vehicle movements associated with staffing of the plant
- Bulk crops such as maize are less dense than corn and sugar beet and therefore require more vehicle movements which is not reflected in the methodology of the Transport Statement
- Additional traffic movements from excess surface water run-off being piped to the digestate lagoons as it is likely they will need emptying far more frequently throughout the winter and in periods of high rainfall
- Since the plant and lagoons are surrounded by a Nitrate Vulnerable Zone this excess water will need to be transported off site by tankers most of the year as it cannot be spread during the autumn and winter months
- Have other business activities by R G Aves at The Oaks been considered in the Transport Statement?
- Some crops for fuel can be harvested three times a year so this would be threefold increase in traffic movements
- Very little information about how off-stake points would function
- Vehicle movements have been stated as one for a vehicle from their start point to the site and then from the site on their onward journey when this should be classed as two movements
- Visual impact
- The domes of the tanks and lighting conductors are very prominent alien features in the local landscape and can be seen from more than a mile away
- Sits in large open landscape of which expansive Norfolk skies are a feature
- No amount of landscaping will mitigate their impact
- They are much closer to Common Road and much larger than those approved in 2015
- Domes on previous application were 12 metres in height, these are more like 15 metres which is a considerable increase
- Size area of site has been increased from 2.5 hectares to 6.9 hectares
- Development is an eyesore
- The lagoons would also be obtrusive structures in an otherwise flat landscape due to the high, unscreened banks that would surround them
- Landscaping proposals around the lagoons are just suggestions as they are on land outside of the applicant's control
- It spoils our local heritage
- Lighting plan will completely destroy the precious dark skies environment that exist in the locality
- Lighting proposals suggest this plant may consume almost an equivalent amount of energy in electrical form as it will produce in gas form
- Effect on wildlife
- The site is located just 1.8km from a designated SSSI natural meadow which we are fearful of the impact it will have on it and its wildlife
- A full ecological survey at key times of the year for breeding and plant growth has not been conducted with the only field survey appears to be one day in November 2021
- Barn owls live close to the site; will they still be there when it is up and running?
- The effect ammonia has on protected species and habitats is profound

- We have a diverse flora and fauna which must be protected
- Impact on local residents
- Planning statement states the development is 2km from the village but doesn't mention that it is sprawling parish with homes dotted throughout including very close to the site
- Associate clumps of rotting vegetation and manure are bound to create odour and air pollution
- The submitted odour assessment is not fit for purposes insofar as it relates to the lagoons as it is predicated on 2mm thick floating covers being used whereas the applicants' drawings indicate that these would only be 1mm thick. Nor has it been demonstrated that floating covers of such limited thickness would be sufficient to contain noxious odours
- Thinly protected lagoons are in reality noxious slurry pits equal in size to half of Diss Mere
- Lagoons are too close to residential properties
- Properties close to lagoons not covered in the assessment
- Applicant has already shown disregard for local residents by pumping chicken washout over nearby fields resulting foul smells
- Noise from the development
- Plant will operate 24/7
- Overshadows a neighbour 50 metres from the site
- Impact of ammonia on health of local residents, particularly when mixed with pollution coming from additional vehicles delivering to the site
- Little mention of the well documented amount of deadly gases that are lost on a continuous basis from these AD plants and which are silent killers by nature
- Flood risk has increased in the area over last few years
- The area around Deal Farm and the Oaks flooded recently including the farms own poultry sheds resulting in the death of many chickens
- Pollution to water courses
- If the lagoons discharge into the watercourse this will increase flooding problems that already exist in Common Road and elsewhere
- Information does not look at annual rainfall predictions or provide estimated calculations of cubic metre volumes of water run-off from the AD plant itself
- Questioning need for AD plant
- Anaerobic digestion plants in Germany that are being closed down
- There are a number of biogas facilities in Norfolk in locations that are infinitely more suitable and where capacity can be increased
- Not an agricultural development, but an industrial enterprise which creates no benefits whatsoever for the local community
- The need for gas production is being reviewed and Britain will follow the European lead within the next 10 to 15 years
- Development is not green and is a classic example of greenwashing
- The carbon footprint to develop and operate this site far outweighs any benefits
- Making methane on this scale does not make sense as methane is four times more sensitive to global warming than previously thought
- The claim that the plant will use waste products is erroneous. A small amount of animal waste is used but crops, predominantly Maize, will be grown specifically to feed the AD plant
- This will severely reduce the acreage put down to the growing of food
- The Prime Minister has recently declared that this country needs to grow more food and less biofuel
- A recent report in the national press stated that "It has been found that by stopping the use of biofuel, the UK could free up enough food to feed 3.5 million people around the world and even slash food prices"
- Current global situation is likely to last for many years and therefore the UK should be doing as much as it can to become self-sufficient in crops for food
- The monoculture will destroy the health of the soil, cause run-off and necessitate the importing of food
- Need to maintain Norfolk's status as the 'bread basket of Great Britain'

