

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	18 March 2015
<b>Title:</b>	Application for the amendment to Condition 8 (vehicle movements) and Condition 12 (annual throughput) to planning permission BDB 76332 at Herriard Bio Power Ltd, Bushywarren Lane, Herriard Basingstoke RG25 2NS. (Application No: 14/03351/CMA) (Site Ref: BA173)
<b>Reference:</b>	6600
<b>Report From:</b>	Head of County Planning

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## 1. Executive Summary

- 1.1 The application is for a variation to condition 8 (vehicle movements) and condition 12 (annual throughput) of planning permission BDB/76332 to allow an increase in the quantity of food waste imported to the site at Herriard Bio Power Ltd, Bushywarren Lane, Herriard Basingstoke RG25 2NS.
- 1.2 The main issues are whether the increase in food waste throughput would be in accordance with the development plan and whether on balance the increase in commercial vehicle movements in relation to highway safety and amenity and the impact on the character of the lane and ecology due to proposed physical alterations would be acceptable in planning terms.
- 1.3 On balance, though recognising that the proposal would result in an increase in commercial vehicle movements along Bushywarren Lane from its junction with the A339 to the site it is considered that the proposal would not have a significant effect on highway safety and amenity (Policy 12) and the removal of a short length of vegetation along the lane would not have an adverse impact on ecology (Policy 3) or materially alter the character of Bushywarren Lane (Policy 13). Anaerobic digestion is a sustainable waste management option which has benefits in producing renewable energy and its by-product; digestate which can be used as an artificial fertiliser substitute (Policy 2 & 28). The proposal would provide additional capacity for waste recovery through the use of an existing waste management site (Policy 27) and contribute to the diversion of waste from landfill (Policy 25), furthermore the

proposal would support farm diversification and contribute to the rural economy of the area (saved Policy EC7).

## **2. Site**

- 2.1 The site is an existing anaerobic digestion facility benefiting from semi-permanent planning permission (BDB/76332) and occupying 8.6 hectares of land within the countryside. The development is located approximately six kilometres south of Basingstoke, 850 metres to the north-west of the village of Herriard and one kilometre to the north of the village of Ellisfield.
- 2.2 The site is bound to the south by an established beech hedge, Great Bushywarren Copse Site of Importance for Nature Conservation (SINC); a semi-natural woodland (occupying approximately 8.8 hectares of land to the south of Bushywarren Lane); and Bushywarren Lane. To the north is Forfield Plantation and to the north-east Fryingdown Copse SINC; a replanted area of woodland. To the east is Little Bushywarren green waste composting site and to the west a line of mature trees and hedgerow, beyond which lies a solar farm.
- 2.3 The nearest residential dwelling is located approximately 800 metres to the south-east of the site in Herriard, with the closest in Ellisfield approximately one kilometre from the south-western boundary of the site. A public Right of Way (by-way) is located approximately 530 metres to the south-west of the site, travelling south from Bushywarren Lane. Winslade Lane, also a public Right of Way (by-way) runs in a north/south direction approximately 800 metres to the west of the site.
- 2.4 Access to the site is from Bushywarren Lane which adjoins the A339 approximately 400 metres to the east of the site. Turning north onto the A339 provides access to Basingstoke and the M3 and turning south onto the A339 enables access to Alton and the A31.
- 2.5 The existing facility utilises methane generated as a result of anaerobic digestion of rotational arable crops and food waste to fuel a combined heat and power generator exporting renewable energy to the local network. The by-product of the waste management process; liquid digestate (bio-fertiliser), is used on the surrounding agricultural land as an alternative to artificial fertiliser. The facility has planning permission for four digestion tanks on-site but at present has constructed only two of these.

## **3. Planning History**

- 3.1 Planning permission BDB/76332 for 'construction of an anaerobic digestion installation for rotational arable crops and local food waste together with landscaping and highway improvements' was granted by Regulatory Committee on 9 October 2012.

Condition 8 of the permission states:

'There shall be no more than 16 commercial vehicle movements (eight in and eight out) per day to and from the site in association with food waste deliveries. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Waste Planning Authority.'

Reason: In the interest of highway safety to ensure compliance with policy DC6 of the Hampshire Minerals and Waste Core Strategy.'

Condition 12 of the permission states:

'There shall be no more than 16,700 tonnes per year of food waste and a maximum of 12,500 tonnes per year of crop feedstock delivered to the site. A written record of tonnage entering the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.'

Reason: In the interest of the amenity and to ensure that the development is carried out in accordance with the approved details.'

