

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/17/00599/WAS
FULL APPLICATION DESCRIPTION:	Proposed Anaerobic Digestion Plant
NAME OF APPLICANT:	Ener-G-Bio
ADDRESS:	Hulam Farm Hutton Henry Hartlepool TS27 4SA
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Chris Shields, Senior Planning Officer 03000 261 394, <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site occupies an area of approximately 2.02 hectares (ha) within an essentially rural landscape, which is predominantly in use for agriculture. The wider farm holding extends to approximately 405 ha. The landscape is broken up by scatterings of farm buildings and small hamlets. The A19 trunk road is a major feature in the local area. The village of Hutton Henry lies approximately 1.3km to the west of the application site, Castle Eden approximately 1km to the north west, and Hesleden some 1.6km to the north.
2. The steading area of Hulam Farm is situated to the immediate south of the application site and includes three groups of farm buildings of varying ages, a weighbridge, a farm worker's dwellings (Smithy Cottage), the farm manager's house (Hulam House) and two dwellings not associated with the day-to-day operations of the farm (Field House and Hulam Cottage).
3. The application site lies to the immediate north east of Hulam Farm, partly utilising an existing building and with the majority of the development in an agricultural field. The proposed development would be accessed via an existing farm track from Bellows Burn Lane that is shared with Footpath No.14 (Sheraton with Hulam Parish), which continues past the application site and joins with Footpath No. 7 (Nesbitt Parish) further to the east.
4. The A19 lies approximately 700m to the west of the application site and is the main highway connection for the site. The site is within an Area of High Landscape Value (AHLV). There are no nature conservation designations within the site. Over 2.4km to the north of the site lie the Durham Coast Special Area of Conservation, Northumbria Coast Special Protection Area and Ramsar site, Castle Eden Dene Special Area of Conservation and Teesmouth & Cleveland Coast Special Protection Area and Ramsar site. Hart Bog Site of Special Scientific Interest (SSSI) is located

approximately 1.7km to the south-east of the application site and Hulam Fen SSSI is located approximately 600m to the north. Hesleden Dene Ancient Woodland and Local Wildlife Site are located approximately 400m to the north and east of the application site.

5. The nearest heritage assets are the Grade II listed Hutton House approximately 980m to the south west Castle Eden conservation area is located approximately 1km to the north west.
6. The nearest residential properties beyond those within the farmstead lie approximately 840m to the south at Sheraton Hill, 930m to the west at Hutton House, 940m to the north at Castle Eden and 1.2km to the east at Nesbitt Hall.

## The Proposals

7. This application is for an anaerobic digestion (AD) plant that would produce methane gas for distribution to the gas grid. The plant would produce up to approximately 4,000,000m<sup>3</sup> of biogas per annum. The development would also include a small combined heat and power (CHP) unit for the parasitic load for the plant and heat for the tanks with excess heat being used on the farm. It is intended that the plant would operate continuously on a 24/7 basis, apart from scheduled maintenance operations when the plant would be completely closed down.
8. The proposed development would process between 70,000 and 100,000 tonnes of food waste per annum. This would be supplemented by approximately 8,760 tonnes of waste straw from wheat and barley grown on Hulam Farm and some 2,500 tonnes of farmyard manure from the nearby Nesbitt Hall Farm (at Nesbitt Hall).
9. The farmyard manure is presently spread periodically on the fields of both Hulam Farm and Nesbit Hall Farm. Between times it is stock-piled on both farms and this would continue to be the case, should planning permission be granted.
10. It is envisaged that that the food waste would comprise a mix of packaged and non-packaged solid food waste and liquid food waste. The tonnages of each food waste type would be in the order of 35-50,000 tonnes of packaged and non-packaged solid food waste and 35-50,000 tonnes of liquid food waste, per annum. The food waste would be imported to the site via heavy good vehicles (HGVs), including tankers, with a peak capacity of 16 (8in/8out) per day.
11. The AD plant would comprise of a main and a secondary digester tank which would both have an internal diameter of 25.61m, a height of 9.87m to the dome which would be an additional 3.5m in height with a total volume of 5,083m<sup>3</sup>. In addition there would be three digestate storage tanks, two with an internal diameter of 36.71m, a height of 9.87m and 5.5m high domes with a volume 10,321m<sup>3</sup>. The third tank would have an internal diameter of 26.46m<sup>3</sup>, a height of 5.67m and a 5.5m high dome with a volume of 3,119m<sup>3</sup>. There would also be three pasteurisation tanks with an internal diameter 2.95m<sup>3</sup>, a height of 6.15m and a volume of 30m<sup>3</sup>. An existing shed on the site would be reused as the food waste reception building which would housing a depackaging plant and liquid storage tanks. In addition to the AD plant there would also be a gas grid entry unit, gas purification and storage plant, technical container, office and laboratory, a CHP unit in a shipping container measuring 6m by 2m with a height of 2.5m and a 5m flare stack.
12. HGVs carrying solid food waste would enter the food waste reception building, operated under negative pressure, where the waste would be unloaded, de-packaged and sorted. The doors of the building would be kept closed at all times

other than when HGVs enter or leave the building. Liquid food waste would be transferred via a sealed pumping system into one of four reception tanks for analysis. The tanks allow for wastes of different origins to be 'blended' together to provide the optimum mix for processing in the tanks. From the reception tanks the feedstock would be transferred into the primary fermentation tank either by an auger (solids) or by direct pipe (liquids). Straw would continue to be stored in bales on the farm, as per the current situation.

13. The material would be fermented in the tanks for between 40 and 90 days. Once all the methane has been extracted from the material, it would then be pumped into a pasteurisation facility which heat treats the material before it is then pumped into the digestate storage tank.
14. At this point in the AD cycle the digestate would no longer be a waste but a bio fertiliser, capable of being spread on land instead of conventional fertilisers. The digestate would be stored in a pumpable liquid form and would be removed from the site via a sealed pipework system connected to tankers or umbilical pipework direct to the fields. It would then be spread on farmland at Hulam and Nesbitt Farm or taken off site for use at other farms instead of conventional fertiliser. Due to the seasonal demands for fertiliser as well as existing restrictions on application of material to land, the facility would incorporate up to 6 months storage of digestate on site.
15. An Environmental Permit from the Environment Agency would be required. In accordance with the permitting requirements, as well as sound environmental management practices, the site would be bunded behind concrete walls capable of holding 110% of the volume of the largest tank.
16. The application is being reported to the County Planning Committee because it is for major waste development with a site area greater than 1ha.

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## **PLANNING HISTORY**

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17. Hulam Farm is a long established farm complex comprising of four dwellings, agricultural buildings, extensive farmyard area and surrounding land. There are 2 very large buildings in the north east corner of the farmstead that have been previously used for industrial purposes including as an intermediary storage for potatoes destined for Walkers Crisps at Peterlee and subsequently for the production of animal feed.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
19. The NPPF does not contain specific waste policies as these are contained within the National Planning Policy for Waste (NPPW) document. However, the NPPF requires

local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in the NPPF so far as relevant.

20. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
21. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
22. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.
23. *NPPF Part 3 – Supporting a Prosperous Rural Economy.* 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.
24. *NPPF Part 4 – Promoting Sustainable Transport.* States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
25. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
26. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
27. *NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.* 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.

28. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
29. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

30. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal is the practice guidance with regards to air quality, transport, flood risk, waste and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

31. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

#### **LOCAL PLAN POLICY:**

##### County Durham Waste Local Plan (2005)

32. *Policy W2 – Need* – requires the demonstration of need for a particular development which cannot be met by an alternative solution higher up the waste hierarchy.
33. *Policy W3 – Environmental Protection* – states that proposals for new development will be required to demonstrate that the natural and built environment and the living conditions of local communities will be protected and where possible enhanced.
34. *Policy W4 – Location of waste management facilities* – states that proposals for new waste management facilities will be determined having regard to protection of the environment and local amenity, traffic impacts, opportunities to integrate with other

facilities or developments which will benefit from the recovery of materials and to extend or develop existing waste management facilities.

35. *Policy W6 – Design* – requires new buildings for waste management uses to be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.
36. *Policy W7 – Landscape* – states that proposals for waste development which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted.
37. *Policy W9 – Areas of High Landscape Value and Heritage Coast* – requires waste proposals to demonstrate that the operational requirements cannot be met from a less sensitive site, will not have an unacceptable detrimental effect on the special character of the area and that high environmental standards will be maintained.
38. *Policy W13 – Local Designations* - waste development likely to have an adverse effect on a Local Nature Reserve, a County Wildlife/Geological Site or a Regionally Important Geological/Geomorphological Site, will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site.
39. *Policy W17 – Nature Conservation (Minimisation Of Adverse Impact)* – states that proposals should incorporate measures to ensure that any adverse impact on the nature conservation interest of the site is minimised.
40. *Policy W18 – Listed Buildings* – sets out a requirement to preserve Listed Buildings unless it can be demonstrated that there are no alternative sites available and there are imperative reasons of overriding public interest sufficient to outweigh the loss of or damage to the setting of the building.
41. *Policy W19 – Conservation Areas* – states that proposals for waste development which would have an adverse effect on a Conservation Area will only be permitted where it can be demonstrated that there are no alternative sites available and that there is an overriding need for the development which outweighs the importance of preserving the character and setting of the Conservation Area.
42. *Policy W21 – Archaeology* – Policy requires an archaeological assessment and field evaluation prior to the determination of a planning application where there is reason to believe important remains may exist within or in the vicinity of the site of a proposed waste development.
43. *Policy W22 – Archaeology* – Where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed waste development there will be a presumption in favour of their preservation in situ. Proposals for waste development that would have an adverse effect on regionally important archaeological remains will only be permitted where the need for the development outweighs the importance of retaining the site intact and no other suitable locations are available.
44. *Policy W23 – Archaeology* – Where the preservation of archaeological remains in situ is not appropriate, planning permission will not be granted unless satisfactory provision has been made for the excavation and recording of the remains.

45. *Policy W24 – Public Rights of Way* – States that waste development will be permitted where there will be no significant adverse impact upon the recreational value of the countryside, including the local path network, country parks and picnic areas
46. *Policy W25 – Agricultural Land* – States that proposals for waste development that would impact upon, or lead to the loss of high quality (best and most versatile) agricultural land will be strongly resisted unless there is a need for the development in this location.
47. *Policy W26 –Water resources* – Proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to: the quality of surface or groundwater resources; and the flow of surface or groundwater at or in the vicinity of the site.
48. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
49. *Policy W31 – Environmental impact of road traffic* – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
50. *Policy W32 – Planning obligations for controlling environmental impact* – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
51. *Policy W33 – Protecting local amenity* – requires that suitable mitigation measures are incorporated into proposals to ensure that any harmful impacts from noise, odour, litter, vermin, birds, dust, mud, visual intrusion and traffic and transport are kept to an acceptable level.
52. *Policy W36 – Locations for Waste Recovery Facilities* - states that unless it can be clearly demonstrated that any environmental impacts can be effectively mitigated proposals for new or the expansion of existing waste management facilities should be fully contained within well designed buildings or enclosed structures appropriate to the technology or process and appropriate in scale and character to their surroundings.
53. *Policy W43 – Aerobic and Anaerobic Digestion* – states that proposals for Anaerobic Digestion Plants which make a significant contribution to sustainable waste management in County Durham and which make the best practical use of by-products will be permitted where they can be satisfactorily located: a) on land identified for general industrial use or on previously developed land in sustainable locations; or where the proposal forms part of an integrated waste management facility.
54. *Policy W44 – Small Scale Aerobic And Anaerobic Digestion* – states that proposals for small scale aerobic and anaerobic digestion plants which make the best practical use of by-products will be permitted on general industrial sites; or on previously

developed land is sustainable locations and where the processing of waste is appropriate in scale to an existing primary use of the site, or where they involve the re-use of appropriate rural buildings and hard standings, including as part of farm diversification.

55. *Policy W45 – Energy from Waste* – Proposals for the development of energy from waste facilities will be permitted where it can be demonstrated that they contribute to a sustainable waste management system for County Durham and where they can be satisfactorily located on land identified for general industrial uses, or on previously developed land in sustainable locations; or where the proposal forms part of an existing permanent waste management facility.

The District of Easington Local Plan (December 2001) (DELP)

56. *Policy 7 – Protection of Areas of Highway Landscape Value*. This Policy seeks to protect areas of high landscape value and development which adversely affects their character, quality or appearance will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.

#### **EMERGING POLICY:**

57. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (County Durham Waste Local Plan and District of Easington Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

58. *Castle Eden Parish Council* – has raised concerns regarding the effect the development would have on the residents of Castle Eden. Visual impact on the landscape and highway safety, particularly in relation to additional vehicles joining the A19, are also raised as concerns.
59. *Hartlepool Borough Council* – has raised no objections to the proposals.
60. *Highway Authority* – has raised no objections to the proposals but has requested improvements to be carried out to Bellows Burn Lane between the A19 junction and the access to Hulam Farm due to HGV's overrunning the verges. The applicant has submitted a scheme to show proposed repair works and 3 new passing places on this section of road. Highways officers accepted that this would meet the minimum safe requirement.

