

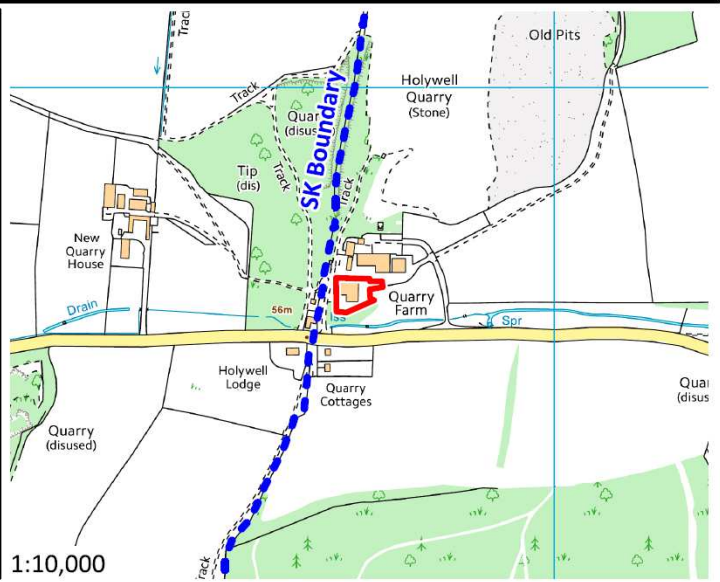
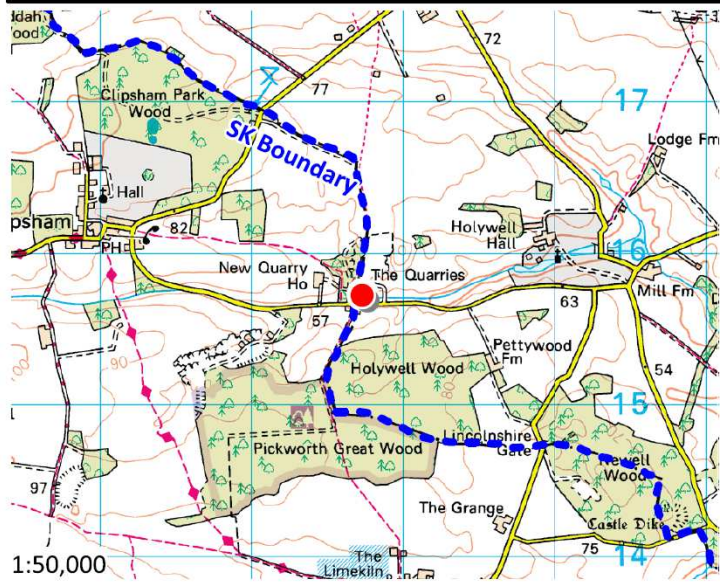
Applicant	<b>Mr Tim Fiducia</b> Quarry Farm, Holywell Road, Clipsham, Oakham, Lincolnshire, LE15 7SQ
Agent	Strutt & Parker 5, South View, Tinwell Road, Stamford, Lincs, PE9 2JL
Proposal	<b>Installation of two biomass combined heat &amp; power units, feed hoppers and associated activities and woodchip storage</b>
Location	<b>Quarry Farm, Holywell Road, Clipsham, Oakham, Lincolnshire, LE15 7SQ</b>
App Type	Full Planning Permission
Parish(es)	Careby, Aunby & Holywell
Reason for Referral to Committee	This application has been referred to committee by the Head of Development and Growth as it is locally controversial.
Recommendation	Approved subject to condition(s)