#### **4. Proposal**

- 4.1 The proposal is for a variation to condition 8 (vehicle movements) and condition 12 (annual throughput) of planning permission BDB/76332 to allow an increase in the quantity of food waste imported to the site. The applicant proposes an increase from 16,700 tonnes per annum to 40,000 tonnes per annum and a subsequent increase in the number of permitted commercial movements from 16 per day (8 in and 8 out) to 32 per day (16 in and 16 out).
- 4.2 The applicant asserts that the increase in permitted food waste throughput is sought due to rapid changes in the cost profile of commercial food waste and rotational arable crop which has resulted in the current permitted operating level becoming unviable financially. In order to return the plant to financial viability the applicant calculates a net increase in commercial food waste of 23,000 tonnes per annum is required. The existing permitted level of crop-feedstock processed through the facility would remain the same at 12,500 tonnes per annum, and the existing planning condition preventing importation by public highway would continue to apply. The use of existing farm tracks and crossings by tractors for the importation of crops would continue as approved under the existing consent.
- 4.3 The Addendum Transport Statement accompanying the application states that the proposed increase will equate to approximately one vehicle movement from the junction of Bushywarren Lane with the A339 and the site every 30 minutes across the working day (0700-1800) and that the increase of 16 movements would constitute a 0.5% increase in traffic flow on the A339 across an average day. In order to achieve adequate visibility

between the site access and nearest passing bay (provided as part of the original permission) the proposal includes the removal of approximately 40 metres (length) by up to 2.5 metres (width) of existing vegetation along the southern edge of Bushywarren Lane (northern fringe of Great Bushywarren SINC). A Road Safety Protected Species Assessment was submitted in support of the application which assesses the area requiring management as comprising hazel and ash coppice stools with ivy and honeysuckle growing up the tree stems. Vegetation removal will comprise the coppicing of all ash tree stems to 0.4 metres above ground level and maintenance at such a level for the duration of the operation of the development. The assessment asserts that the proposed works will result in a small positive impact on the copse, but that works should be undertaken at the appropriate time of year in order to avoid impacts on dormice and breeding birds. In conjunction with the vegetation removal the applicant proposes the realignment of the existing carriageway edge through the creation of a crossover area delineated by way of dropped kerbing (25mm upstand), and the removal of centre line markings within the carriageway (shown on accompanying plan no.020.0062.001).

- 4.4 The applicant states that the increase in food waste throughput will result in an increase in digestate production from approximately 22,630 tonnes per annum to approximately 32,750 tonnes per annum and that sufficient on-site storage capacity and land for disposal of the digestate continues to be available within the wider Herriard Estate such that the facility can continue to operate in accordance with the principles of the original consent.

## **5. Development plan**

- 5.1 Hampshire Minerals & Waste Plan (2013) policies; Policy 1 (Sustainable Minerals & Waste Development), Policy 2 (Climate change - mitigation and adaptation), Policy 3 (Protection of habitats and species), Policy 5 (Protection of the countryside), Policy 12 (Managing traffic), Policy 13 (High-quality design of minerals and waste development), Policy 25 (Sustainable waste management), Policy 27 (Capacity for waste management development), Policy 28 (Energy recovery development).
- 5.2 Basingstoke and Deane Borough Local Plan Review: The relevant saved policy is EC7 (Farm Diversification).
- 5.3 National Planning Policy Framework (NPPF);
- (i) Paragraph 28 (supporting a prosperous rural economy) which states that: 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'. In addition local plans should 'promote the development and diversification of agricultural and other land-based rural businesses'.

- (ii) Paragraph 93 (Meeting the challenge of climate change, flooding and coastal change) states: 'planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'.
- (iii) Paragraph 97 (Meeting the challenge of climate change, flooding and coastal change) states: 'to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'.
- (iv) Paragraph 98 (Meeting the challenge of climate change, flooding and coastal change) states: 'when determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable'.

5.4 National Planning Policy for Waste (October 2014); paragraph 7, which states that when determining waste planning applications, waste planning authorities should: only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

5.5 Department for Environment, Food & Rural Affairs (DEFRA) Waste Management Plan for England (December 2013); page 13 states: the Government supports anaerobic digestion (AD) because of its value in dealing with organic waste and avoiding, by more efficient capture and treatment, the greenhouse gas emissions associated with its disposal to landfill. AD also recovers energy and produces valuable bio-fertilisers. The Government is committed to increasing the energy from waste produced through AD and has produced, working with industry, a Strategy and Action Plan to tackle the barriers to AD.

## 6. Consultations

6.1 **Councillor Mc Nair-Scott** is very concerned with regard to the proposed level of vehicle movements and the impact on Bushywarren Lane and the A339 and has requested to make a deputation at Regulatory Committee.