61. *Highways England* – has raised no objections to the proposed development subject to conditions being imposed requiring all HGV's to turn left onto the A19 when leaving the site and for HGV's approaching from the south utilise the A19/B1281 interchange, thereby avoiding using the gaps in the central reservation.
62. *Environment Agency* – has raised no objections to the proposals but has provided advice to the applicant regarding the requirement for a bespoke Environmental Permit.
63. *Natural England* – has raised no objections to the proposal stating the development is not likely to have significant effects on the Durham Coast Special Area of Conservation, Northumbria Coast Special Protection Area and Ramsar site, Castle Eden Dene Special Area of Conservation and Teesmouth & Cleveland Coast Special Protection Area and Ramsar site. It is further noted that the proposal would not damage or destroy the interest features for which Hulam Fen and Hart Bog Sites of Special Scientific Interest (SSSI) have been notified.
64. *Northumbrian Water* – advises that it has no comments to make on the proposals.
65. *Drainage & Coastal Protection* – has raised no objections to the proposal noting that the site bunding would be more than adequate to accommodate a 1 in 100 year storm event.

#### **INTERNAL CONSULTEE RESPONSES:**

66. *Spatial Policy* – has raised no objections to the proposals but note that whilst the process would be driving waste up the hierarchy, the principle of the development in the open countryside on a greenfield site is contrary to the locational principles of W43 and those in the NPPF in terms of the preference for previously developed land or industrial land in sustainable locations. Officers advise that the benefits of the proposed development in terms of landfill diversion and making beneficial use of waste outweigh the policy conflicts.
67. *Landscape* – has raised no objections to the proposals. Officers have stated that the development would involve a relatively substantial incursion of an industrial nature into open countryside with some visual harm and local landscape effects as a consequence. However, this could be tempered with considered choice of finishing colour for the tanks and mitigated over time by structure planting.
68. *Ecology* – has raised no objections to the proposal and consider the submitted information to be sufficient. Officers have requested that the recommendations in respect of tree protection, low level lighting and landscaping contained within the submitted Preliminary Ecological Appraisal Report are secured by condition.
69. *Access and Rights of Way* – has raised no objections to the proposals stating that although Footpath No. 14 (Sheraton and Hulam Parish) is close to the application site it would not be directly affected by the development. An informative is recommended to ensure that the path is protected.
70. *Archaeology* – no objections are raised following the submission of a geophysical survey and trial trench evaluation. Conditions are recommended to ensure that locally significant remains in the northern area of the site are appropriately recorded considering that preservation by record is appropriate in this case through a strip, map and record.

71. *Design and Conservation* – raise no objections to the proposals. Officers note that although the Castle Eden conservation area with its registered historic park and a number of listed buildings are located approximately 1km to the north, due to the intervening screening and existing agricultural buildings it is unlikely that there would be an adverse impact on the setting of the heritage assets.
72. *Environmental Health and Consumer Protection (Noise and Odour)* – has considered the proposal in relation to the Council's relevant Technical Advice Notes (TANS) in respect of odour and noise. Officers advise that submitted details indicate that the development would not lead to an adverse impact or statutory nuisance subject to conditions. These conditions would require a detailed scheme of mitigation measures for the management of odour arising from the site to be submitted prior to the commencement of development. Officer also require a condition restricting noise emitted from fixed plant/machinery/vehicle movements on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. In accordance with BS4142:2014 and a restriction of HGV's movements to and from the site to between 0800 – 1700 Monday to Saturday and 0900 – 1600 on Sunday.
73. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposed development stating that the air quality assessment demonstrates that the impact on air quality pollutants at receptors both within the curtilage of the farm and the in the surrounding area would not be significant.
74. *Sustainability* – raises no objections being generally supportive of such schemes, which will result in the decarbonisation of the gas grid. Concerns are raised regarding potential odour from the proposed development.

#### **PUBLIC RESPONSES:**

75. The application has been advertised in the press, by site notice and neighbour notification. 3 letters of objection have been received.
76. Concerns are raised by one objector that their property had been omitted from the technical assessments of the proposal due to an assumption that it was in the control of the applicant. Updated noise, odour and air quality assessments were submitted to take into account properties on the site not in the control of the applicant along with revised planning and design and access statement. A reconsultation exercise was carried out and no further objections have been received from this resident. Other concerns received by those objecting to the development relate to visual impact and odour and pollution. It is also stated that these plants are relatively experimental and appear to have limited benefit, requiring huge volumes of animal waste that they do not want to see or smell. In addition concerns are raised regarding road safety given the added number of large lorries delivery waste; that the development would be inappropriate in this location; adverse air quality and odour impacts.

#### **APPLICANTS STATEMENT:**

77. The Government has shown a clear commitment to increasing the proportion of the United Kingdom's energy requirements produced from carbon neutral or low carbon sources. Moreover, the Government is keen to diversify the mix of such energy sources and not to be over-reliant on wind power. Anaerobic Digestion (AD) plants are carbon reducing and the proposed development will therefore make a contribution towards achieving the Government's target of cutting CO<sub>2</sub> as well as diversifying the mix of renewable energy sources.

78. The proposed development accords with the National Planning Policy Framework, which urges local planning authorities to look upon proposals for renewable energy generation favourably. The DEFRA publication, the 'National Anaerobic Digestion Strategy and Action Plan – A commitment to increasing energy from waste through anaerobic digestion' (2011 & 2013), which indicates the government's strong support for anaerobic digestion facilities, offers significant encouragement for the proposal. The Waste Management Plan for England (2013) is also supportive of the proposal.
79. There is no conflict with local planning policy with reference to the extant development plan policies contained within the County Waste Local Plan (2005) and the Easington District Local Plan (2001).
80. The plant will process food wastes that would otherwise go to landfill together with waste straw and farmyard manure, to produce bio-gas. The bio-gas will then be both purified and compressed for injection into the Gas Grid with a small proportion being combusted in the CHP plant to provide electricity for the operation of the plant. The resultant bi-product from the process known as digestate, may be separated into its solid and liquid components. The liquid is a bio-fertiliser and the solid may be used as a fertiliser and soil improver. These odourless bi-products will be spread on the farm's fields instead of farmyard manure and imported nitrate fertiliser which are used at present.
81. The proposal represents an appropriate form of sustainable development at the site. Moreover, it has been demonstrated that the development will not result in a significant impact upon the landscape or visual amenity, will not cause noise or odour nuisance, will not give rise to traffic issues of any significance, will not harm the local ecology and will not adversely impact any features of archaeological importance.
82. Furthermore, it has been concluded that the proposal will benefit the rural economy, and promote the Government's aim to diversify farms as opportunities present themselves.
83. On that basis, we hope officers and members will support this scheme.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at*  
<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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84. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: principle of development, residential amenity, landscape impact, ecology, access and traffic, agricultural land, flood risk and drainage and cultural heritage.