- The current headlong pursuit of 'Net Zero by 2050' is a misguided aim that will have dire consequences
- We should be encouraging traditional farming methods on this and other land with smaller breeds of cattle, pigs and goats
- Small scale digesters can create viable energy and digester
- When it is on so large a scale that crops are grown specifically for the digester then more energy goes into them than is produced
- An existing AD plant is already operating locally in a much more suitable location
- This should be visited (to the south-west of Kenninghall, off Garboldisham Road) where you will see it is set well away from the village and with good road access unlike this development
- Local farmers can use the digestate produced by that plant rather than needing this plant
- Other locations that would be suitable are places such as Eye Airfield Industrial Park or Snetterton
- Total amount of digestate produced will not be 23,950 tonnes as 10-20% of this will be lost to gas production so it will actually be around 20,350 tonnes
- If the plant does produce 23,950 tonnes of digestate then with the 8826 tonnes of washings the potential total feedstock would be 39,331 tonnes per annum
- Would the actual AD plant even be capable of operating with a limit on feedstock well below its capacity?
- Dimensions could allow for feedstock of 119,750 tonnes per annum
- There are omissions and discrepancies within the validated application which should have been resolved prior to validation
- No information about decommissioning
- In certain circumstances biogas in combination with air can form an explosive gas mixture
- Bunding too low to negate blast potential
- Pest control issues with rats and other vermin
- No attempt to move pipe line away from fishing lake that it threatens
- Potential safety issue for children with lagoons
- Impact on local business such as hotels and B&Bs from loss of tourism
- Local B&B business had to close due to all the disturbance during the unauthorised construction
- Archaeological report identifies that there are potential for archaeological remains from some periods but then concludes that the overall potential for archaeological remains is low
- No archaeological surveys were carried out before construction was commenced so we will never know what damage has already been caused
- Application considers the impact on the setting of the listed Deal Farmhouse, which has already been compromised, but not by other listed buildings nearby whose settings have not been damaged by previous development
- "supporters" of the application appear to be either friends or family, have a vested interest in the development of such a plant or live far away from the site
- The developer has consistently refused to engage with the local community and most recently declined an invitation to attend a public meeting to hear of the significant concern over their actions to date and proposed future activities
- Concern about cumulative impact with proposed new pylons
- No revised s106 agreements produced despite this being an integral part of the original permission
- Please refuse this application once and for all
- Precedent set in West Sussex when refusing to grant retrospective planning permission to Crouchland Biogas which South Norfolk Council needs to follow. They also tried to substantially increase the size of their plant without planning permission
- Enforcement Notice needed to require the plant to be removed



## 5 Assessment

### Key considerations

- 5.1 The main issues are as follows:
- the principle of development
  - visual impact and the impact of the development on the landscape
  - highway safety
  - the impact on nearby residential properties
  - impact on heritage assets
  - flood risk and drainage
  - ecology
  - lighting

### Principle

- 5.2 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.
- 5.3 The UK is legally bound by the Climate Change Act (2008) to cut greenhouse gas emissions by 2050 compared to 1990 levels. On 27<sup>th</sup> June 2019, the Government formally amended that target as follows: *"It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline."*
- 5.4 In terms of national planning policy, the NPPF stated in paragraph 155 that plans should provide a positive strategy for energy from renewable sources, that maximises the potential for suitable development, whilst ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
- 5.5 In paragraph 158 of the NPPF goes onto to set out that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
  - b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*
- 5.6 Within the Local Plan, policy DM4.1 is the primary policy for considering renewable energy proposals. It states the following:
- Proposals for renewable energy generating development requiring planning permission other than proposals for wind energy development will be supported and considered (taking into account of the impact of relevant ancillary equipment) in the context of sustainable development and climate change on the wider environment, social and economic benefits of maximising use of renewable energy. The Council will encourage the use of on-site communal energy generation measures.*

*(1) The effect of the proposal will be considered on:*

- a) The effect on the character and appearance of the landscape;*
- b) Designated and undesignated heritage assets;*
- c) The amenities and living conditions of nearby residents by way of noise, outlook, and overbearing effect or unacceptable risk to health or amenity by way of other pollutants such as dust and odour*

*Permission will be granted where there are no significant adverse effects or where any adverse effects are outweighed by the benefits. When attributing weight to any harm, including heritage assets regard will be given to national policy and guidance, statutory duty and legislation, and other policies in the Local Plan including Policy DM4.10;*

*(2) Where appropriate planning conditions will be imposed requiring the decommissioning and removal / dismantling of all plant and ancillary equipment, and if necessary the restoration of land, on the cessation of use.*

- 5.7 The Anaerobic Digestion (AD) process is the biological treatment of biodegradable organic food wastes in the absence of oxygen. The process allows microbial activity to break down the waste in a sealed and controlled environment. The two main products from the process are a nutrient-rich bio-fertiliser and 'bio-gas', which is rich in methane and can be used to generate electricity and heat. During the process most of the pathogens and odours are neutralised by pasteurisation. It is recognised as a form of renewable energy.
- 5.8 In this case, the development would produce up to 39,000MWh of renewable energy (biomethane) from local biomass, which is sufficient energy based on an average household consumption of 12 MWh/annum to serve around 3,250 homes. In addition digestate proposed will replace the use of chemical fertilisers, whilst the applicant contends that there will also be a reduction in carbon emissions from reduced road movements. Overall the application contends that the total carbon dioxide savings will be 7,215,000 kilograms of carbon dioxide per annum, although full details of how that figure has been reached and whether it factors in HGV emissions from vehicles supplying the plant have not been provided.
- 5.9 Consideration of whether the proposed development complies with policy DM4.1 and paragraph 158 of the NPPF taking into account the amount of renewable energy to be created is considered in the conclusion of this report.
- 5.10 It is noted that some comments question whether anaerobic digestion plants such as that proposed should be considered as a "green" form of development, whilst others have raised concerns about the principle of growing crops for food is appropriate. Some comments have also questioned the principle of the Government's commitment to reduce carbon emissions to zero by 2050. These are all issues which are outside the scope of this planning application which as noted above is recognised as a form of renewable energy and is being considered in the context of national and local planning policies which are seeking to reduce carbon emissions.

#### Visual Impact and the Impact of the Development on the Landscape

- 5.11 As noted when setting out the site context, the development sits in an open agricultural landscape. The development as a whole sits across the boundary of two landscape character areas as identified in South Norfolk Landscape Review 2001 (updated in 2012), with the majority of the main site and one of the lagoons (to the north-east of the site and the east of Common Road and referred to in the application documentation as the "North Lagoon") falling in E2: Great Moulton Plateau Farmland and with part of the access to the main site and the lagoon to the south of The Oaks (referred to in the application documentation as the "West Lagoon") falling within B4 Waveney Tributary Farmland.