6.2 **Councillor Kemp-Gee** comments that he wishes to record his continuing objections to the expansion of this site as the neighbouring County Councillor. The site is an exceptional site which was granted permission as

a small agriculturally based AD, not a large chemical plant. The need to expand it for economic reasons and profit from RHI's is not the concern of the Regulatory Committee - building 4 AD's within a 7 mile radius of Alton was bound to lead to a competitive fall in food waste prices. As was the fact that Hampshire now has too much AD capacity and is being forced to import it long distances from outside the County. The applicant has signally failed to explain how the proposed 32,500 of annual digestate production can be spread over a relatively small agricultural area, bearing in mind exporting of digestate is not permitted from this site. HGV movements were set by the Committee for a small rural AD in a rural lane and are thus perfectly acceptable as they stand, no increase of this substantial nature can possibly be justified. Even before this AD was built the applicant ignored conditions by moving an entire maize harvest through my Division on public roads and proceeded to disrupt the main A339 Alton to Basingstoke Road for 48 hours when conditions state firmly that neither food crops nor digestate can be moved by public road to fit in with the permission of this site as a rural exception site. The original reason and conditions of approval by the Regulatory Committee should be adhered to and the covenant with the local residents respected.

- 6.3 **Basingstoke & Deane Planning** raises objection to the application on the grounds that it has not been demonstrated that the proposal will not prejudice or compromise the free flow of traffic and or not potentially endanger, inconvenience, obstruct traffic and vulnerable users (pedestrians, cyclists and equestrians) and that the proposed variation will not cause undue interference with the safety and convenience of all users of the adjoining public highway network, thereby adding to the hazards of all roads users.
- 6.4 Updated comments in light of amendments to the application in respect of highway visibility are awaited.
- 6.5 **Basingstoke and Deane Environmental Health Officer** was consulted, no comments were received.
- 6.6 **Highway Authority** raises no objection to the application from a highways and transport perspective subject to conditions. The works to the highway and removal of vegetation at Peaked Bushywarren Copse will improve visibility between the passing place and site access, and reduce the risk of two vehicles meeting each other between passing areas. This will mean that the impact of the proposal on the safety and operation of the local road network is deemed to be within an acceptable level. With the removal of vegetation and highway works planned, adequate visibility can be achieved between the passing place and the site access.
- 6.7 **Environment Agency** raises no objection to the application.
- 6.8 **Rights of Way** was consulted, no comments were received.

6.9 **Ellisfield Parish Council** has been approached again by several Ellisfield residents and the Ellisfield Village Association seeking stronger clarification of local objections and issues experienced by residents. These issues relate to Planning Application HCC/2014/039 which aims to amend condition 8 (vehicle movements) and condition 12 (annual throughput) to planning permission BDB/76332, submitted by Herriard Bio Power thus increasing the currently permitted daily and annual vehicle movements. Ellisfield Parish Council welcomes the reduction in vehicle movements from 40 down to 32 each day. The Parish Council has also noted proposed improvements to visibility on Bushy Warren Lane itself, by Hampshire County Council requiring vegetation, adjacent to the Bio Power site entrance (around 20 metres overall), to be trimmed and maintained at >3metre maximum. EPC has no problem with the latter changes provided these do not adversely affect the rural, verdant nature of Bushy Warren Lane in any way. However it seems difficult to evaluate exactly what problems might result or to understand the likely vehicle size or type proposed from the revised application. Clarity is particularly important Ellisfield Parish Council as all Ellisfield have argued very hard, since the project was first mooted, that any urbanisation of Bushey Warren Lane was strongly opposed. The Parish Council reinforces its comments, to which this amended application does not respond, that the main issue is related to the A339; both at the junction between Bushey Warren Lane with the A339, and also generally with ever rising traffic levels and speeds on the A339. Albeit the continuing problem at the A339 junction was probably not highlighted sufficiently in our first submission. Unsurprisingly, this was commented on by various concerned Ellisfield residents using Bushy Warren Lane regularly and as a result, was discussed again at some length, at the Parish Council meeting on 26 January 2015. Being convinced following some investigation, Ellisfield Parish Council agreed to emphasize the A339 junction issues; pointing out that lorry traffic to and from the Veolia composting plant, was currently the major contributor. Importantly traffic issues were often exacerbated by Veolia HGV/lorries parked at the A339 junction, either and particularly if/when all night and/or early in the morning as well as for "driver rest periods," at any time of each day. Thus self-evidently, any Barfoots (Herriard Bio Power) extra daily vehicle movements whatsoever will aggravate the existing and on-going traffic problems. It is the Ellisfield Parish Council view that the current, amended proposal, does not go far enough for the Parish Council to totally support the proposed increased Bio Power traffic. However either Parish Council option would allow a continuing viable financial model for Herriard Bio Power while resolving some of the related, on-going and increasing vehicle problems highlighted often by concerned Ellisfield residents. Importantly, neither option risks a sensitive Bio Power commercial site likely becoming redundant but would allow some limited, if increased, traffic movements. Nor are Ellisfield residents being unrealistically unsupportive to local business requests. Significantly, either Parish Council option helps resolve future and continuing traffic problems at the A339 junction with Bushy Warren Lane and is aimed at providing safer use for regular, probably smaller local vehicles, while removing abhorrent suggestions to unnecessarily widen Bushy Warren Lane. If mindful to grant

this application, Ellisfield Parish Council would value Hampshire County Council Regulatory Committee's support in reconsidering/dismissing the Herriard Bio Power's amended application as current; at least until wider vehicular studies are completed by Hampshire County Council Highways in liaison with Veolia. Our aim is to achieve an improved and long lasting solution to the traffic usage of this valued Ellisfield rural location.