## Principle of Development

85. National and local planning policies are generally supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The Government's 'Waste Strategy for England 2007' set out the Government's objectives to reduce waste and increase recycling of waste and energy recovery. The Waste Review of 2011 sets out the Government's aims for a 'zero waste' economy. The direction of travel set by the Review is a new focus in national policy on the use of materials throughout the economy; the integration of business and household waste; a smaller and different role for central government; and more focus upon the householder or business and the importance of this agenda – from waste prevention to waste management – for the "green economy". Waste is considered a valuable resource. The National Anaerobic Digestion Strategy and Action Plan outlines the Government's aim to increase energy from waste through AD, moving towards the 'zero waste' economy. It highlights the important role of AD in dealing with organic waste and avoiding greenhouse gas emissions that are associated with its disposal to landfill.
86. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. This is reflected in WLP Policy W2 requiring developments to demonstrate an established need for the facility and to show that they would make a contribution to the County's sustainable waste strategy and achieve overall environmental benefits, and move waste up the Waste Hierarchy. Furthermore, the Policy seeks to prevent unnecessary importation of waste into the County. Policy W2 is considered to be consistent with the NPPF and can therefore be afforded weight in the decision making process.
87. The proposed development would seek to import up to up to 100,000 tonnes per annum of food waste, supplemented by a further 8,760 tonnes of crops waste and 2,500 tonnes of manure and producing up to 4,000,000m<sup>3</sup> of biogas a year from the proposed anaerobic digester. Capacity for anaerobic digestion is currently unknown as waste data showing available feedstocks is not readily available. Determining need based upon capacity is therefore currently an unreliable measure. Although no contracts are in place, the applicant has identified local sources in Peterlee, Durham, Sunderland and Newcastle for feedstocks and would be able to treat all of the waste on site, producing renewably sourced gas for the grid and bio fertiliser, both of which contribute to regional self-sufficiency and as there would be no waste at the end of the process the proposal would not amount to an unnecessary importation of waste into the County. Contracts with suppliers would not normally be in place until planning permission has been secured to give certainty. The proposal would therefore broadly accord with WLP Policy W2 even though the need for the development is currently unknown.
88. Anaerobic digestion is specifically covered in the WLP under Policies W43 and W44. Policy 43 seeks to locate anaerobic digesters on general industrial or previously developed land; or in other situations where the proposal forms part of an integrated waste management facility. Policy W44 is broadly similar to W43 but allows for small scale facilities to be located on farms as a form of diversification. The WLP does not elaborate on what constitutes 'small scale' but the assertion is that proposals on farms would normally be permitted if they are only using feed stocks (including waste) produced within the same farm unit. The proposed facility at Hulam Farm would use feed stocks from the farm but the majority of the material would be imported waste. It is therefore considered that the proposal must be considered against Policy W43. As the development would produce useable electricity and heat it should also be assessed against Policy W45 relating to energy from waste. W45

has the same locational requirements as W43. The proposed development would involve the use of a relatively small field to the immediate north east of the existing farm buildings for the construction of an AD plant. The proposal would not be located on an industrial estate, would not form part of an integrated waste management facility and would be only partially on previously developed land and is therefore a departure from WLP Policies W43 and W45. WLP Policies W43 and W45 are considered to be consistent with the NPPF and can be given weight in the decision making process.

89. The supporting text in the WLP relating to aerobic and anaerobic digestion in the WLP was written at a time when the technology was in its infancy and few examples existed within the UK. It was understood that digestion facilities would primarily be used to produce compost from municipal waste with little regard to the potential for energy production. Technology has advanced and anaerobic digesters have become a recognised as a viable source of renewable energy as well as producing a useful product from waste material that would otherwise have been sent to landfill or incinerated.
90. WLP Policy W45 relating to Energy from Waste was also written without the knowledge of what future technological innovations may become available. The supporting text focuses upon energy recovery from waste via gasification, pyrolysis and incineration of municipal waste on an industrial scale. These processes are quite different from how energy is recovered in an anaerobic digester where a viable supply of renewable fuel can be obtained at a range of scales. The primary purpose of the AD plant would be to generate gas for the national grid. A small amount would be used for heat and power at Hulam Farm.
91. The proposed development would bring benefits to the wider area in that it would produce energy for the national grid from waste food, farmyard manure and excess silage that would otherwise need to be disposed of. The digested material could be used as a stable bio-fertiliser for use at Hulam and Nesbitt Farm or taken off site for use at other farms, limiting the need for manmade fertilisers. The bio-fertiliser would be relatively odourless in comparison to the manure that is currently spread to land.
92. Whilst it is accepted that the proposed development would be a departure from WLP Policies W43 and W45 it is considered that these specific Policies have not kept pace with current technology and only limited weight can be attributed to them. The departure does not undermine the key aims of the development plan and would not need to be referred to the Secretary of State. Indeed, the proposal would comply with all other relevant local plan policies.
93. WLP Policy W4 refers to the location of new waste management facilities and criteria to be considered including protection of local amenity, minimising the transportation of waste, integration with other facilities, environmental benefits and the safe and free flow of traffic on the highway network. These criteria are reflected in Appendix B of the NPPW which also includes protection of water quality and resources, land instability, landscape and visual impact, nature conservation, traffic and access, air emissions, odours, noise and light. Those applicable to this development and location are considered in this report. WLP Policy W29 reinforces the need to minimise the transportation of waste. WLP Policy W29 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
94. The proposed development would be located in close proximity to the A19 trunk road and being able to access the site from this major road would be a benefit to the development. The application states that waste materials would be sourced from a

nearby farm, as well as food producers likely to be from Peterlee, Durham, Sunderland and Newcastle. The site would therefore be in close proximity and well connected to the sources of the feedstocks and would therefore accord with WLP Policies W4 and W29 in terms of minimising transport of waste.

## Residential Amenity

95. WLP Policy W3 requires proposals for waste development to demonstrate that the living conditions of local communities will be protected and where possible enhanced. WLP Policy W33 seeks to ensure that mitigation is provided to ensure that harmful impacts from development are kept to an acceptable level and Policy W36 sets out the need to fully contain waste management facilities within buildings or enclosed structures appropriate to the technology or process.
96. The proposed development would be located to the immediate north east of the farmstead, incorporating an existing building on the site. The site has limited screening around its perimeter but there are sporadic plantations around the site that break up ranged views. The nearest residential properties beyond the four within the farmstead lie approximately 840m to the south at Sheraton Hill, 930m to the west at Hutton House, 940m to the north at Castle Eden and 1.2km to the east at Nesbitt Hall.
97. The proposed facility would store waste materials in tanks located within the buildings and also within the AD plant itself. Materials would be brought to and from the site by tractors (manure and waste straw) and HGV's (food waste).
98. The key issues in terms of residential amenity are noise and odour and are addressed below.

