

**Re: Planning Committee Meeting 25.09.25, Agenda Item 6, Ref S24/0568**

**Representation on behalf of Block Action Group – submitted by V Tombs**

1. Since the majority of the documents included in the appeal bundle were first available to the public on the planning portal on Tuesday 9<sup>th</sup> September, and the last of the new documents less than a week ago on Friday 19<sup>th</sup> September, members of the affected local community have had very limited time to view the new information.
2. The quantity of new information and the short period between its publication and the Planning Committee's reconsideration of their decision raises a crucial issue. Public participation is the cornerstone of the planning system. The strict procedural requirements of the Town and Country Planning Act 1990 must be followed. Compliance with the legal principles of procedural fairness is not a matter for planning Officers' judgement. We trust SKDC has received specialist advice regarding full public participation in the Council's review process, separate from the inquiry process.
3. Further, this development is subject to an Environmental Impact Assessment and therefore additional regulations apply. If the Officer's assessment is that the new information is sufficient to ask the Planning Committee to reconsider their Decision Notice, surely it is also sufficiently new to fully reconsult with all statutory Consultees. The Officer's report only states that they have engaged with Lincolnshire County Council (as Local Highways Authority) and the Council's Environmental Protection Team. Officer's should, at least, have also engaged again with Leicestershire County Council as the Local Authority responsible for the highway through Buckminster village - now identified as being the most impacted highway (when the previous Transport Statement said no generated HGV trips would be routed to the west of the B676 access junction).
4. There are significant differences in the two transport assessments that have now been submitted by the appellant – but we do not know how much weight is to be given to each. Additionally, as input feedstock sourcing and output digestate management will vary each year, as part of the supply farms planned crop rotation and other influences like the weather, how will the Council ensure that the impact in future practice will align with assessments based on this years planting and the appellant's assumptions?
5. On behalf of the local community Block Action Group has made reasonable endeavours to review the new information. Our stance remains as before, we strongly object to this development. The new information submitted has neither eased our concerns about the negative impacts of this development, nor weakened key reasons for refusal.
6. The development's scale and negative impact has not materially changed. If approved it would set an unacceptable precedent for large industrial scale development in open countryside, and on a site that is a considerable distance from a road appropriate for the many thousands of HGV trips generated. The input feedstock limit may have reduced by 2.3% (130,000 to 127,000tpa), but the onsite storage amount has increased by ten times that percentage, ie 23% (50,000 to 61,500tpa). Apparently built structures will remain the same footprint area despite this additional onsite storage capacity - suggesting that maybe the storage clamps were previously larger in area than they needed to be, or planning application variations will likely follow at a future date. However, perhaps

more likely is that the feedstocks and digestate storage will now be stacked higher than previously considered. If the clamps are fuller – and therefore higher – the visual impact in particular will be greater. Has the impact of higher stacks been fully assessed?

7. In a letter received from Adam Murray (Principal Development Management Planner), we have been advised that during this reconsideration stage we may only address matters of “updated” evidence submitted as part of the appeal and those relating to the reasons for refusal given in the Decision Notice. We will adhere to that instruction, and reserve our additional reasons for refusal together with our new supporting evidence for our potential participation in the inquiry as a Rule 6 party.
8. Block Community Action Group will submit an application to the Planning Inspectorate for Rule 6 status. Additionally, formal instruction has now been given to an expert in industrial farming and its environmental impacts, including issues related to anaerobic digestors, to represent Block in this appeal process. However - please note - as the deadline given for this written submission to be included in the 'late items' agenda pack coincided with that instruction, this document was prepared without their input.
9. At inquiry we will fully support the Council’s published reasons for refusal. Specifically, the Officer’s report has addressed the appellant’s Statement of Case that suggests Policy E7 does not apply. Perhaps with different justification, we agree with the Officer’s assessment that this policy is applicable. However, this raises the question as to why E7 was not included in the January Officer’s report (document D1) when listing SKDC Local Plan policies under Relevant Planning Policies & Documents (Section 4.1)? – when it should have been included. When taken as a whole Policy E7 evidently seeks to limit rural development to an appropriate scale, form, design and impact. This large industrial development is contrary to E7.
10. The Officer’s report on the appeal bundle focuses on the new Environmental Statement chapter covering Offsite Traffic, Air Quality and Noise (document C9) and the associated assessments (C4-C8) – so we address those first.

### **Air Quality and Noise Assessments**

11. Having read the new Air Quality and Noise assessments, we remain concerned about the odour, airborne pollution, and noise generated. Our concerns have not been allayed by desk-based computer modelling, compared to the testimony of others living close to existing operational AD facilities. The new assessments submitted by the appellant focus on impacts generated by traffic, however the neighbouring communities are also concerned about impacts generated by the operational site itself – including odour and airborne pollution from the storage and movement of digestate. The proposals may not include ‘waste’ input and input silage may have ‘minimal’ smell, but digestate (containing ammonia) causes odour nuisance when it is moved into, and out of, storage.
12. Figure 4.8 from document C9 shows the location of ‘receptors’ considered in the new Air Quality Assessment. The prevailing south-westerly wind will blow air over the site directly towards residential properties in Gunby, yet when reviewing Operational Assessment of Air Quality no sensitive receptors in this village are even considered. This highlights the discrepancy between objectors concerns and the assessments submitted.