- 6.10 **Herriard Parish Council** was consulted, no comments were received.
- 6.11 **Bradley Parish Council** was consulted, no comments were received.
- 6.12 **Cliddesden Parish Council** was consulted, no comments were received.
- 6.13 **Preston Candover & Nutley Parish Council** was consulted, no comments were received.
- 6.14 **National Farmers Union** was consulted, no comments were received.

## **7. Representations**

- 7.1 **Campaign to Protect Rural England** make the following comments: the applicant, Barfoot's Energy, is seeking permission to vary condition 12 (and also condition 8) attached to its existing permission by increasing their food waste input from 16,700 tonnes per annum to 40,000 tonnes per annum. They say that the change in the cost of food waste in the last two years necessitates this increase for their plant to remain viable. It should be noted that Barfoot's originally said 16,700 tonnes would be required when their plant was completed, but to date only 50% of the plant has been built. Thus, if they need 40,000 tonnes per annum now, they will need 80,000 tonnes per annum when it is completed. The application does not mention that large quantities of maize are need to supplement the food waste and if there is more waste, there will inevitably be more maize. The main problem that would arise from this application is the increase in traffic on Bushywarren Lane. Condition 8 attached to the existing permission allows for 16 HGV vehicle movements per day, which would rise to 40 movements per day if this application was granted, an increase of 150%. This is for food waste alone and takes no account of additional tractor loads of maize. Bushywarren Lane simply cannot cope with this extra traffic, bearing in mind that the adjacent waste composting site run by Veolia generates a tremendous number of HGV vehicle movements, which is also increasing. As well as the problem in the lane, there is a question of safety at the junction with the A339. This is a dangerous junction because the A339 is a busy road and there has been a number of 'near accidents' recently. Barfoot's existing permission and the conditions attached to it was carefully considered by the Council and there is no reason to believe that planning considerations leading to these conditions have changed. Barfoot's are seeking an increase in their food waste input because commercial considerations have changed. We submit that it is no part of the planning system to take account of commercial considerations – that is the applicant's

responsibility. A change in the cost of food waste is irrelevant to the traffic capacity of Bushywarren Lane and to the safety at the A339 junction. If this application was granted, Barfoot's would be encouraged later on to apply for a further increase in food waste input to 80,000 tonnes per annum. We ask the Council to accept that the changes to conditions 8 & 12 are unsustainable and should be refused.

- 7.2 **Ellisfield Village Association** makes the following comments: EVA object to the above application. We ask HCC to refuse amendments to the existing planning permission. When HCC granted permission just two years ago, it was in good faith that the applicant had done their figures carefully based on their knowledge of their business. They asked for 16 HGV movements per day, enough to supply food waste to the whole plant once it had built up to full capacity – it was a maximum figure. Now they are asking for a 150% increase in HGV movements, even though the plant is only half built. In 2012, HCC considered the road traffic issues carefully. The traffic conditions which HCC imposed were those considered necessary to allow the site to meet planning considerations for the area and particularly to ensure safety. These considerations will not have changed and would be the consistent basis for HCC to refuse the amendments. We believe that Herriard Bio Power are not just asking for a change to the HCC conditions but for a totally different proposition to the original application, a proposition that has the potential to be open-ended and uncontrollable. Specifically our reasons for concern are;
1. Condition 8; (Vehicle Movements) The traffic generated by the AD Plant cannot be seen in isolation. Veolia, who operate the adjacent waste composting site, tell us that over 2 years (2011 – 2013) they have had a 45% increase in HGV movements. In 2013 there were 8,159 movements. There is a peak in April each year due to a natural increase in spring growth. In 2011 on one day (11th April) there were 51 HGV movements in and out of Veolia. With a 45% increase, we could be looking at 74 movements on one day in April. Paul Basham Associates' report states that there will be 40 Barefoot Energy HGV movements per day, up from 16. This represents an HGV increase of 150%. Bushywarren Lane will potentially see HGV traffic in the region of 114 daily movements at peak times, all using the junction onto the A339. Recently the junction with the A339 has had a number of traffic accident 'near misses'. This is normally due to lorries parking in the lane (on either side), right on the junction while waiting to deliver to the Veolia site. These details can be supplied on request and I attach two photographs taken on 13 November 2014 showing HGVs waiting in the lane with an oncoming car on the wrong side of the road.
  2. Condition 12; (increase in Commercial Food Waste) When we were first shown around Barfoot Energy's Seftor AD Plant, we were told that a fine balance of waste and maize had to be achieved to ensure that the digestive process did not become unstable. The current ratio of Food Waste to Maize is 1.33: 1, based on 16,700 Tons (food waste) and 12,500 tons (Maize). If the proposed increase to 40,000 tons of food waste is sanctioned, the amount of maize required could rise to 30,000 tons, otherwise it would be unstable and affect the safety or efficiency of the plant. This application is asking that permission for additional food waste be allowed but does not mention maize.