## Noise

99. Anaerobic digestion is a generally quiet activity with the majority of the process occurring within sealed tanks. The site is an active arable farm and use of tractors is a normal part of those operations and the internal transportation on the farm of manure and waste straw currently takes place. The main sources of noise from the facility would be HGV's travelling to and from the site, CHP plant and the gas to grid equipment. The applicant has submitted a noise impact assessment in support of the application. The assessment shows that the predicted noise levels from the development would result in a 1dB increase in day time noise levels and a 2dB increase in night time noise levels at the nearest noise sensitive property. The assessment does not recommend any mitigation for this as less than 3dB change is imperceptible to the human ear.
100. Environmental Health and Consumer Protection officers have considered the proposal and have raised some concerns in relation to the night time increase of 2dB as this is a breach of the guidance set out in the Technical Advice Note (TAN) and is indicative that mitigation would be required, contrary to the applicants claim. Rather than specifying changes to the operation of the plant Officers have recommended conditions requiring that the noise from fixed plant, machinery and vehicle movements shall not exceed the noise level by more than 5dB LAeq (1 hour) between 0700 and 2300 and 0dB LAeq (15 minutes) between 2300 and 0700, and also that movement of HGV's to and from the site shall only be permitted between the hours of 0800 to 1700 Monday to Saturday and 0900 to 1600 on Sunday. On this basis it considered that the proposal would not conflict with WLP Policies W3 and W33 and Paragraph 120 of the NPPF in respect of noise impact.

## Odour

101. The proposed development would import straw waste from the farm, manure and food waste, which by their nature is odorous material. An Odour Assessment has been submitted in support of the application which concludes that, subject to the implementation of appropriate mitigation measures including having the building held at negative pressure and measures to reduce odour emissions, the proposed development is very unlikely to cause any statutory odour nuisance or adverse impact upon amenity.
102. Environmental Health and Consumer Protection officers have considered the submitted details and assessed them against the relevant Council's TAN. Officers consider that the applicant has suitably demonstrated that odour can be controlled so as to meet relevant thresholds but advise that it is inevitable that there would be some fugitive emissions from the opening door and HGV movements, and bio filters may not work as expected due to various issues. Therefore the nearby receptors at times would be impacted on by odour from the development. Officers have recommended that to mitigate the odour risk a condition be imposed requiring a detailed scheme of odour management to be submitted and approved prior to the commencement of development.
103. Although residents have raised concerns regarding the odour potential of the proposed development, it is considered that the applicant has adequately demonstrated that odour from the development could be controlled to a point at which it would not cause statutory nuisance or a significant adverse impact on amenity and Environmental Health and Consumer Protection officers raise no objection subject to conditions relating to noise and odour. In addition, the site would be subject to an Environmental Permit that would be issued and monitored by the Environment Agency. The proposal would therefore not conflict with WLP Policies W3 and W33 and Paragraph 120 of the NPPF in respect of odour impact.

## Landscape and Visual Impact

104. The site is an existing agricultural holding within the open countryside. It lies in the East Durham Limestone Plateau County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area. It lies in the Sheraton Broad Character Area which belongs to the Coastal Limestone Plateau Broad Landscape Type. The surrounding countryside is for the most part gently undulating, though strongly undulating in places, forming discrete low knolls. To the North and North East lie the narrow steep-sided Hesleden and Nesbitt Denes. It is a predominantly arable landscape with old pre-enclosure hedgerow networks, locally heavily fragmented. There are occasional small broadleaved copses with larger tracks of ancient woodlands in the incised denes. The site lies in an Area of High Landscape Value as defined in the DELP.
105. The site lies 750 m to the east of the A19, 1.2km north east of Hutton Henry, 1km south east of Eden Vale and 1.25km south of Hesleden. The site is largely screened from the wider countryside to the North West from villages, roads and footpaths in this vicinity by topography and intervening vegetation and where there are views, it would be in association with the existing farm complex. There are glimpses of the site from the A19, however due to the land falling away to the north and east behind the existing large agricultural buildings and the trees that sit on the crest of the knoll the relationship of the digesters to the existing farm buildings would mean they would be largely screened from this viewpoint. Similarly, when travelling East on the C22 through Hutton Henry, it would be seen in the context of, and behind the existing buildings and trees. From the south along much of Bellow Burns Lane, the

undulating topography, woodland copses and hedgerows would screen the development in all but the most fleeting views. It would be more visible however from the east in longer views from public footpaths over open countryside. Footpath No.14 (Sheraton with Hulam Parish), runs immediately to the east of the proposed site through the existing farmyard and from this location the development would be very prominent.

106. The proposed AD plant would inevitably have an industrial quality which would be out of keeping with the rural character of the area and would detract to some degree from the scenic qualities in the near and middle distance views. It would have a transformative effect on the site itself, more than doubling the size of the complex. There would be some local harm to the quality of the AHLV, given the proposals are on an industrial scale and that, against the background of the landscape setting, it would represent a prominent and intrusive addition to some views. However, subject to appropriate screening Landscape officers consider that the effects of the proposal would not be significant in the medium to long term and would recessive colours would assist in blending the plant in with the landscape.
107. Paragraph 109 of the NPPF sets out key areas for conserving and enhancing the natural environment and requires the protecting and enhancing of valued landscapes. The site lies within an Area of High Landscape Value as identified in the DELP. WLP Policy W9 requires waste proposals to demonstrate that the operational requirements cannot be met from a less sensitive site, will not have an unacceptable detrimental effect on the special character of the area and that high environmental standards will be maintained. This is reflected in DELP Policy 7 which also seeks to protect the AHLV. WLP Policy W7, which seeks to resist development that would have a significant adverse impact on the character of the landscape and promotes the restoration or enhancement of the landscape where possible. WLP Policy W6 and W36 promote the careful siting and design of new buildings appropriate to the waste process proposed that complement the proposed location and topography with landscape proposals integrated into the scheme. .
108. Landscape officers have raised no objections to the proposal subject to the submission of a landscaping scheme as it is considered that structure planting in locations at the north and east of the site would be of benefit. A further condition requiring details of colours and finishes is also recommended. In addition precise details of the reception container, gas purification and storage plant, gas grid entry unit, technical unit, office and laboratory building would be required through condition.
109. It is therefore considered that the proposal would accord with WLP Policies W3, W6, W7, W9 and W33. DELP Policy 7 seeks to protect the AHLV within which the application site lies, and requires a demonstration of why an alternative site cannot be chosen should a development proposal result in adverse impact. As the proposed development has been assessed as not having harmful impact to the character and appearance of the area, and thus to the AHLV, the objectives of DELP Policy 7, WLP Policy W9 and NPPF Part 11 are considered to have been met. WLP Policies W3, W6, W7 and W33 are considered to be consistent with the NPPF and can be afforded weight in the decision making process. WLP W9 and DELP Policy 7 are considered to be partially consistent with the NPPF as the NPPF does not recommend setting local landscape designations but does acknowledge the importance of protecting valued landscapes.