- 5.12 Landscape character area E2 is characterised as a flat, elevated plateau farmland with a large scale landscape of openness and exposure. It provides distant views and farm buildings, some of large scale, exposed and visible in the open landscape. It is also sparsely settled with scattered farmhouses and farm buildings, some linear settlement with absence of a centre / core. The character assessment also notes that there are a number of greens and commons; timber framed houses and associated moats, and a distinct absence of churches within the landscape. When considering new development, key design principles to be considered and that are relevant to this application are to ensure that the essentially open, unsettled character of the area is maintained; ensure the setting of historic halls and moats is conserved; ensure that important long and open views are maintained, and preserve the flat character of the plateau by avoiding the use of intrusive landscape features.
- 5.13 Landscape character area B4 also includes large scale open landscape on higher ground with some distant views amongst its key characteristics and also identifies round tower and isolated churches as distinctive and often significant landmarks within the area, along with historic parkland, moats and earthworks usually associated with old halls and farms, a mix of villages that are linear and those that are more compact, large farm and processing units along with older farm buildings and a mix of building styles. Key design principles to be considered that are relevant here are to ensure that the rural character is conserved and protect views to landmark churches.
- 5.14 The main policy when considering how development will impact on these landscape character areas is policy DM4.5. It states that:
- All development should respect, conserve and where possible enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.*
- All development proposals will be expected to demonstrate how they have taken the following elements (from the 2001 South Norfolk Landscape Assessment as updated by the 2012 review) into account:*
- *The key characteristics, assets, sensitivities and vulnerabilities;*
  - *The landscape strategy; and*
  - *Development considerations.*
- Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.*
- 5.15 The application has been accompanied by a Landscape and Visual Appraisal. This identifies landscape mitigation measures in the form of new hedgerow planting along the northern, eastern and part of the southern boundaries of the site as well as immediately to the west and alongside the western verge of Common Road and the northern verge of Kenninghall Road. Visualisations of how the development will sit in the landscape as this planting matures are then provided within the Appraisal. This concludes that the measures will mitigate for the impact of the development in the landscape and additionally reinstate some of the landscape structure that has been lost over the past century.
- 5.16 The Council has sought the views of a landscape consultant to assess the supporting documentation submitted along with the mitigation measures proposed as part of the application. This identified some deficiencies within the Landscape and Visual Appraisal including a failing to identify all sensitive receptors when selecting the viewpoints to assess the development.

- 5.17 In terms of the conclusion and findings of the Appraisal the Council's landscape consultant agrees that the proposed development sits within the existing cluster of Deal Farm and will result in 'prominent' and 'bold' features in many of the assessed views. However, notwithstanding the weather's influence whereby the domes appear more recessive in overcast conditions, the proposed materiality is not considered sufficient to mitigate visual effects in the initial operational phase (i.e. year 1), such that the visual amenity of sensitive receptors (namely ramblers on local public footpaths and road users on secondary rural roads) will be adversely affected by the introduction of an alien, large scale structure.
- 5.18 The Council's consultant goes on to advise that by year 15 it is agreed that the proposed planting strategy will provide screening of the development in local views, namely along Common Road and Bressingham FP3, preserving the visual amenity of the associated receptors. However, our consultant does not believe that in more distant views there would be a successful screening of the development, which will still appear as a detracting feature in a substantially rural landscape including from sensitive receptors such as users of public footpaths to the south and north-east.
- 5.19 Overall it is accepted that the proposal is consistent with the rural activity of the existing farm. However, its architectural qualities are not considered to be consistent with the rural context. Both the scale and shape are atypical to the agricultural built form qualities that emphasise the largely rural character of the local landscape. The proposal would therefore be inconsistent with the local landscape character identified above resulting in significant adverse effects on these characteristics and the consequent visual amenity experienced by sensitive receptors such users of the public rights of way at some distance.
- 5.20 The application was also accompanied by a Supplementary Landscape and Visual Assessment which was primarily focused on the landscape impact of the proposed lagoons. This accepts that the proposed lagoons are relatively highly visible due to the undulating open landscape with a relative lack of trees and hedging. However, it notes that they are relatively low-key features, and of a type where landscape mitigation would be highly effective and beneficial to the overall landscape strategy for the area. Mitigation is therefore proposed in the form of hedge planting around the perimeter of the lagoons which the Assessment contends would be successfully accommodate and assimilate the lagoons into the landscape.
- 5.21 Our landscape consultant has also considered these findings and has advised that the Assessment has again not fully considered all views available where there are sensitive receptors including views from a number of public footpaths.
- 5.22 In terms of the mitigation proposed, our consultant does not accept that these will mitigate the adverse features associated with the West Lagoon. Conversely, the proposed planting will accentuate the introduction of an engineered landscape feature and as it would not link to existing vegetation it would thereby emphasise an isolated landscape feature within the open land. This would also have a significant adverse effect on the local landscape character.
- 5.23 As noted above policy DM4.5 is clear that development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused. This development would result in such impacts both in terms of the views of the domes in the wider landscape and the positioning of the West Lagoon.
- 5.24 As such it is not considered the development is considered to be appropriate to the local landscape character and therefore the development conflicts with policy DM4.5 of the Local Plan.