If more maize is also needed, this will require an increase of tractor deliveries during harvest time, if indeed it can all be produced locally (and it appears that no promises have been given on this). There will also be an increase of digestate produced. Where will digestate be stored and used? We understand that food waste may command a lesser price in the future, due to competing AD Plants nearby, possibly even becoming negative (i.e. Barfoot Energy would have to pay for food waste). We are concerned that the proposition becomes open ended, with possible further future amendments being sought. But the careful planning considerations which led to HCC imposing the present conditions remain. They cannot change each time there is a price change in food waste. We ask that HCC does not agree to this change in your Conditions on the grounds that it is unsustainable and will create an unacceptable increase of HGV traffic in this rural location.

7.3 43 letters of objection have been received with the following issues being raised:

- (i) Impact of increased HGV movements on highway safety on Bushywarren Lane and the junction with the A339, and cumulatively with adjacent land uses;
- (ii) Whether there is sufficient storage and disposal capacity for an increased volume of digestate as a result of the increase in throughput;
- (iii) The development would have an unacceptable impact on the rural character of Bushywarren Lane;
- (iv) There are too many AD plants in the locality;
- (v) The increase in digestate storage and disposal would have an adverse impact on ground water quality;
- (vi) The original proposal and the current proposal represent incremental development of the countryside;
- (vii) The increase will upset the balanced ratio of crop feedstock and food waste leading to a requirement to import additional crop feedstock;

## 8. Commentary

8.1 The proposal is for a variation to conditions 8 and 12 of planning permission BDB/76332 to permit an increase in the quantity of food waste imported to the facility from 16,700 tonnes per annum to 40,000 tonnes per annum and consequently to increase the permitted commercial vehicle movements from 16 per day to 32 per day. The site is an existing facility benefiting from semi-permanent planning permission, therefore the main issues are whether the increase in food waste throughput would be in accordance with the development plan and whether on balance the increase in vehicle movements in relation to highway safety and amenity and the impact on the

character of the lane and ecology due to proposed physical alterations would be acceptable in planning terms.

## Development Plan

- 8.2 The National Planning Policy Framework (NPPF) states that the delivery of renewable energy is central to the economic, social and environmental dimensions of sustainable development and advises that to help increase the supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The Waste Management Plan for England (2013) (DEFRA) specifically supports anaerobic digestion (AD) because of its value in dealing with organic waste and avoiding, by more efficient capture and treatment, the greenhouse gas emissions associated with its disposal to landfill.
- 8.3 Policy 2 (Climate change – mitigation and adaptation) of the HMWP (2013) states that waste development should reduce vulnerability and provide resilience to impacts of climate change by developing energy recovery facilities and facilitating low carbon technologies. Policy 28 (Energy recovery development) of the HMWP (2013) states that such energy recovery development should be used to divert waste from landfill, recover energy through electricity production and additionally provide sustainable management arrangements for waste treatment residues arising from the facility. The existing facility at the site utilises methane generated as a result of the digestion process to fuel a combined heat and power generator exporting renewable energy to the local network and uses waste heat on site to heat the digestion tanks and waste handling building. The by-product of the process; liquid digestate, is used on the surrounding agricultural land as an alternative to artificial fertiliser. The principle of managing waste through anaerobic digestion is therefore considered to be supported by national policy and to comply with Policies 2 & 28 of the HMWP (2013).
- 8.4 National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and approve the application if its impacts are (or can be made) acceptable.
- 8.5 Policy 25 (Sustainable waste management) of the Hampshire Minerals & Waste Plan (HMWP) (2013) aims to divert 100% of waste from landfill through encouraging waste to be managed at the highest achievable level within the waste hierarchy. Policy 27 (Capacity for waste management development) supports proposals where they provide additional capacity for recovery through the use of existing waste management sites. In seeking to increase the quantity of food waste processed at the site the proposal would

result in the provision of additional capacity at an existing waste management facility supporting the diversion of waste from landfill. As such the proposal is considered to comply with Policies 25 & 27 of the HMWP (2013).

- 8.6 Policy 5 (Protection of the countryside) of the HMWP (2013) states that waste development in the open countryside will not be permitted unless the nature of the development is related to countryside activities, or requires a countryside location. Paragraph 6.209 of Policy 29 (Locations and sites for waste management) of the HMWP (2013) however recognises that anaerobic digestion plants may need to be located where residues can be disposed to land for beneficial purposes.
- 8.7 Diversification within the rural area is supported by saved Policy EC7 of the Basingstoke & Deane Borough Local Plan Review when there is an identified benefit to the rural economy. This support is reinforced by the NPPF which recommends taking a positive approach to sustainable new development in rural areas through the promotion of development and diversification of agricultural businesses.