## Ecology

110. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2010 (amended in 2012) (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.
111. Paragraph 109 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible with Paragraph 118 stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. WLP Policy W17 requires all waste development to incorporate appropriate measures to ensure that any adverse impact on nature conservation is minimised. WLP Policy W13 seeks to resist development that would have a significant detrimental effect on Local Nature Reserves and County Wildlife Sites. WLP Policies W13 and W17 are considered to be consistent with the NPPF and can be afforded weight in the decision making process.
112. A Preliminary Ecological Appraisal report has been submitted in support of the application. The report states that the site is of negligible to low biodiversity value, being composed entirely of monoculture improved grassland with limited protected species habitats in the vicinity. The report provides recommendations in relation to tree protection measures, lighting and landscaping.
113. The Council's Ecologist has confirmed that the supplied Preliminary Ecological Appraisal report is sufficient to inform this proposal and that no further survey work is required but has requested recommendations of the report concerning tree protection, low level lighting and landscaping are required by condition.
114. An Air Quality Report has been submitted with the application. The report confirms that the results of air quality modelling indicate that emissions from the digester plant are unlikely to significantly affect existing conditions at nearby sensitive ecological receptors. The response from Natural England confirms that it is satisfied with the air quality prediction and offer no objection to the proposal.
115. Natural England has advised that based on the plans submitted, the proposed development would not have significant adverse impacts on designated sites (The Durham Coast Special Area of Conservation, Northumbria Coast Special Protection Area and Ramsar site, Castle Eden Dene Special Area of Conservation and Teesmouth & Cleveland Coast Special Protection Area and Ramsar site) and therefore has no objection. Furthermore, Natural England considers that based on the plans submitted the proposed development would not damage or destroy the interest features for which Hulam Fen Site of Special Scientific Interest, Hart Bog Site of Special Scientific Interest has been notified and has no objection.
116. Durham County Council is the competent authority who must undertake a Habitat Regulations Assessment (HRA) under The Conservation of Habitats and Species Regulations 2010 (as amended). The purpose of the HRA would be to determine

whether the proposed development would constitute a plan or project under the Regulations, and whether any likely effects would be considered significant, direct or indirect, on any European Protected Site on or near the application site or on any qualifying features for which the European sites are designated. The Council has undertaken a screening assessment and consider that the proposed anaerobic digester is not likely to have a significant effect on Castle Eden Dene SAC, Durham Coast SAC, Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA either alone or in combination with other plans or projects and is not directly connected with or necessary to the management of the site. Officers therefore conclude that an appropriate assessment is therefore not required.

117. It is considered that the proposal would not result in the loss of valuable habitat or harm to protected species and the structure planting to be agreed through condition has the potential to create biodiversity enhancement. The proposal would therefore not conflict with WLP Policies W13 or W17 and Part 11 of the NPPF.

#### Access and Traffic

118. Paragraph 32 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Locational Criteria in NPPW Appendix B include traffic and access considerations: 'Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports'. WLP Policy W29 seeks to ensure that measures are incorporated into developments to minimise the transportation of waste and Policy W31 requires proposals to demonstrate that traffic generated by the development can be safely and conveniently accommodated on the highway network without causing detrimental impact to local amenity. WLP Policy W32 sets out means of mitigation that should be secured to ensure that development does not result in harm to the highway network.
119. The proposed development would be accessed via an existing farm track connecting Bellows Burn Lane. This is unmarked single track road for its full length up to the junction with the A19 to the west. The site would accept up to 100,000 tonnes of material per annum, imported using HGV's.
120. The proposal would generate approximately 16 vehicle movements per day (8 in and 8 out), not including tractors collecting digestate to spread to land, however, as much of this would be directed to Hulam Farm the impact would be negligible. The vehicle movements from HGV's could be controlled by condition.
121. The Highway Authority and Highways England have assessed the proposals and consider that the proposed access arrangements and vehicle movements would be acceptable subject to conditions. Improvements to the road by adding three additional passing places and repairing damaged sections should reduce the impact of additional vehicle movements and limit the need to overrun verges.
122. A routing agreement has been submitted by the applicant confirming that none of the HGV's associated with the proposed development would access or exit the site by crossing the central reservation of the A19 and would instead use the interchanges to the north or south as necessary. Subject to conditions requiring the upgrade works to be carried out and the vehicle routing to be adhered as well as a limit on vehicle movements to it is considered that the proposal would accord with

WLP Policies W29, W31 and W32 and Part 4 of the NPPF. WLP Policies W29 and W31 are considered to be consistent with the NPPF and although W32 is only partially consistent, as it does not fully reflect Section 122 of The Community Infrastructure Levy Regulations 2010, there is no conflict in relation to these proposals and therefore can be afforded weight in the decision making process.

#### Access and Rights of Way

123. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. WLP Policy W24 requires proposals to demonstrate that there would not be a significant impact upon the recreational value of the countryside, including the local path network. WLP Policy W24 is considered to be consistent with the NPPF and can be given weight in the decision making process.
124. The proposed development would be accessed via an existing farm track from Bellows Burn Lane that is shared with Footpath No.14 (Sheraton and Hulam Parish), which continues through Hulam Farm and joins with Footpath No.7 (Nesbitt Parish) further to the north east. HGV movements associated with the development would be controlled by condition and proposed improvements to the highway would provide additional space for users of the Footpath No.14 to share this route with vehicles. Noise and odour from the development would be controlled by condition and this should be kept to a level where it would not harm the enjoyment for users of the public rights of way network.
125. The submitted landscaping plans indicate that there would be substantial planting on the perimeter of the site that would provide a benefit to users of the Footpath No.14 (Sheraton and Hulam Parish) as it would screen not only the proposed development but the farm as a whole, reducing its impact in the landscape. The internal concrete bunds would be banked with soil mounds that would be seeded and planted on the external sides, further screening the development. Access and Rights of Way officers raise no objections to the proposal stating that the proposal would not directly affect Footpath No. 7 (Easington Parish) but have suggested that a general informative be included on any planning permission. The proposal would not conflict with WLP Policy W24 and Part 8 of the NPPF.

#### Agricultural Land

126. Paragraph 112 of the NPPF seeks to protect best and most versatile land, prioritising the use of lower quality land where it has been demonstrated that development of agricultural land is necessary. WLP Policy W43 sets a higher test, requiring waste development to be located on industrial land or previously developed land and, more importantly, WLP Policy W25 seeks to strongly resist any proposals that would impact on or lead to the loss of best and most versatile agricultural land. WLP Policies W25 and W43 are considered to be consistent with the NPPF and can be given weight in the decision making process.
127. The proposed development would be located on a greenfield site on the northern edge of the farmstead. The area of land to be developed amounts to just over 2ha and is classed as being Grade 3 and although the available information does not distinguish between 3a and 3b the presence of a pocket of Grade 2 land to the south of the site would indicate that the land is of a generally higher standard in this area.
128. Whilst the applicant has not demonstrated that there is an overriding need to locate the proposed development on agricultural land the overall loss is relatively small in the context of the surrounding area. If it is assumed as a worst case scenario that

the land is best and most versatile (Grade 3a) then the proposal not accord with WLP Policies W25 and W43 and Paragraph 112 of the NPPF. However, it is considered that the conflict is not sufficient to justify refusal of the planning application.