**Key Issues**

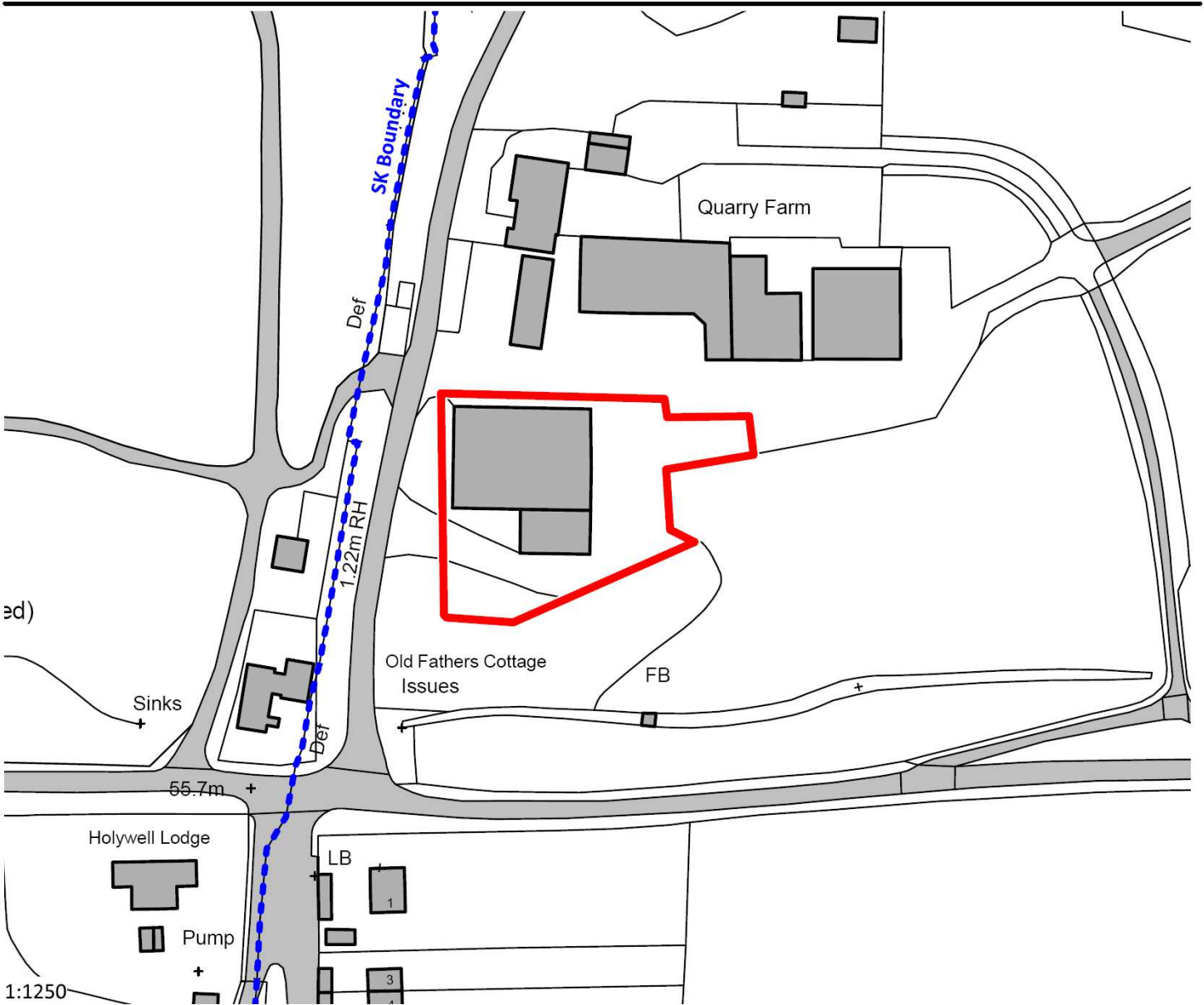
- Noise
- Fumes
- Highways

**Technical Documents Submitted with the Application**

- Design and Access Statement
- Noise Impact Assessment
- Dispersion Screening Assessment



Site Boundary Plan



**Key**

- Application Location
- Application Boundary

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## **REPORT**

### **1.0 Application Category**

1.1 This application is categorised as a householder application for planning permission.

### **2.0 Reason for Referral to Committee**

2.1 This application has been referred to committee by the Head of Development and Growth as it is locally controversial.