## Highway Safety

- 5.25 One of the main concerns raised by many parties is the nature of the local highway network and its ability to accommodate traffic generated by the development. Policy DM3.11 considers the impact of new development on the highway network and its potential for resulting a danger to highway safety. It states that:
- (1) On all sites development will not be permitted that endangers highway safety or the satisfactory function of the highway network.*
- (2) Planning permission will be granted for development involving the formation or intensified use of a direct access onto a Corridor of Movement providing it would not:*
- (a) Prejudice the safe and free flow of traffic or planned proposals for sustainable transport initiatives along the Corridor of Movement;*
- (b) Be practical to gain access from the site to the Corridor of Movement via a secondary road; and*
- (c) Facilitate the use of the Corridor of Movement for short local journeys.*
- 5.26 In terms of the immediate access to the site, this is to be from a new access that has been constructed off Common Road. The site was previously also to be accessed from Kenninghall Road which is historically where Deal Farm is accessed from, however this access is now only to be used for Deal Farm itself and not by any vehicles serving the anaerobic digestion plant. No objection has been raised by the Highway Authority in regard to the access itself in terms of its specification and in terms of visibility onto Common Road.
- 5.27 Common Road and the local highway network of which it forms part of consist of narrow rural lanes that are predominantly single track with no or limited formal passing provision and no designated pedestrian facilities. This includes all routes connecting to the major road network where it is to the A1066 to the south (via Bressingham or Fersfield), the B1077 to the north and east (via Dog Lane, Lodge Lane or Common Road) to the west towards Kenninghall and then onto the B1111. Many of the lanes are also designated as quiet lanes.
- 5.28 Norfolk County Council's Highways Officer has objected to both the previous application and the current one primarily due to the concern about the impact of vehicles accessing the plant on these lanes. They note such routes are not suitable for a significant increase in HGV traffic, as by their very nature they are single track, so the ability for any vehicle to pass an HGV, let alone another HGV, is limited.
- 5.29 In response to the objections to the previous application, the applicant has, as noted in the introduction, reduced the maximum level of feedstock significantly so that it is much closer to what was proposed in the original application in 2015 to which the Highway Authority did not object. They have also submitted a Transport Statement with a subsequent Addendum in response to the concerns of the Highway Authority that concludes:
- A review of the local highway network indicates that the roads in the vicinity of the site are predominantly rural in character with narrow lanes. A review of the Personal Injury Collision data indicates that there is no clustering of incidents nor a pattern relating to vulnerable road users or goods vehicles. On this basis, it is considered that there are no existing road safety trends that could be exacerbated as a result of the proposed development.
  - Currently the application site handles around 13,253 tonnes of plant crops and 6,600 tonnes of manures annually associated with the wider farm. The proposed AD plant would require 14,950 tonnes of plant crops and 9,000 tonnes of manures annually

- Whilst there would be an increase of tonnage in feedstocks and manures as a result of the proposed AD plant, there would be a substantial net reduction of 984 two-way vehicles movements per annum. This would offset the modest increase of 142 two-way heavy commercial vehicle movements per annum. The Addendum therefore concludes that overall the proposal would have a net positive traffic impact.

- 5.30 The applicant has also proposed, notwithstanding they do not consider it necessary given the above conclusion that the development would reduce traffic movements, a series of highways improvement to one of the routes south from the site to the A1066 to create a haul route to the site. This comprises the provision of passing places along a route comprised of Common Road south from the access, Kenninghall Road heading west, and then south along Lady's Lane, Nordle Corner, Algar Road, Fersfield Road, The Valley and finally Halford Road which connects to the A1066 at a crossroads in around 700 metres west of Bressingham St John the Baptist's Church. These lanes are all narrow country lanes and as such numerous passing places are proposed.
- 5.31 The Addendum also proposes a number of conditions that the applicant contends could be included in any planning permission to ensure that the development does not result in an adverse impact on the highway network. These conditions include limiting the level of feedstock to a maximum of 23,950 tonnes per annum with records kept for inspection; limits of the hours HGVs shall enter or leave the site; limits of the numbers of HGVs that can enter the site on each working day, and adherence to the haul route along the roads noted above to be improved.
- 5.32 The applicant notes that paragraph 111 of the NPPF sets out 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 would be severe"*. With the net reduction in vehicle movements suggested, the applicant contends that they have demonstrated the development would not result in a 'severe' impact on the local highway network.
- 5.33 There are a number of concerns that the Highway Authority have with the findings of both the Transport Statement originally submitted with the application and the subsequent Addendum and its conclusions. Primarily this relates to how the level of feedstock and where it is sourced can realistically be controlled, concerns with some of the assumptions and conclusions made within the Addendum, and with the proposed haul route.
- 5.34 It is clearly the case that the most appropriate means of controlling the level of feedstock would be to design the plant to have a capacity matching what the applicant states is the intended maximum annual feedstock. In this case the only reason that it is not possible to amend the design so that the capacity matches the maximum annual feedstock is because the tanks have already been installed and there is no proposal to alter the number or size of the tanks to reduce the capacity. As such the applicant is proposing that the Council relies upon on a condition to limit the level of feedstock whilst approving plant that we know has much greater capacity.
- 5.35 In accordance with the NPPF any condition that the Council imposes on a planning permission must meet the following six tests:
- 1) Where they are necessary

*Will it be appropriate to refuse the planning application without the requirements imposed by the condition?*
  - 2) Where they are relevant to planning

*Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?*

- 3) Where they are relevant to the development to be permitted

*Does the condition fairly and reasonably relate to the development to be permitted?*

- 4) Where they are enforceable

*Would it be practicably possible to enforce the condition?*

- 5) Where they are precise

*Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?*

- 6) Where they are reasonable in all other respects

*Is the condition reasonable?*

- 5.36 Of particular concern in this instance is how the Council would enforce such conditions. In terms of how we would monitor the feedstock entering the plant one possible way would be to have access to the records held by the operator which would be required as part of the Environmental Permit they would need to secure from the Environment Agency. Notwithstanding the concern over approving plant with significant capacity that cannot be used it is possible that an enforceable condition could be created on this basis.
- 5.37 Turning to where the feedstock would be supplied from very limited information has been provided in the Addendum with regard to previously raised concerns in relation to the 'local' catchments for both feedstock and digestate. Previously it was outlined that the site will (i) use energy crops grown within a five kilometre radius of the plant, (ii) that the waste feedstock will come from immediate farms and (iii) the local farms would accept the digestate. Concern however was raised as to how this would be secured and whether a condition limiting the distance from which the feedstock would be sourced could be enforced.
- 5.38 The revised proposals in the Addendum do not reference a five kilometre catchment but does include a Memorandum of Understanding between the applicant and suppliers for the plant for a ten year period. However, whilst the Memorandum of Understanding may provide guidance and information as to the sourcing of feedstock it has no legal force unlike a section 106 agreement and as such cannot be relied on. In addition, it does not include all proposed supplies of feedstock or even take account of the digestate output material.
- 5.39 Given that the source of feedstock is critical to the assumptions and claims within the Addendum this would need to be secured by condition or an agreement that would need to be both legally binding and in place for the life of the AD plant to ensure both the timeframe and quantity of material is from a 'local' catchment as outlined.
- 5.40 Taking onto account the six tests referenced in paragraph 5.33 it is not considered that a condition that relied on the farmer at Deal Farm (R. G. Aves) to manage other aspects of his farming business in order that there is a net decrease in movements is enforceable given that they are a third party in this application. The conditions suggested by the applicant in relation to controlling vehicle numbers would be similarly difficult to enforce given the difficulty in differentiating vehicles solely accessing the AD plant and those serving other agricultural activities at Deal Farm. This is likely to be extremely difficult to monitor. Furthermore, the drivers of the HGVs would still have the legal right to use the public highway which the Council is unable to prevent.