## Flood Risk and Drainage

129. The application site is located within Flood Zone 1 and as the development covers an area of more than 1ha a Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA identifies that the site is not at risk of flooding and as the developed areas of the site would be bunded to prevent pollution incidents, any rainfall would be prevented from running off. The capacity of the bund would be 110% of the largest tank at 11,353m<sup>3</sup>, which would comfortably contain a 1 in 100 year rainfall event. Given the water intensive nature of the process any collected water would be used in the plant. The FRA concludes that the proposal would not have a significant impact upon flooding in the area in accordance with WLP Policy W26 and Part 10 of the NPPF. The Environment Agency, Northumbrian Water and Drainage and Coastal Protection officers have raised no objections to the proposal. WLP Policy W26 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.

## Cultural heritage

130. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
131. There are several listed buildings within 1.5km of the site, however, the nearest is at a distance of 950m and none of which would suffer any harm from the proposed development due to the intervening screening and existing agricultural buildings. Design and Conservation officers have raised no objections considering it to be unlikely that there would be an adverse impact on the setting of the heritage assets. It is therefore considered that the proposal would have no harm on any heritage assets would not conflict with WLP Policies W18 and W19 or Part 12 of the NPPF. WLP Policy W18 and W19 are considered to be consistent with the NPPF and can be afforded weight in the decision making process.
132. A geophysical survey and a trial trench evaluation have been undertaken. Archaeological deposits were identified in the evaluation trenches in the northern part of the site comprising two sections of a large enclosure ditch and several internal features including further ditches and curvilinear gullies, remains of a late prehistoric or Romano-British farmstead. Archaeology officers consider these to be locally significant but raise no objection to the proposal considering that preservation by record is appropriate in this case through a strip, map and record and requiring this through condition. In accordance with WLP Policy W21 an archaeological assessment and evaluation have been carried out demonstrating that deposits are of local significance. In accordance with W23 satisfactory provision for recording can be

secured thorough condition. The proposal accords with WLP Policies W21 and W23 and Paragraph 135 of the NPPF. The proposal would not conflict with WLP Policy W22. WLP Policies W21, W22 and W23 are considered to be consistent with the NPPF.

#### Other matters

133. The development would be located within a Coalfield Development Low Risk Area. In accordance with guidance from the Coal Authority an informative would be attached to any planning permission granted for development of this site. The proposal would accord with Paragraph 121 of NPPF in this regard.

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## **CONCLUSION**

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134. Planning policy is generally supportive towards sustainable waste management initiatives and seeks to locate AD plants on land identified for general industrial use or on previously developed land in sustainable locations. The proposed AD plant would not fit with this locational criteria but the existing buildings on the site have been in previous industrial use and in close proximity to the A19 the site is in a sustainable location. The encroachment onto agricultural land is regrettable but in the context of the site as a whole it is not considered to be a significant loss. The benefits in terms of sustainable use of waste for energy production and replacement of artificial fertiliser with biofertiliser are considered to outweigh the policy conflicts of the development.
135. The proposals have generated some public interest with representations reflecting the issues and concerns of local residents affected by the proposed developments. Careful consideration has been given to the concerns raised throughout the consideration process and these have been taken into account and addressed in detail within the body of the report. On balance these are not felt to be of sufficient weight to justify refusal of the application in this case. Potential impacts on local amenity associated with matters such as noise, dust, odour and visual impact can be controlled through the implementation of appropriate mitigation measures and planning conditions.
136. The proposals are considered to broadly accord with the relevant policies of the County Durham Waste Local Plan and meet the aims of national planning guidance contained within NPPW and relevant sections of the NPPF.

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## **RECOMMENDATION**

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That the application be APPROVED subject to the following conditions:

1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in accordance with the following approved plans and documents:
  - Drawing No. 90-04 rev. P04 'Proposed Block Site Plan'
  - Drawing No. 90-05 rev. P05 'Proposed Elevations'

- Drawing No. 16.047 'Site Layout showing Screen Planting'
- Drawing No. 90-06 'Proposed Highway works to Bellows Burn Lane'
- Preliminary Ecological Appraisal – Land At Hulam Farm Castle Eden Dated 12/12/2016.
- Ener-G Bio Contract and Waste Acceptance Criteria (Standard Rules)

*Reason: To ensure the development is carried out in accordance with the approved documents.*

3. Prior to the commencement of development precise details of the reception container, gas purification and storage plant, gas grid entry unit, technical unit, office and laboratory building shall be submitted and agreed in writing with the Local Planning Authority and thereafter be provided in accordance with those details.

*Reason: In the interests of visual amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement to ensure details are appropriate to the development and its surroundings.*

4. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be submitted and agreed in writing with the Local Planning Authority and thereafter be provided in accordance with those details.

*Reason: In the interests of visual amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement to ensure details are appropriate to the development and its surroundings.*

5. Prior to the development being brought into use the highway improvement works shown on Drawing No. 90-06 'Proposed Highway works to Bellows Burn Lane' including 3 new passing places and carriageway widening shall be carried out in accordance with the approved details.

*Reason: In the interests of highway safety (County Durham Waste Local Plan Policy W32 and Part 4 of the National Planning Policy Framework).*

6. Prior to the commencement of development a landscaping scheme shall be submitted to the Local Planning Authority and approved in writing. This scheme shall provide details of earthworks, tree planting and grass seeding. The approved scheme shall implemented in the first available planting season following the commencement of development and shall be maintained for the life of the development.

*Reason: In the interests of visual amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement as essential to the acceptability of the hereby approved development, and to be implemented at an early stage in order to achieve early and full effectiveness.*

7. Prior to the commencement of development a detailed scheme of mitigation measures for the management of odour arising from the site shall be submitted to and approved by the local planning authority. The agreed mitigation measures will be implemented prior to beneficial use of the premises and adhered to thereafter.

*Reason: In the interests of residential amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework). Required to be pre-commencement as essential to the acceptability of the hereby approved development.*

8. The development hereby approved shall be carried out in full accordance with the recommendations set out in Section 6 of the Preliminary Ecological Appraisal – Land At Hulam Farm Castle Eden Dated 12/12/2016.

*Reason: To ensure that impact upon biodiversity is minimised (County Durham Waste Local Plan W17 and Part 11 of the National Planning Policy Framework).*

9. The development hereby approved shall not be brought into use until the plant has been fully constructed in accordance with Drawing No. 90-04 rev. P04 'Proposed Block Site Plan' and details approved under conditions 3, 4, 5 and 6, and in accordance with condition 7.

*Reason: To ensure that the development is carried out in accordance with the approved plans. (County Durham Waste Local Plan W33 and Part 11 of the National Planning Policy Framework).*

10. Movements of heavy goods vehicles to and from the site shall only be permitted between the hours of 8.00 and 17.00 Monday to Saturday and 09.00-16.00 on Sunday.