### **3.0 The Application Site and its Surroundings**

3.1 The application site lies to the south of Quarry Farm house a large, recently renovated property located on the north side of Holywell Road, within the parish of Careby, Aunby and Holywell, adjacent to the District boundary with Rutland County Council.

3.2 It comprises an existing grain store that forms part of the farmyard with the two biomass units and related works proposed to the south of the grain store. To the west and south there is mature tree planting.

3.3 Access to the site is via a track to the west side of the grain store building, this access is shared with a quarry to the north of Quarry Farm house. The county boundary between Lincolnshire and Rutland runs along this track from north to south.

3.4 The nearest unrelated residential property is situated to the south west on the north side of Holywell Road adjacent to the access track, approximately 30 metres to the application site.

### **4.0 The Proposal**

4.1 The application seeks consent for the installation of two biomass combined heat and power units; feed hoppers, acoustic screen walls, on site wood chipping and wood chip storage.

4.2 The two biomass units are an Abor30 producing 30kWe (electricity) 75 kW (heat) and an Abor40 producing 40kWe and 90 kW . The Abor30 unit is already on site and operating.

4.3 The unit works by burning dried woodchips, the wood is chipped on site and stored in an adjacent agricultural building. The heat produced by the unit is used to dry the woodchip stored in the building. The electricity is used on the site and any excess is exported to the local electrical distribution grid.

4.4 The woodchips are produced on site by the importation of round wood timber generating around 42 deliveries per year, with chipping taking place approximately 5 times a year between the hours of 9am to 5pm Monday to Friday.

### **5.0 Officer Evaluation**

5.1 Main Issues are noise, highway matters and fumes.

5.2 Noise – Currently there is one biomass unit on the site that is installed and operational, providing electricity for the farmhouse, outbuildings and equipment associated with the wood drying and heat for the wood drying. Within the submitted Design and Access Statement it is proposed that a 3 metre high ‘L’ shaped timber clad block work wall will be constructed around the western and southern ends of the units, an insulated shroud be installed on the exhaust system and a silencer be added to the inlet duct to the fan on the grain dryer and better sound insulation installed on the hand door to the grain dryer. It is accepted that currently there is noise being emitted from the unit currently installed but not all the sound reduction/proofing measures detailed in the Design and Access Statement have been implemented.

Currently a wall has been built but not to its full height. It is considered by the Environmental Protection team that once the full noise attenuation measures have been carried out there will be no noise emitted from the unit.

This application is for a total of two biomass units on the site; the same noise attenuation measures are proposed for the second unit and when installed and operating there will be no noise emitted from the second unit. Conditions have been attached to have the attenuation measures completed and fitted before the first use of the second unit.

- 5.3 Highways – Within the Design and Access Statement wood chipping is to take place on site and this will involve the importation of round wood timber, this will require around 42 deliveries per year (an average of 3-4 lorry movements per month). Lincolnshire County Council Highways have raised no objection to the proposal on highway safety grounds with Rutland County Council having no concerns providing it is not a commercial activity. They have also suggested some conditions regarding routing and delivery times. Having regard to the limited number of vehicle movements involved for this activity and the current farm use at the site there is no objection to the proposal on highway grounds. Whilst the conditions suggested by Rutland CC are noted they would be difficult to enforce and are not considered necessary in this instance.
- 5.4 Fumes – As a supporting document a report has been submitted with the application for dispersion assessment in relation to the two biomass units. The report concludes that there will be an increase in annual mean concentrations of nitrogen dioxide at the closest residential property but this constitutes a small increase with reference to Environmental Protection UK guidance. Both environmental protection sections have assessed this report and have concluded that the scheme is acceptable.