- 5.41 In the absence of the ability to control the distance and source of supply there remains a possibility that a significant level (if not all) of the feedstock would be sourced, and the digestate transported, further afield than the five kilometre 'local' catchment. In this scenario, all traffic would be 'new' and in addition to the existing traffic on the network, as the landowners permitted operations and associated traffic would continue on the network.
- 5.42 Notwithstanding the above, the Highway Authority still have concerns and queries with some of the other elements of the Transport Statement and its Addendum.
- 5.43 Within the Addendum, it is outlined that, if permitted, the AD plant would result in a reduction in traffic movements on the network. However there are a number of points within the Addendum where there are doubts about the assumptions made which undermine this conclusion.
- 5.44 For example with regard to existing traffic movements, within the original Transport Statement it was outlined that there were typically 4,141 two way vehicle movements per annum based on data from the past five years, where as in the Addendum this figure has been increased to 5,128 per annum which raises doubts as to the baseline figure for the assessment. There is also an absence of any detailed breakdown of this figure, nor is it clear as to whether it is specific to this site or the wider farm.
- 5.45 Firstly, it is outlined that 6,450 tonnes of straw would be required, of which 5,650 tonnes would be imported. It is claimed that this activity would actually reduce traffic movements (from 820 to 706 two way movements) as the present farm imports 3,720 tonnes of straw and then exports it to other AD plants. For the reasons outlined in paragraph 5.38 we cannot be certain that activity would cease and that it would not continue in addition to the new facility. If it is the case that all 5,650 tonnes of straw could be imported in addition to the existing import / export operation then this clearly undermines the conclusions in the Addendum.
- 5.46 Despite the above increase in tonnage, the applicant is suggesting that there would be a decrease in traffic movements associated with straw as it would no longer be imported then subsequently exported from the site but merely retained for use in the plant. However it not clarified how this been calculated and whether other straw would be required for use by the farmer in regard to his livestock operations.
- 5.47 Similarly it is outlined that 9,000 tonnes of farm waste would be imported, however the majority (consisting of 500 tonnes of chicken manure and 5,500 tonnes of pig manure) would be sourced from the immediate farms without need to enter the public highway, although no evidence has been submitted to confirm that this level of manure is in fact generated at present by the landowner. The remaining 3,000 tonnes of cattle / duck manure would be imported to the site from a third party. It is suggested that this would be sourced from local farms, albeit with no detail provided. The Addendum outlines that the additional waste material alone would increase two way traffic movements by 230 (115 in and 115 out), however this is based upon movements with a 26 tonne payload vehicle and as a consequence the Highway Authority suspect that the figure would be higher.
- 5.48 Despite the above increase in waste importation, the applicant suggests that there would be a decrease in traffic movements associated with animal waste due to a reduction in double handling of pig manure. There is little evidence to verify this claim and it would be reasonable to assume that it would be in the applicant's benefit to spread directly to the field. There is also little evidence to confirm if such 'existing' movements are actually on the highway network at present. This has previously been requested to be clarified as it is critical as the Addendum concludes that by diverting manure to the AD plant will reduce two way traffic movements by 2,182 per annum.



- 5.49 Potential traffic movements relating to the digestate produced as a result of the anaerobic digestion process also need to be considered. The Highway's Officer notes the Transport Statement suggests that only 40% of the solid digestate will be transported via the highway networks as an independent trip, with the remaining 60% back hauled from the site. Whilst it is accepted that some of the solid digestate could be backhauled in the empty trailers as suggested, the Highway's Officer notes that from experience of these sites elsewhere it is abundantly clear that the digestate is sent to different sources from that of the delivery stock and the digestate goes back out on separate vehicles at different times. Any backhauling would be limited and outgoing movements would take place throughout the year at a steady rate, usually by fast track tractor and trailer combinations which increase the number of vehicle movements over and above the figures quoted. As such the Highway's Officer strongly questions that such a high percentage of digestate is capable of being backhauled from the site. Unless backhauling can be guaranteed the assessment should be made upon the worst case scenario where all trips on the highway network are considered as 'new'.
- 5.50 The final concern of the Highway's Officer with the traffic movement figures relate to liquid digestate. It is suggested by the applicant that the 10,309 tonnes of liquid digestate, which will all be pumped from the site to lagoons or pumped directly onto fields by umbilical, will only result in 94 vehicle movements per annum of which 1,031 tonnes will be tankered away to growers on the highway network. This will result in just 94 two way movements. However the Highway's Officer is concerned that there is very little information in support of this claim to demonstrate this is realistic. Given that the lagoons are still proposed, with off-take points, would suggest that in fact considerably more digestate would now be produced than is required locally and therefore it is likely that new independent tanker traffic would be generated to transport the digestate to other locations further afield.
- 5.51 For the reasons set out above the Highway Authority continues to be of the view that the traffic generation associated with the AD plant would be higher for the reasons outlined above and that the 'existing' scenario outlined is lower in reality. The conclusions in the Addendum rely upon the assertion that the proposals will not increase traffic on the local road network and will in fact decrease traffic which is brought into question given the above issues.
- 5.52 In addition to these issues raised by the Highway Authority no details have been submitted of any glycerin or water to be used in the process. If either or both of these are required and the storage in the lagoons is not sufficient then this would have further implications for the number of vehicle movements.
- 5.53 As noted above, the Addendum now includes a haul route to the A1066 to the south despite the suggestion that there would be no additional traffic generated. This route is considered by the Highway Authority to be wholly inadequate to cater for any significant increase in traffic. The route is typically single track ranging from 2.4 metres to 3.7 metres in width and flanked by narrow / banked verges and ditches, sinuous in nature and designated as a Quiet Lane. The Highway Authority note that the fact that the Addendum has identified more than 37 areas of widening / passing places only acts to demonstrate the inadequacy of the route.
- 5.54 As noted in some of the concerns raised by local residents, such improvement works could also have an impact on the character of the area which would also need to be considered, as well as amenity concerns from the impact of HGV traffic for those living along the routes. However even if they were considered appropriate there are doubts as to whether they could be implemented. No detail of the extent of highway boundary or land ownership has been submitted, and the Highway Authority have commented that given the narrow / banked verges and presence of road side third party ditches it is likely that many of the improvements suggested could not be provided within the extent of the public highway.