#### Highway Safety

- 8.8 The objection raised by Basingstoke and Deane Borough Council and concerns raised by the Parish Council, local Members, local residents and local groups in relation to highway safety and convenience on Bushywarren Lane and the junction with the A339 are noted and it is recognised that the proposal constitutes a significant increase in the existing permitted number of vehicle movements associated with the site. However in respect of highway safety the Highway Authority raise no objection to the application and consider that the works to the highway and removal of vegetation at Peaked Bushywarren Copse (shown on plan no. 020.0062.001) will sufficiently improve visibility between the passing place and site access resulting in the impact on the highway network being brought to within an acceptable level, as such the proposal is considered to comply with Policy 12 (Managing traffic) of the HMWP (2013).

#### Ecology

- 8.9 The proposal involves the removal of a short length of vegetation along the northern edge of Great Bushywarren Copse SINC in order to provide sufficient highway visibility between the site access and nearest passing bay. Due to the age of the coppice to be removed along the edge of the copse it is considered that there is little probability of Dormice using the habitat to breed or rest in light of the superior habitat present within nearby Peaked Bushywarren Copse. The mitigation measures proposed provide for alternative planting of hazel stools one metre from the habitat that is to be lost which will provide alternative habitat to replace that to be lost which can be managed for Dormice in the longer term.

- 8.10 Subject to planning conditions restricting the period within which vegetation clearance and the cutting of coppice may be undertaken and the inclusion of measures for habitat creation, retention, management and monitoring it is considered that the proposal will not result in the killing or injury of Dormice. The proposal is therefore considered to comply with Policy 3 (Habitats and species) of the HMWP (2013).

#### Rural character

- 8.11 The comments made by the Parish Council, local Members, local residents and local groups in relation to the impact of the proposal on the rural character of Bushywarren Lane are noted. The proposed vegetation management to Great Bushywarren Copse will result in a slight alteration to the character of Bushywarren Lane through trimming back of existing coppice. Though the Waste Planning Authority would not encourage the removal of vegetation in a rural area it is considered that the proposed management will not result in a significant adverse impact on the character of the lane, when having regard to the additional ecological mitigation outlined above and as such the proposal is considered to comply with Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013).

#### Other

- 8.12 Concerns have been raised regarding whether there is sufficient storage and disposal capacity on site and in the wider area to accommodate the proposed increase in digestate production without causing adverse impact on groundwater. The applicant has confirmed that there is adequate land available within the wider Herriard Estate area for the disposal of digestate and that the on-site storage lagoon will provide sufficient on-site storage capacity. The site is operated under an Environmental Permit granted by the Environment Agency who are responsible for regulating the impact of the development on the environment. The application of fertilisers to agricultural land is an activity that is regulated by the Environment Agency. The existing planning condition restricting the offsite export of digestate by highway shall continue to apply to any subsequent grant of planning permission.
- 8.13 Concerns have also been raised regarding the balance between the ratio of crop feedstock and food waste and whether this would lead to a requirement to increase the quantity of crop imported to the site. The current planning application is solely for an increase in the quantity of food waste imported to the site. The issue of biological balance of feedstock is a detailed matter for the operator to satisfy themselves, however the applicant has stated that operational experience has demonstrated that biological balance can be maintained with a lower proportion of maize input. As the quantity of crop feedstock imported to the site is specified within a condition any potential subsequent requirement for an increase in the quantity of crop feedstock

would be subject to a separate planning application to the Waste Planning Authority.

## **9. Summary**

- 9.1 On balance, though recognising that the proposal would result in an increase in commercial vehicle movements along Bushywarren Lane from its junction with the A339 to the site it is considered that the proposal would not have a significant effect on highway safety and amenity (Policy 12) and the removal of a short length of vegetation along the lane would not have an adverse impact on ecology (Policy 3) or materially alter the character of Bushywarren Lane (Policy 13). Anaerobic digestion is a sustainable waste management option which has benefits in producing renewable energy and its by-product; digestate which can be used as an artificial fertiliser substitute (Policy 2 & 28). The proposal would provide additional capacity for waste recovery through the use of an existing waste management site (Policy 27) and contribute to the diversion of waste from landfill (Policy 25), support farm diversification and contribute to the rural economy of the area (saved Policy EC7).

## **10. Recommendation**

- 10.1 That planning permission in respect of application for the amendment to Condition 8 (vehicle movements) and Condition 12 (annual throughput) to planning permission BDB 76332 at Herriard Bio Power Ltd, Bushywarren Lane, Herriard Basingstoke RG25 2NS. (Application No: 14/03351/CMA) (Site Ref: BA173) be approved for the above reasons, subject to the conditions listed in integral Appendix B.