## **6.0 Section 106 Heads of Terms**

- 6.1 Not applicable

## **7.0 Crime and Disorder**

- 7.1 The proposed development raises no significant crime and disorder implications.

## **8.0 Human Rights Implications**

- 8.1 Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
- 8.2 It is considered that no relevant Article of that act will be breached.

## **9.0 SUMMARY OF REASON(S) FOR APPROVAL**

The installation of two biomass boilers on the site will have no affect on residential amenity of adjacent residential properties in terms of noise and fumes and no detrimental impact on the surrounding highway network in terms of highway safety. It is considered that the proposal, in compliance with the recommended conditions would create an acceptable form of development which is appropriate and compatible with the surrounding area.

As such it is considered that the proposal is in accordance with the National Planning Policy Framework section 7 - Requiring Good Design and section 10 - Meeting the challenge of climate change, flooding and coastal change and policies EN1 and EN3, whilst concerns have been raised regarding noise, fumes and highways, they are not considered to outweigh the policies referred to above.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay as such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

**10.0 RECOMMENDATION:** That the development be Approved subject to condition(s)

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: QF-M-002 dated November 2013.

Reason: To define the permission and for the avoidance of doubt.

3. Within 2 months from the date of this permission, in relation to the Arbor 30 unit, the following measures shall be completed and installed:
  - 1: the 3 metre high noise attenuation wall as detailed in the Noise Impact Assessment dated 9 May 2014.
  - 2: the installation of a metal enclosure around the engine exhaust as detailed in the Noise Impact Assessment dated 9 May 2014.
  - 3: a silencer shall be fitted to the inlet duct of the grain store and additional sound insulation shall be installed on the personnel door to the grain dryer as detailed in the Design and Access Statement dated 27 May 2014.

Reason: To ensure the satisfactory development of the site and in the interest of residential amenity.

4. Within 1 month of the completion of the noise attenuation measures required by condition 3 above, a further noise assessment shall be completed and its results submitted, in writing, to the Local Planning Authority. For the duration of the assessment being carried out, the CHP plant shall be running at full capacity in order to validate whether or not the predicted noise attenuation measures work in accordance with the predictions stated in the Noise Impact Assessment report dated 9th May 2014.

Reason: In the interest of residential amenity.

5. Should the further noise assessment required by condition 4 above show that the predicted noise attenuation measures have not achieved the predictions stated in the Noise Impact Assessment report dated 9th May 2014, the use of the CHP plant shall cease until a scheme of further noise mitigation has been submitted to and approved by the Local Planning Authority. The CHP plant shall not be brought back into use until any such measures have been completed in accordance with the approved details.

Reason: In the interest of residential amenity.

6. Before the first use of the Arbor 40 unit, the following measures shall be completed and installed:
  - 1: the 3 metre high noise attenuation wall as detailed in the Noise Impact Assessment dated 9 May 2014.
  - 2: the installation of a metal enclosure around the engine exhaust as detailed in the Noise Impact Assessment dated 9 May 2014.

Reason: To ensure the satisfactory development of the site and in the interest of residential amenity.

7. There shall be no more than 42 round wood timber deliveries per calendar year with wood chipping being carried out on no more than 5 occasions per calendar year. Wood chipping shall only take place between the hours of 9am and 5pm Monday to Friday. The wood chipped on site shall only be used for the two biomass units hereby approved or for other purposes within the farm unit and shall not be exported from the site.

Reason: To ensure the satisfactory development of the site and in the interests of residential amenity.

8. Within 2 months from the date of this permission the chimney stack for the Arbor30 biomass unit shall be raised to a height of 6.5m in accordance with Dispersion Screening Assessment report dated 28 May 2014 (Ref: L-18613-2.4.2-14-S215-KRF Rev A) and retained at all times.

Reason: In the interest of air quality and residential amenity.