- 5.55 As with any mitigation, the Highway Authority would need to understand what is being proposed and be satisfied that there is a reasonable expectation that it can be safely provided on the ground and within land under the applicant's control or the public highway. It is not acceptable to suggest that this cannot be provided prior to determination due to highway boundary verification requests taking up to 12 weeks to process given that this issue was first highlighted to the applicant nearly a year ago.
- 5.56 Notwithstanding the above, even if the haul route were acceptable it would be extremely difficult to enforce a condition requiring all vehicles serving the AD plant for reasons similar to that in paragraph 5.40 in terms of differentiating between vehicles serving the AD plant and other agricultural uses exacerbated by the number of alternative routes on other lanes which are more likely to be attractive to drivers. The reality is therefore that it would be almost impossible to monitor to ensure all the vehicles related to the proposed use are using the haul route exclusively.
- 5.57 In regard to the parking and servicing provision within the site, this is considered to be adequate for the site and no objection has been received in regard to the internal layout from the Highway Authority. It is noted that some concerns have been raised by local residents in regard to the amount of space for delivery vehicles on the site and that this could result in vehicles waiting on the public highway however this can be mitigated by good management of the site and logistics planning.
- 5.58 It is therefore the view of the Highway Authority that a concentration of further HGV activity is likely to occur on parts of the highway network which, by virtue of the widths of the roads in question, are not suitable. It is acknowledged that in this highly agricultural area some movement of crops in large vehicles is 'normal' and be expected by other road users. Nevertheless, the traffic movements generated by this proposal would be problematic for the following reasons:
- They would be very frequent and concentrated on this particular stretch of road over a concentrated time period each year
  - During that time the movements would continue at high frequency over a very long working day extending from early morning until late evening, and into periods of dusk and darkness
  - The existing mix of traffic on the road includes domestic cars, agricultural vehicles, tankers and other HGVs leading to conflict with the applicant's traffic
  - On many narrow sections of the routes the only option would be to reverse the length of the previous stretch to gain refuge in an informal passing place or access. This would be a difficult manoeuvre for some drivers and for the drivers of some large vehicles, including tractor-trailers, and particularly in conditions of poor light, dusk and darkness. The consequences of a mistake could be especially severe.
- 5.59 There is already concern with regard to the ability of the highway network to cater for current permitted traffic movements. In the absence of an ability to realistically control traffic movements for the reasons outlined above this proposal would markedly intensify and exacerbate the difficulties currently experienced and likely lead to considerable verge erosion, the undertaking of dangerous manoeuvres and increase the conflict between HGVs and other users of the highway, including vulnerable users. Even noting that it may be possible to condition a maximum level of the feedstock to that similar to that permitted under the now defunct permission granted in 2015, this applicant is no longer R G Aves as was the case with the previous approval but a different operator to which the agricultural activities of R G Aves would be a third party which render traffic movements far more difficult to predict and control for the reasons set out above. Therefore, notwithstanding that the previous consent has expired, it is not considered that there is an inconsistency in finding this proposal unacceptable when the proposal in 2015 was permitted. The proposal would clearly conflict with criteria (1) of policy DM3.11 of the Local Plan as it would endanger highway safety and compromise the satisfactory function of the highway network. Furthermore, it would conflict with paragraph 110 of the NPPF as a safe and suitable access to the site cannot be achieved for all users, and paragraph 111 as there would be an unacceptable impact on highway safety.

## Impact on Nearby Residential Properties

- 5.60 The development has the potential to have adverse impacts on local residents both from the physical presence of the structures, plant and lagoons themselves but also from noise and odour.
- 5.61 The nearest residential property not connected to the site is Villa Farm, the outer boundary of which is 60 metres to the south-east of the site although the dwelling itself is a little further away. There are also other residential properties nearby including properties on Common Lane from 300 metres to the south-east of the site, a property 400 metres to the south on Lady's Lane and properties from nearly 500 metres to the north-west on Stone Lane.
- 5.62 In terms of the physical presence of what has been constructed and what has been proposed it is appreciated that what has been constructed is visible from some properties and that has caused some distress. However, this is mainly due to the impact of countryside views and also that they form a visual reminder of the other concerns that local residents have with the development. They are not so close as to be directly overbearing or result in overshadowing of any residential property and as such it is not considered that this harm would warrant refusal under policy DM3.13 of the Local Plan.
- 5.63 In regard to the issue of noise disturbance, a Noise Impact Assessment has been submitted with the application. This Assessment includes a background sound survey which it proposes is representative of the sound climate at the closest residential dwelling to the facility, as well as the manufacture supplied noise data for the fixed plant items and library data at a similar site. This found that the predicted level of noise from the site is sufficiently low at the closest residential dwellings to accord with the 'No Observed Adverse Effect Level' as detailed in the national planning guidance which means that whilst noise can be heard it would not result in a change to the quality of life of receptors.
- 5.64 The Council's Environmental Quality officer has considered the assessment and not raised an objection but recommended that if planning permission is to be granted there should be a condition to ensure that noise levels are as the assessment predicts. Such a condition would require monitoring of noise levels at specified locations on the boundaries. This would therefore ensure that noise levels away from the site do not result in an adverse impact as the Noise Impact Assessment states.
- 5.65 It is noted that some other specific concerns about noise pollution have been raised during the consultation on this application, including the current operation of a generator currently operating 24 hours a day. These specific concerns would be addressed by the measures within the Noise Impact Assessment and enforced through the condition proposed by the Environmental Quality Officer.
- 5.66 In regard to the lagoons, it is not considered that there will be any significant noise disturbance from this element of the development given the distance to the nearest properties and as there will be no road traffic accessing them.
- 5.67 There is also potential for impacts on sensitive locations for odour emissions from operation of the plant. An Odour Assessment has been submitted with the application. It concluded that predicted odour concentrations were below the relevant benchmark level at all sensitive receptors in the vicinity of the site for all modelling years. It also found that the worst case impacts were slight at two receptors and negligible at all other representative sensitive receptors.
- 5.68 It should be noted that the plant will also require a permit from the Environment Agency under the Environmental Permitting Regulations 2010. The permit will require that Best Available Techniques are taken to minimise all emissions to air, land and water from the installation. This includes operational, noise, dust and odour.