*Reason: In the interests of residential amenity and highway safety (County Durham Waste Local Plan Policy W31 and W33 and Parts 4 and 11 of the National Planning Policy Framework).*

11. Vehicle movements to the site in connection with the receipt and processing of waste material hereby approved shall be restricted to no more than 16 HGV movements per day (8 in/8 out). The operator shall maintain a record of all vehicles using the site in connection with these activities and a certified copy of this record shall be afforded to the Local Planning Authority on request within 2 working days of such a request.

*Reason: In the interests of highway safety (County Durham Waste Local Plan Policy W32 and Part 4 of the National Planning Policy Framework).*

12. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and waste is not transferred onto the public highway.

*Reason: In the interests of residential amenity and highway safety (County Durham Waste Local Plan Policy W31 and W33 and Part 11 of the National Planning Policy Framework).*

13. In accordance with the submitted Ener-G Bio Contract and Waste Acceptance Criteria (Standard Rules), all HGV movements from the South of Hulam Farm are to utilise A19/B1281 interchange and return on the A19 South for further exit onto Bellows Burn Lane. All HGV movements leaving Hulam Farm at the A19/Bellows Burn Lane junction are required to turn left and head south to further turn onto A19/A171-B1280 interchange in order to head north and eliminate the need to use the gaps in the central reservation.

*Reason: In the interests of highway safety (County Durham Waste Local Plan Policy W32 and Part 4 of the National Planning Policy Framework).*

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii. Post-fieldwork methodologies for assessment and analyses.
  - iv. Report content and arrangements for dissemination, and publication proposals.
  - v. Archive preparation and deposition with recognised repositories.
  - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

*Reason: To comply with Paragraphs 135 & 141 of the National Planning Policy Framework because the site is of archaeological interest. This condition is required to be pre-commencement of development due to the necessity for such investigations and work to be implemented before the ground is otherwise disturbed.*

15. Prior to the development being brought into use, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

*Reason: In the interests of archaeology (County Durham Waste Local Plan Policy W23 and to comply with paragraph 141 of the National Planning Policy Framework which ensures information gathered becomes publicly accessible).*

16. The rating level of noise emitted from fixed plant/machinery/vehicle movements on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Within 28 days of the operation of the bio-digester a validation report shall be submitted to and agreed by the planning authority, to demonstrate adherence with the above levels.

*Reason: In the interests of residential amenity (County Durham Waste Local Plan Policy W33 and Part 11 of the National Planning Policy Framework).*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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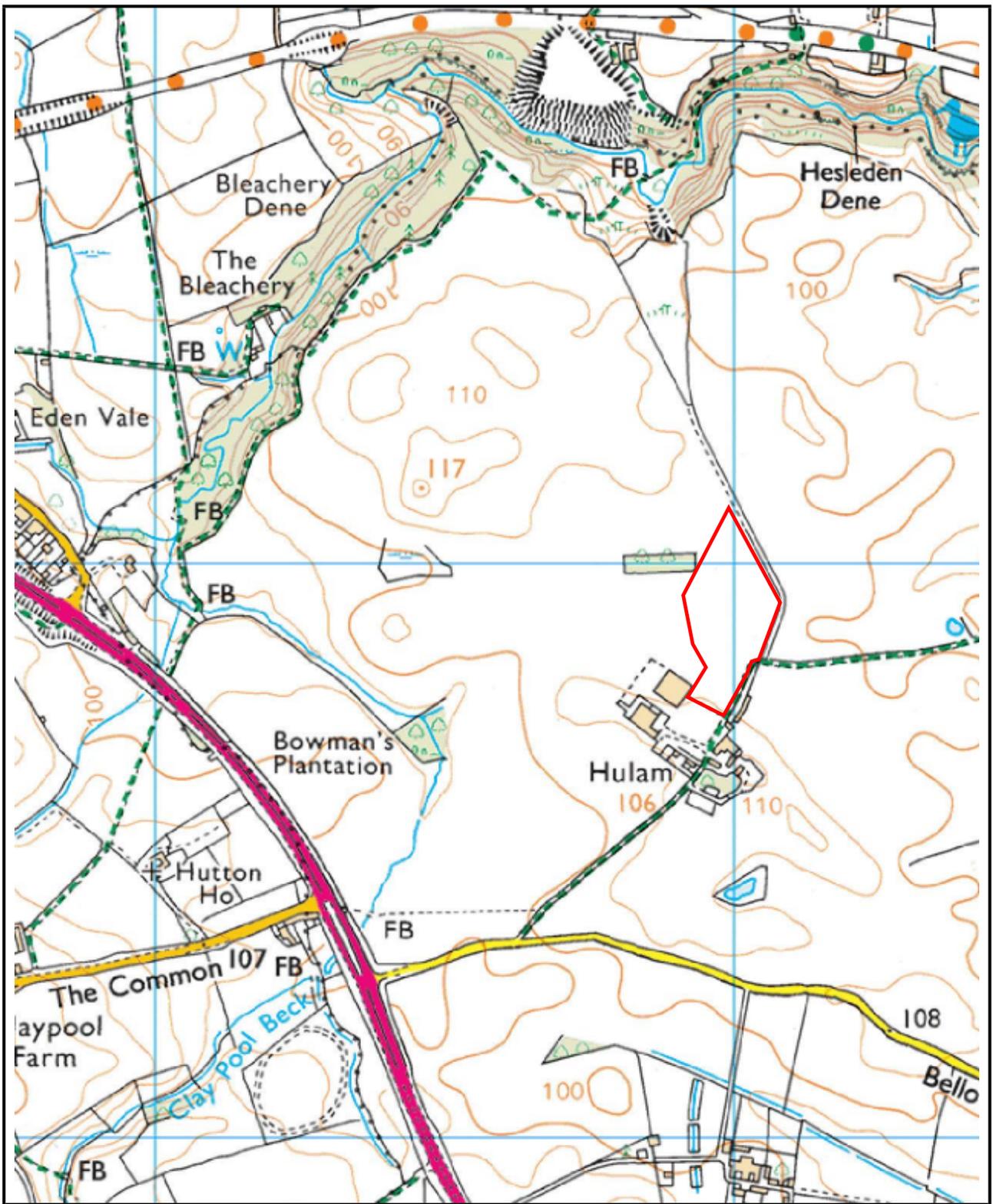
The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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- Submitted application forms, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Policy for Waste (2014)
- County Durham Waste Local Plan (2005)
- District of Easington Local Plan (2001)
- Statutory, internal and public consultation responses



**Planning Services**

DM/17/00599/WAS  
 Proposed Anaerobic Digestion Plant at  
 Hulam Farm, Hutton Henry, Hartlepool, TS27  
 4SA

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**Comments**

**Date** July 2017

**Scale** Not to scale