9. Before the first use of the Arbor40 biomass unit a chimney stack to a height of 4.5m shall be constructed in accordance with Dispersion Screening Assessment report dated 28 May 2014 (Ref: L-18613-2.4.2-14-S215-KRF Rev A) and retained at all times.

Reason: In the interest of air quality and residential amenity.

## **11.0 Representations Received**

- 11.1 **Careby, Holywell and Aunby Parish Meeting:** I refer to the above planning application and write to express strong objections on behalf of residents and businesses within the Parishes of Careby, Aunby and Holywell. The objections are made in consideration of the potential disruption, significant Heavy Goods Vehicle traffic and noise caused by the proposed industrial undertaking, as well as concerns raised as to the perceived non-agricultural nature of what is outlined in the application.

### **Summary of Objections:**

The main issues of objection can be summarised as follows:-

#### **Noise**

Likely noise from two generators could have impact on residents, suggest limit application only to one. Additional noise from woodchipping and associated activities makes this site unsuitable for the noise nuisance which will be generated by this industrial process.

#### **Pollution**

Until fully operational full effect of pollution will not be apparent, no details of dust created from woodchipping, site chosen to move all nuisance from owners house to detriment of others.

#### **Highways/HGV movements**

Major issue due to large increase in traffic on mainly single track roads. Vehicle movements already restricted for adjacent quarry.

#### **Renewable Energy Policy**

This proposal appears to be contrary to renewable energy aims, appears excessive energy production for the farm which suggests this is more a commercial venture than for agricultural use.

#### **Nature of planning application**

We feel that the key issue is the volume of energy being produced and whether it is for the agricultural use of the farm and the heating of the farmhouse or whether it is an exercise to run a commercial business producing electrical energy and dried wood chip for sale.

## **In Conclusion**

A number of major concerns exist regarding the proposal, particularly in relation to their impact on a number of residents in the villages of Clipsham and Holywell due to noise, road safety, traffic and dust. Couple with this the inadequate nature of the application, which in many areas is either inaccurate or lacking in significant areas, and the concern that this is an industrial/commercial rather than agricultural undertaking must surely lead to the conclusion that it is inappropriate for the Council to give approval at this time. As highlighted above, objections have also been raised by Clipsham Parish Meeting with Rutland Council.

- 11.2 **Clipsham Parish Meeting:** This application clearly has a major impact on nearby Rutland residents and the Rutland highway through Clipsham. Could you please consult with Rutland County Council, and take their viewpoints fully into account when considering this application.
- 11.3 **Lincolnshire County Council Highways:** It is considered by the Highway Authority that the proposed development will not be detrimental to highway safety or traffic capacity.
- 11.4 **Planning Policy:** No objection to the principle of this proposal which appears to be in general accordance with Core Strategy policy EN3 Renewable Energy Generation. In determining the application consideration should be given to the detailed requirements of this policy (EN3) together with the criteria of Core Strategy policy EN1- Protection and Enhancement of the Character of the District.
- 11.5 **Rutland County Council Highways:** Having reviewed the additional information supplied by Jeremy Staunton, I am relatively happy that the operation is not going to be used for commercial processes, and as such, if it was, a further planning application would be required, to which RCC Highways would have to object.

Request that conditions be attached relating to routing of lorries, hours of lorry movements and log of movements.

- 11.6 **Environmental Protection:** The applicant has undertaken noise impact and air quality assessments and calculated attenuation of noise making a number of recommendations for mitigation in the reports. Both noise and air quality models for the proposed development predict levels within norms for background noise and air quality at sensitive receptors. However, in view on ongoing complaints, the department would make the following conditions:
- 11.7 Both Combined Heat and Power (CHP) plant namely the ArborElectrogen 30 and ArborElectrogen 40 biomass boilers must be operated, serviced and maintained in accordance with the manufacturers specifications.
- 11.8 An acoustic fence at the perimeter of each CHP plant and enclosures for the engine exhausts at the roof of the CHP plants must be installed and maintained as detailed in the recommendations contained in the noise impact assessment report dated 9 May 2014 (Ref: 7AB Nova Acoustics Ltd).
- 11.9 Access doors to the CHP plant must remain closed at all times when not in use.
- 11.10 Chimney stack heights of 6.5m and 4.5m for the ArborElectrogen 30 and ArborElectrogen 40 respectively must be attained in accordance with Dispersion Screening Assessment report dated 28 May 2014 (Ref: L-18613-2.4.2-14-S215-KRF Rev A)
- 11.11 All wood chips required for use in the bio-mass boilers shall be imported onto the property and no chipping of any sort will be permitted to be carried out on site.