RefRpt/6600/RS

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<b>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</b>	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

Application for the amendment to Condition 8 (vehicle movements) and Condition 12 (annual throughput) to planning permission BDB 76332 at Herriard Bio Power Ltd, Bushywarren Lane, Herriard Basingstoke RG25 2NS. (Application No: 14/03351/CMA) (Site Ref: BA173)

Strategic Planning, First Floor, Elizabeth II Court West, The Castle, Winchester

## CONDITIONS

### Commencement

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

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

### Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

### Hours of Working

3. Waste shall only be delivered to the site between the hours of 0700 and 1800 Monday to Friday and not at all at weekends, recognised public holidays or bank holidays.

Reason: To protect the amenities of the area and to ensure the development complies with Policy 10 of the Hampshire Minerals and Waste Plan (2013).

### Highways

4. The permission hereby approved shall not commence until such time as the works to the highway and Bushywarren Copse detailed in drawing number 020.0062.001 Revision P2 have been undertaken to the written satisfaction of the Waste Planning Authority.

Reason: In the interest of highway safety and to ensure the development accords with Policy 12 of the Minerals and Waste Plan (2013).

5. The visibility splay between the western passing place on Bushywarren Lane and the site access shall be kept clear from 0.4m above the carriageway up to a height of 2.6m above the carriageway.

Reason: In the interest of highway safety and to ensure the development accords with Policy 12 of the Minerals and Waste Plan (2013).

6. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried onto the public highway.

Reason: In the interest of highway safety and to ensure the development accords with Policy 12 of the Minerals and Waste Plan (2013).

7. There shall be no more than 32 commercial vehicle movements (sixteen in and sixteen out) per day to and from the site in association with food waste deliveries. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Waste Planning Authority.

Reason: In the interest of highway safety to ensure compliance with Policy 12 of the Hampshire Minerals and Waste Plan (2013).

8. All crop feedstock shall be transported to the site using only the farm tracks detailed on plan 5011-30.

Reason: In the interest of highway safety to ensure compliance with Policy 12 of the Hampshire Minerals and Waste Plan (2013).

9. No commercial vehicles shall wait or park on Bushywarren Lane.

Reason: In the interests of highway safety and to ensure the development complies with Policy 12 of the Hampshire Minerals and Waste Plan (2013).

10. There shall be no transportation of liquid fertiliser off site on the local highway network.

Reason: In the interests of highway safety and to ensure the development complies with Policy 12 of the Hampshire Minerals and Waste Plan (2013).

### **Annual throughput**

11. There shall be no more than 40,000 tonnes per year of food waste and a maximum of 12,500 tonnes per year of crop feedstock delivered to the site. A written record of tonnage entering the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Waste Planning Authority for inspection upon request.

Reason: In the interests of amenity and to ensure that the development is carried out in accordance with the approved details.

### **Landscaping**

12. The landscape management scheme approved under planning permission BDB/76332 shall be implemented as approved for the duration of the operation of the site. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to secure a satisfactory development to ensure the development complies with Policy 13 of the Hampshire Minerals and Waste Plan (2013).

13. The commercial food waste handling building, engine house, bio digester and input hopper shelter roofs and walls shall be colour coated in RAL 6003 (Olive Green) and maintained as such for the duration of the development.

Reason: In the interests of visual amenity and to secure a satisfactory development to ensure the development complies with Policy 13 of the Hampshire Minerals and Waste Plan (2013).

### **Storage**

14. There shall be no outside storage of food waste.

Reason: To protect the amenities of the area and to ensure the development complies with Policy 10 of the Hampshire Minerals and Waste Plan (2013).

### **Drainage**

15. The scheme to dispose of surface and foul water approved under planning permission BDB/76332 shall be implemented as approved for the duration of the development.

Reason: To ensure the protection of the groundwater vulnerability zone and to ensure the development complies with Policy 10 and 11 of the Hampshire Minerals and Waste Plan (2013).

### **Noise**

16. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times.

Reason: To minimise noise disturbance from operations at the site in accordance with Policy 10 of the Hampshire Minerals and Waste Plan (2013).

### **Lighting**

17. The lighting scheme approved under planning permission BDB/76332 shall be implemented as approved for the duration of the development.

Reason: In the interests of visual amenity and to ensure lighting is appropriate to the rural area in accordance with Policy 10 and 13 of the Hampshire Minerals and Waste Plan (2013).

### **Nature Conservation**

18. Vegetation clearance, including the cutting of trees and shrubs shall only be undertaken between early November and late February when dormice are

hibernating. No roots or stumps shall be removed at any time without prior written consent of Hampshire County Council.

Reason: To ensure dormice are not injured or killed and to ensure the development is in accordance with Policy 3 of the Hampshire Minerals and Waste Plan (2013).