- 5.69 Whilst it is acknowledged that there is clearly a strong level of opposition from residents living close to the site, in terms of residential amenity the impacts are such that they can be controlled to ensure compliance with policy DM3.13 of the Local Plan and there are therefore no grounds to warrant refusal of the application on this basis.

#### Impact on Heritage Assets

- 5.70 The only heritage site within immediate proximity of the main part of the development is Deal Farmhouse which is a grade II listed timber-framed house dating from the 17<sup>th</sup> century. This lies to the south-west of where the plant has been constructed and is amongst a cluster of existing farm buildings, some of which are already large in scale and modern in terms of materials. This is to be expected with the setting of a farmhouse in a modern working farm. The views between the farmhouse and the plant are limited due to presence of mature trees and overall it is accepted that there will be no harm to its setting.
- 5.71 The proposed lagoons are not adjacent to any designated heritage asset and by the nature are not considered to have the same potential for impact on the setting of listed buildings over a wider distance.
- 5.72 In the wider vicinity of the site, there are two Grade II listed buildings on Stone Lane – Stone Lane Farmhouse 500 metres to the north west and Poplar Farmhouse some 600 metres north-west of the main part of the site. These properties have well vegetated boundaries which combined with the distance to the site results in no impact on their setting. The Grade II listed Old Boyland Hall is around 800 metres to the north of the site however this again has well vegetated boundaries and also sits amongst other agricultural buildings with modern structures to the south of the Hall and as such there is no impact on its setting. At 1km to the south-west of the site is Lodge Farmhouse on Algar Lane which is also Grade II listed. Again this building is set amongst farm buildings and mature vegetation and therefore its setting is not adversely affected by the development. Also 1km from the site on Algar Lane is Algar House which is set in a small area of dense woodland and therefore will not have its setting affected.
- 5.73 The Council's Senior Heritage and Design Officer and Historic England have both been consulted. The Senior Heritage and Design Officer has commented that he does not consider the proposal will have any adverse or harmful effects on the setting of the listed building for the reasons set out above. Historic England have advised that they do not have any comments to make on these proposals.
- 5.74 The wider area is known to be of interest in regard to archaeology. An Archaeological Desk-based assessment has been undertaken on behalf of the applicant and submitted with the application covering both the main site and the sites of the two proposed lagoons. It concludes that the three sites have only a low archaeological potential for all periods, with no evidence to suggest that any of the sites have been previously developed. The northern lagoon site has moderate potential for further Roman artefactual evidence consistent with existing metal detector finds in the area, whilst the main site has moderate potential for medieval artefactual evidence. This can be addressed through conditions requiring further archaeological investigation in the event that planning permission was granted.
- 5.75 The proposal is therefore considered to accord with policy DM4.10 and is acceptable in regard to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Flood Risk and Drainage

- 5.76 The site is within Flood Risk Zone 1 and therefore is not at risk from fluvial flooding. Part of the site is however identified at risk on the Environment Agency's flood mapping as at risk from surface water flooding, with the eastern portion of the site shown to be at risk of a flow path during some flood events, including where the bund has been created on the eastern boundary of the site. A number of concerns have been raised by local residents in regard to increased flood risk, with some representations noting that there has been increased flooding problems along Common Road.
- 5.77 A Flood Risk Assessment has been submitted with the application. It notes that presence of the bund will divert flood water around the site, which accompanied by other measures to the design of structures within the site to prevent water ingress should protect the site itself from flooding. In order to prevent the potential to increase flood risk elsewhere it is proposed to create a swale around the bund to help capture the flood water and through the provision of a sustainable surface water drainage system so that the surface water runoff is contained in an attenuation drainage system and then discharged at a controlled rate to an off-site watercourse.
- 5.78 The Lead Local Flood Authority have assessed the findings and initially objected to the application as they required further evidence that the diversion of surface water from the development within the surface water flow path would not increase flood risk elsewhere along with other further details relating to how surface water is managed within the site.
- 5.79 A hydraulic modelling report has now been submitted which demonstrates that the surface water flow path is further east than indicated on the Environment Agency mapping. As a result, the Lead Local Flood Authority are satisfied that the development footprint is not likely to have a significant impact on off-site flood risk.
- 5.80 Clarification has also been received that all surface water is to re-used within the site and that there is no overflow to external watercourses. As such the Lead Local Flood Authority are now satisfied with how surface water will be managed within the site.
- 5.81 Concerns have also been raised about the potential for pollution from the site to affect water courses, however measures that can be incorporated to prevent this can be secured by condition.
- 5.82 The proposed drainage strategy is therefore considered to accord with policy DM4.2 of the Local Plan.

## Ecology

- 5.83 The site itself is not subject to any statutory designations. The nearest site that is subject to a statutory designation is Shelfanger Meadows SSSI which is 2km to the east of the site. In terms of sites with international designations, the Waveney and Little Ouse Valley Fens Special Area of Conservation is 4km to the south-west. In terms of habitat nearby to the site, there is a pond within the wider farm site and some woodland area around 2km to the north and west. There are an additional six ponds in the immediate surrounding area.
- 5.84 An Ecological Impact Assessment has been submitted with the application. This identified that mitigation measures such as a sensitive lighting strategy (given that there is suitable habitat for bats in the surrounding area); an appropriate buffer around the pond (given that water voles are recorded in the area); any clearance of vegetation to be done outside of nesting period for birds and under supervision where priority species such as hedgehogs and brown hares could be affected. Enhancement measures are proposed in the form of bird nesting boxes and additional hedgerow planting which is included in the proposed landscaping scheme. The Assessment concludes that if the mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application will result in 'no net loss in biodiversity' whilst providing opportunities for 'biodiversity net gain'.