11.12 As one of the complainants is in the Rutland County Council district area, the department invited comments from the council's Senior Environmental Health Officer who has requested the following condition be added. Please note that this is not a condition from this department:

1. On completion of the scheme (S14/1592/FULL) the applicant shall require Nova Acoustics Ltd to undertake suitable noise measurements to validate the predicted noise reduction of the scheme in accordance with those stated in the noise impact assessment report dated 9 May 2014 (Ref: 7AB Nova Acoustics Ltd). The CHP plant shall be running at the worst case scenario in term of sound and the noise measurements should validate those predicted to ensure the protection of amenity. If the scheme fails to meet the predicted noise levels then further work would be required until such levels are achieved.

11.13 **Rutland County Council Environmental Protection:** There are no substantial environmental grounds on which to base an objection, however, if the application is approved, I recommend conditions are imposed to ensure that all the remedial measures that have been included in the Assessments and Design and Access Statements are implemented, to ensure any impacts are minimised in accordance with the applicants own assessments.

## **12.0 Representations as a Result of Publicity**

12.1 The application has been advertised in accordance with the Council's adopted Statement of Community Involvement relevant to this type of planning application.

12.2 11 representations have been received and the points raised can be summarised as follows:

Strongly object to planning permission being given for any biomass boilers.

There is a constant engine noise 24/7, unit erected without any consideration to neighbouring properties.

Concerned regarding the effect of the gasses which constantly emit to the air 60 metres from my bedroom window.

Find it hard to believe that this can be viable solely to provide electricity to the property.

I believe this is a commercial enterprise hiding behind a farm to save paying commercial rates.

Site is not farmed by the applicant it is all let or contracted out.

Consider the effect of vehicle movement between Clipsham village and the site.

No need for two units, the unit already on site will provide adequate electricity and heat for the site needs.

Object to the increase in lorries in Clipsham.

Boilers could have been sited elsewhere away from residential properties.

This is a change of use from farming to industrial.

## **13.0 Policy Considerations**

13.1 National Planning Policy Framework:

13.1.1 10. Meeting the challenge of climate change, flooding and coastal change

13.1.2 (paras 93) – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

13.1.3 (Para 100) – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere.

13.1.4 3. Supporting a prosperous rural economy

13.1.5 (para 28) – Emphasises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It promotes the development and diversification of agriculture and other rural businesses as well as promoting the retention and development of local services and community facilities in villages.

13.1.6 7. Requiring good design

13.1.7 (paras 56, 58, 60, 64) – Requires new development to be of high quality design which is appropriate for the character of the area and the way it functions and makes use of all available opportunities to enhance it. Whilst local distinctiveness is encouraged, planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is emphasised that good design goes beyond the visual appearance of individual buildings and includes among other things, connections between people and places, and integration with the historic, built and natural environment. Planning permission should be refused for developments which are considered to be of poor design.

13.2 South Kesteven District Council Core Strategy 2010:

13.2.1 Policy EN1: Protection and Enhancement of the Character of the District

13.2.2 Requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

13.2.3 Policy EN3: Renewable Energy Generation

13.2.4 The District Council will grant planning permission for proposals to generate energy from renewable sources, subject to the proposals according with the other Core Strategy policies, national guidance and complying with the following criteria:

13.2.5 The proposal can be connected efficiently to existing national grid infrastructure, unless it can be demonstrated that energy generation would be used on site to meet the needs of a specific end user.