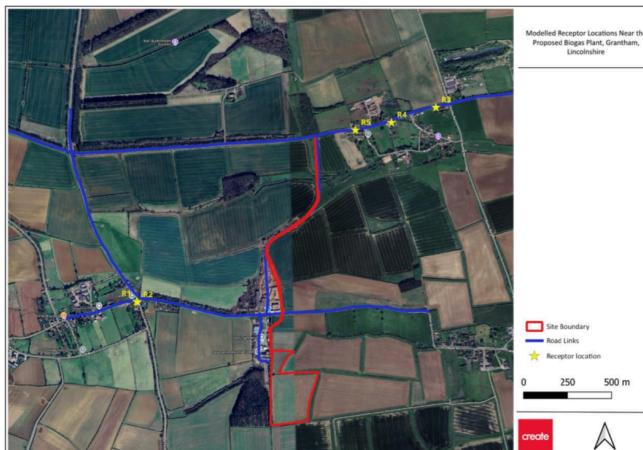


Figure 4.8: Sensitive Receptor Location

## Transport

13. The new Transport Assessment TA does not remove significant issues associated with transport and highways, and indeed it exacerbates some. We engaged a transport expert to review the new transport evidence submitted. Their professional opinion summarised in a written File Note lists issues that are reasonable arguments to object to the proposed anaerobic digestion (AD) facility, including:
  - Failure to assess possible worst case transport impacts.
  - Uncertainty about satellite clamp locations.
  - Safety of proposed access arrangements.
  - Errors in technical assessment.
  - Impact on vulnerable highway users and local communities.
 As before, it has not been demonstrated that unacceptable adverse impact would not result from the development.
14. We have been advised not to submit copy of this expert's File Note to the Council at this stage. We understand that, if the Council is unable to engage another transport expert as their witness in the inquiry, then the expert who has previously provided Block with independent professional advice is available to support the Council. This expert is a Member of the Chartered Institute of Highways & Transportation, with over 30 years professional experience. For added information, this expert is not a local resident, the views they have expressed previously are their professional views and these closely align with the transport reason for refusal that is outlined in the Decision Notice.
15. The importance of having a robust transport assessment has been highlighted, but that issue remains. Document C9 states that Automated Traffic Counters "ATCs were installed on the 24<sup>th</sup> June by PCC an independent specialist data collection company, and data was collected up to and including the 30<sup>th</sup> June 2025". Perhaps PCC failed to notice that they collected data during a week when the B676 was closed to through traffic. However, local residents noticed the road closure signs at the same time as the traffic monitoring equipment – and shared their evidence. Whatever the impact of the diversion on traffic surrounding the site (there are 3 very different hypotheses), this at least brings into question the validity of the baseline data, and hence the robustness of the new TA.



Photograph taken by a local resident – showing B676 closed to through traffic during Transport Assessment data collection by JCC on behalf of the appellant.

16. Based on local knowledge, objectors also highly doubt the appellant's claims regarding "reassignment of existing traffic" and the claimed "lessening of the overall perceived impact on local communities". The information in the new TA about existing HGV trips serving Buckminster Estate farm does however confirm an issue objectors' have repeatedly raised – building this new AD facility will not enable Buckminster Estate farm to do anything new, or more diverse, than they are already doing. The farm is already growing feedstocks for, and receiving digestate from another site, highly likely to be the appellant's operational site at Gonerby Moor (Moor Bioenergy).
17. The Officer's recommendation to grant planning permission was under the classification of 'rural diversification'. Quoting from document D1; "It is the Case Officer's assessment that sufficient evidence has been submitted to demonstrate that the proposed development would be a rural diversification project for the operations and farms of the Buckminster Estate and farms within the AD plant catchment, albeit with the construction of an AD plant." Other AD plants are already operational within a catchment radius of 15 miles and the appeal still does not include any supporting evidence from the farms themselves. In January Councillors attention was drawn to an appeal decision suggested an upper limit of 50,000tpa was appropriate for "small scale" AD projects, but only "c10-20,000tpa" likely to be acceptable in rural areas. (APP/L3815/C/15/3133236-3133237 & APP/P3800/W/15/3134445 2017). Transport impact is proportional to input limit.
18. The appellant has still not identified the location of the satellite storage clamps. The new TA now identifies them as being to the east of the A1, but how far away from the main site? The sustainability of this project is a key issue – however this cannot be fully assessed if information such as the distance travelled by HGVs between the main storage areas is not known. Further, if it is now known that a satellite hub will be to the east of the A1 has the relevant Parish Council now been consulted regarding, at least, transport impact within their Parish?
19. In considering an appeal for a smaller AD plant (34,755tpa input), an inspector noted "with respect to the noise and disturbance from passing traffic, the Parish Councils make the good point that, in this rural situation, impacts on tranquillity, increased levels of intimidation and reduced residential amenity are experienced each time a HGV passes. The noise levels created might not, when averaged out, amount to a significant overall increase, but when disturbance is caused even 2 or 3 times an hour each time an HGV passes a property it can soon prove

annoying and eventually debilitating to those experiencing it" [Paragraph 78 (APP/L3815/C/15/3133236-3133237 & APP/P3800/W/15/3134445 2017)].