- 5.85 We have received considerable concern on this issue, including responses from both Norfolk Wildlife Trust and Suffolk Wildlife Trust as well as a requirement for further information from Natural England. Particular concern was raised that insufficient information has been provided in regard to the impact of the development on air quality and subsequent impact on the above designated sites, with other sites also identified by Suffolk Wildlife Trust. The applicant has since submitted a further Air Quality Assessment and a Habitat Regulations Assessment Screening Report which concluded that the Air Quality Assessment provides the necessary evidence that there are no likely significant effects of the proposals on these designated sites and that this should allow the competent authority to undertake an HRA Screening exercise to reach the same conclusion. Further clarification has subsequently been provided in regard to specific issues raised by Natural England as to the reasoning that has led to this conclusion.
- 5.86 This is currently being considered by Natural England and their comments will be provided as an update to this report before the meeting. In the event that Natural England advise that the additional information is not satisfactory to conclude that the development would have the potential for having an adverse effect on these designated sites due to the impact on air quality then we would have to conclude that there are likely significant adverse effects on these designated sites which would be grounds to refuse the application as contrary to policies DM1.4 and DM4.4 of the Local Plan.
- 5.87 In addition to the above, this application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located outside of the catchment area of the sites identified by Natural England. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high water use development. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

#### Lighting

- 5.88 The application has been accompanied by a lighting scheme with full specifications and plans showing the extent of the illuminated area. The lighting will normally be off at night other than when the site needs to be accessed outside normal working hours.
- 5.89 The scheme has been considered by our Environmental Quality team who raise no objections to it but do request that should planning permission be granted a condition is imposed to prevent any further lighting without further consent.
- 5.90 As such the proposed lighting scheme is considered to accord with policy DM3.13 of the Local Plan.

#### Other Issues

- 5.91 Norfolk County Council's Public Rights of Way Officer has raised a holding objection to the proposed pipeline to the west of Folly Farm which crosses the alignment of Bressingham Footpath 13 pending confirmation that the footpath will remain unaffected by using the 'burrowing under' method of installation. It is understood that this will be the case and therefore this is not considered to be an issue that would warrant refusal of the application.

- 5.92 A number of concerns have been raised about the potential danger from an explosion on the site. However the safe running of the site is covered by other legislation which seeks to ensure the safety of the site and the surrounding area. As such this issue falls outside what can be considered in the determination of this application.
- 5.93 Equally concerns raised about the potential for rats or other vermin within materials being stored on the site should be addressed by good management of the site but again can be controlled through other legislation.
- 5.94 The issue of how the plant will be decommissioned at the end of its design life has been raised. However the applicant is applying for a full planning permission and unless the Council were minded to grant a temporary consent it is not considered appropriate to require such details.
- 5.95 It is noted that in addition to the benefits from the generation of renewable energy, there some other economic benefits from the proposal. There will be three on-site permanent employees and there will also be further employment should permission be granted in constructing the remaining elements of the plant and the lagoons, as well as ongoing maintenance.
- 5.96 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.97 This application is liable for Community Infrastructure Levy (CIL).

### **Conclusion**

- 5.98 The proposal provides 39,000 MWh of renewable energy (biomethane) from local biomass as well as digestate to reduce the need for chemical fertilisers. Furthermore there are some small economic benefits from the scheme in terms of employment and further construction activity.
- 5.99 The development is not considered acceptable as it is not accepted that the quantity, source and means of delivery of the feedstock could be controlled in a manner that would not have an unacceptable impact on the local highway network which is highly constrained in character.
- 5.100 It is also not accepted that the development would be appropriate to the identified features of the local landscape character area, even when taking into account the mitigation measures proposed, and result in significant adverse impacts on its distinctive landscape characteristics.
- 5.101 As a consequence it is considered that there are significant adverse impacts which outweigh the benefits of the renewable energy provided along with the other benefits of the scheme, therefore the proposal conflicts with policy DM4.1 of the Local Plan. Furthermore, for the reasons set out in the report it is not considered that these impacts can be made acceptable and therefore paragraph 158 of the NPPF does not require the application to be approved.
- 5.102 Given that much of the development has already been carried out, should members be minded to refuse the application, officers consideration to appropriate enforcement action and timing of this will be given.

Recommendation: Refusal

- 1 Inadequate highway network
  - 2 Insufficient transport information
  - 3 Impact on landscape
  - 4 Thereby contrary to DM4.1
- In addition to any further refusal if necessary relating to impacts on Protected Sites from air quality.

Reasons for Refusal

- 1 The highway network serving the site is considered to be inadequate to serve the development proposed, by reasons of its poor alignment, restricted width, lack of passing provision, substandard construction and restricted forward visibility. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to policy DM3.11 of the Local Plan. Furthermore, the development would not accord with paragraph 110 of the NPPF as a safe and suitable access to the site cannot be achieved for all users, and paragraph 111 as there would be an unacceptable impact on highway safety.
- 2 The application is not supported by sufficient transport information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway and highway safety also contrary to policy DM3.11 of the Local Plan.
- 3 The proposed development would result in significant adverse impacts on the distinctive landscape characteristics of the area as even after the proposed mitigation planting has matured the digestion plant domes will still be a detracting feature on longer distance views and are of a scale and shape that are atypical of the architectural built form qualities that emphasise the largely rural character of the landscape whilst the West Lagoon will appear as an engineered landscape feature in the landscape which will be accentuated by the proposed mitigation measures. As a consequence the proposed development will be contrary to policy DM4.5 of the Local Plan.
- 4 As a consequence it is considered that the development would result in significant adverse effects that outweigh the benefits of the renewable energy generated by the development and therefore the development does not comply with policy DM4.1 of the Local Plan.

Contact Officer	Tim Barker
Telephone Number	01508 533848
E-mail	tim.barker@southnorfolkandbroadland.gov.uk