13.2.6 The proposal should make provision for:

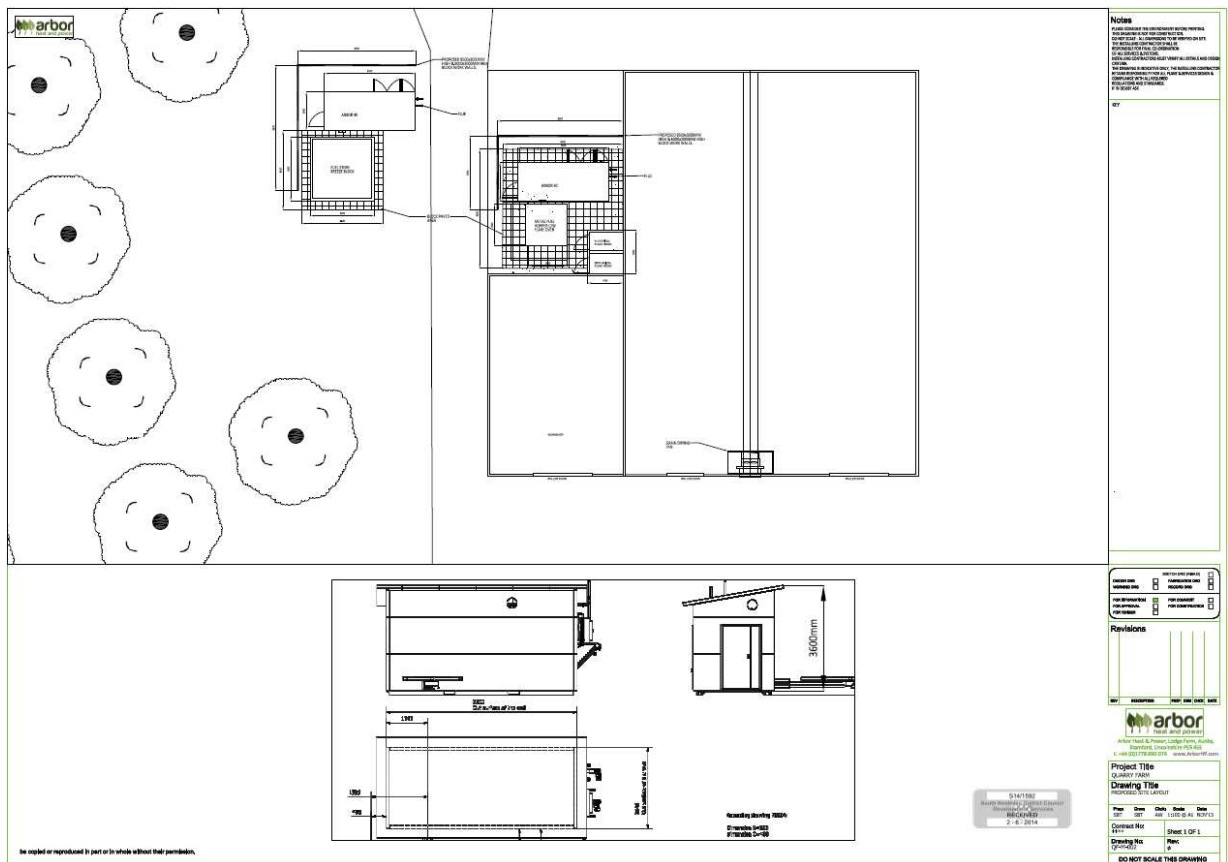
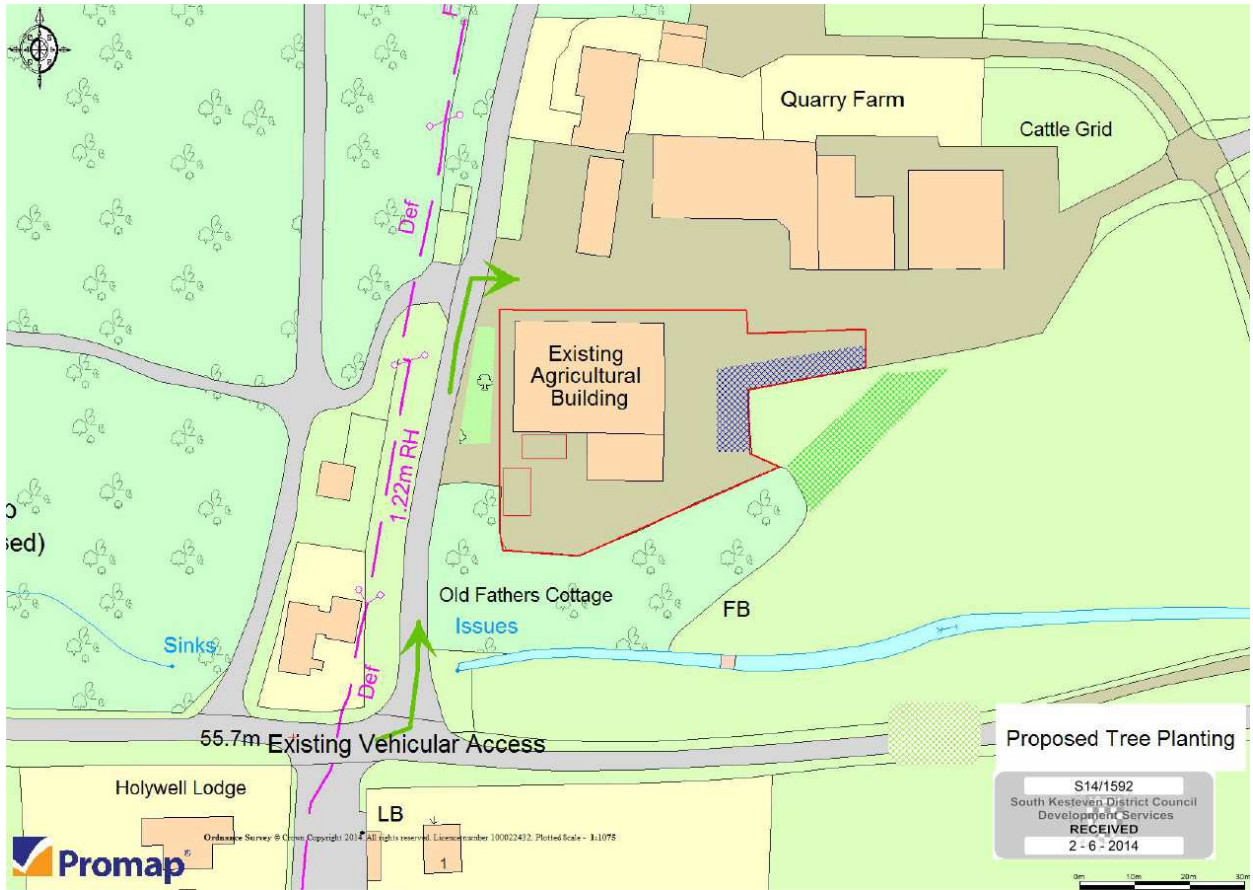
- The mitigation of the real emissions/impacts arising from the installation of the renewable energy generation
- The removal of facilities and reinstated of the site, should the facilities cease to be operational.

## **14.0 Relevant Site History**

14.1 In February 2014 it was drawn to the Council's attention that one of the biomass units had been installed, following an enforcement investigation the current application was received.

## **15.0 SKDC Corporate Priorities**

15.1 It is considered that the proposal supports the Council's Corporate Priority to Grow the economy.



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