### **LVIA Addendum**

20. Document C10 submitted is a Landscape and Visual Impact Assessment addendum, which seeks to downplay the value of the existing rural landscape surrounding the site. However paragraph 3.1 of this addendum contains the key point; development must be "subject to satisfactory siting". The site selected is not "satisfactory". The development would include large, industrial looking structures visible from afar, in an area devoid of such installations. Although not part of any recognised designation, the site is characteristic of a rural location within the Kesteven Uplands and is sensitive to change, especially to the degree and magnitude proposed. The development would be alien, in contrast to its wider surroundings (contrary to Local Plan Policy EN1 and E7c). In the absence of a clear and convincing justification for the development to be built on the proposed site, the other claimed benefits do not outweigh the harm to the rural landscape.
21. In a recent decision dismissing an appeal for a 100,000tpa input capacity AD plant on open countryside an inspector commented, "The proposed development is of an industrial character in terms of land use and operational elements, taking into account the design and size of the digesters, the hard surface areas for storage and circulation, and equipment facilitating the process. The developed area for the proposed AD plant extends over a large site of around 6.2ha, which would introduce a significant degree of industrial growth"..." "Accordingly, the effect of the proposed development on the surrounding landscape would, to my mind, be significantly adverse" [Paragraph 68 (APP/V3500/W/24/3354097 2025)]. The site considered in that appeal is approximately 2/3rds of the area of the site here (6.2 vs 9.1 hectares) and approximately 3/4qtrs of the input capacity (100,000tpa vs 130,000tpa). In paragraph 95 of the same appeal the inspector further concluded, "I found significant harm would be caused to the landscape character".

### **Other updated evidence**

22. Other matters raised in the 'updated evidence' cover issues as wide ranging as the required gas pipeline route, the local protected white clawed crayfish population and offsite planting.
23. The new 'Gas Pipe Indicative Location' plan (document C2) shows a different red boundary for the site, now including the land needed to connect the AD plant to the National Grid. This suggests a material change in the site boundary defined by the plan shown in document B1.
24. The appellant's letter regarding White Clawed Crayfish WCC (document D9) raises just one example of where planning Officers did not fully consider objectors concerns before writing their January report recommending permission should be granted. The appellant has misrepresented objections. My own comment (uploaded on 15.05.2024) expressed concern about the pollution risk posed by the development to the habitat of such a protected species. No suggestion was made that WCC have migrated up Gunby brook to the area adjacent to the site – however water, and any pollution, would flow in the opposite direction from the drainage ditch to the Witham. The appellant also

asserts in their document D9 that only ONLINE records show WCC are present in the Witham (their emphasis) – my document contained a screenshot as evidence of the official Environment Agency Press release published when nearly 200 WCC were rescued after Buckminster Estate farm spilt fertiliser into Gunby Brook. The development proposes to store thousands of tonnes of fertiliser adjacent to the watercourse upstream of Gunby brook. Further, the Council should be aware of the recent High Court decision R (Caffyn) v Shropshire Council [2025] that has implications for fully considering the management of digestate in future planning decisions.

25. The new S106 and associated offsite planting scheme (document C3) will not add sufficiently to mitigation of the impact of the development particularly for local residents, and users of the public highway and footpaths. The site is an elevated plateau and the largest structures are two 19m tall, 35m diameter, domes. The AD Plant Indicative Landscape Plan (Final Draft) dated 01.03.2024 is clearly not in response to the Council's reference to mitigation in the Decision Notice published on 13.02.2025, instead it seems to reflect a planting scheme that is already being undertaken by Buckminster Estate (as also mentioned in Buckminster Estate's official social media post with photographs on 12.02.2025 describing their "rolling programme" of planting across their estate).



New 'Parkland' tree enclosures in area No 4 – installed Sept 2025



Young trees in area No 1 – planted Feb 2025

## Summary

26. We urge members of the Planning Committee to resolve to defend at the inquiry their decision to refuse this development, as published in their Decision Notice. We are aware of the appellant's reminder to the Council of the "significant costs" that may be awarded subsequent to a planning inquiry (document D5) however the Council should also be aware of the determination of the local affected community to have their concerns fully considered, and any potential costs of a Judicial Review. The company behind this application, Future Biogas Ltd, has made it well known that they have ambitions for a large number of similar developments, some of which are also currently being considered by other LPAs – hence there is widespread scrutiny of this application.
27. Finally, in order for Block to plan our own actions as a potential Rule 6 party, we are concerned about when the public will know the Council's resolution if we are to be excluded from that part of todays meeting as advised in paragraph 3.3 of the Officers Report. Before we are asked to leave the Chamber, please may the Committee Chairperson advise us of when we will know the Council's planned course of action?