19. Prior to the commencement of the development hereby approved a Habitat creation, retention, management and monitoring plan shall be submitted to the Waste Planning Authority for approval in writing. The plan shall include the following elements and shall be implemented as approved:

- The location and extent of habitat to be created and methodology for planting;
- The maintenance measures within the existing habitat to endeavour to ensure preservation of as much habitat as possible whilst enabling road safety to be assured;
- The management of the created habitat and alternative existing habitat in the short medium and long term to ensure colonisation by dormice;
- A vegetation monitoring strategy to ensure the compensatory habitat has established and that there is connectivity for dormice. Monitoring should be undertaken for at least 5 years and the reports submitted to Hampshire County council.

Reason: In the interests of nature conservation and to ensure the development accords with Policy 3 of the Hampshire Minerals and Waste Plan (2013).

### **Restoration**

20. At such time as the development is no longer used for the purpose hereby approved; ceases to operate effectively; or the development fails to produce renewable energy for a continuous period of 6 months or more, the anaerobic digestion facility including the buildings and associated plant, infrastructure, underground equipment, associated machinery and waste shall be removed from the site and the land restored back to agricultural use. The restoration details for the site shall be submitted within three months of the cessation of use for written approval by the Waste Planning Authority. The restoration shall be completed in accordance with the approved details within six months of approval.

Reason: To prevent the retention of a development in the countryside that is no longer providing a benefit in sustainability terms and contributing to reducing the reliance on fossil fuels and offsetting the associated environmental impacts in accordance with the existing national strategies and renewable energy targets; saved Policy A6 of the Basingstoke and Deane Borough Local Plan Review; National Planning Policy Framework.

**Advice Note**

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

*Annexe to Reasons for Conditions  
(as required by Article 31 of the Town and Country Planning  
(Development Management Procedure) (England) Order  
2010)*

**HAMPSHIRE MINERALS AND WASTE PLAN (2013)**

**Policy 1 (Sustainable minerals and waste development)**

The Hampshire Authorities will take a positive approach to minerals and waste development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Minerals and waste development that accords with policies in this Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or the relevant policies are out of date at the time of making the decision, the Hampshire Authorities will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

**Policy 2: Climate change - mitigation and adaptation**

Minerals and waste development should minimise their impact on the causes of climate change. Where applicable, minerals and waste development should reduce vulnerability and provide resilience to impacts of climate change by:

- a. being located and designed to help reduce greenhouse gas emissions and the more sustainable use of resources; or
- b. developing energy recovery facilities and to facilitate low carbon technologies; and
- c. avoiding areas of vulnerability to climate change and flood risk or otherwise incorporate adaptation measures.

**Policy 3: Protection of habitats and species**

Minerals and waste development should not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The following sites, habitats and species will be protected in accordance with the level of their relative importance:

- a. internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any sites identified to counteract adverse effects on internationally designated sites, and European Protected Species;
- b. nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;
- c. local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves;
- d. habitats and species of principal importance in England;
- e. habitats and species identified in the UK Biodiversity Action Plan or Hampshire Authorities' Biodiversity Action Plans.

Development which is likely to have a significant adverse impact upon such sites, habitats and species will only be permitted where it is judged, in proportion to their relative importance, that the merits of the development outweigh any likely environmental damage.

Appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.

**Policy 5: Protected of the countryside**

Minerals and waste development in the open countryside, outside the National Parks and Areas of Outstanding Natural Beauty, will not be permitted unless:

- a. it is a time-limited mineral extraction or related development; or
- b. the nature of the development is related to countryside activities, meets location needs or requires a countryside or isolated location; or
- c. the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings.

Where appropriate and applicable, development in the countryside will be expected to meet highest standards of design, operation and restoration. Minerals and waste development in the open countryside should be subject to a requirement that it is restored in the event it is no longer required for minerals and waste use.

**Policy 12: Managing traffic**

Minerals and waste development should have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation such as sea, rail, inland waterways, conveyors, pipelines and the use of reverse logistics. Furthermore, highway improvements will be required to mitigate any significant adverse effects on:

- a. highway safety;
- b. pedestrian safety;
- c. highway capacity; and
- d. environment and amenity.

**Policy 13: High-quality design of minerals and waste development**

Minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape.

The design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development.

**Policy 25: Sustainable waste management**

The long-term aim is to enable net self-sufficiency in waste movements and divert 100% of waste from landfill. All waste development should:

- a. encourage waste to be managed at the highest achievable level within the waste hierarchy; and
- b. reduce the amount of residual waste currently sent to landfill; and
- c. be located near to the sources of waste, or markets for its use; and / or

d. maximise opportunities to share infrastructure at appropriate existing mineral or waste sites.

The co-location of activities with existing operations will be supported, where appropriate, if commensurate with the operational life of the site, and where it would not result in intensification of uses that would cause unacceptable harm to the environment or communities in a local area (including access routes), or prolong any unacceptable impacts associated with the existing development. Provision will be made for the management of non-hazardous waste arisings with an expectation of achieving by 2020 at least:

- 60% recycling; and
- 95% diversion from landfill.

**Policy 27: Capacity for waste management development**

In order to reach the objectives of the Plan and to deal with arisings by 2030 of:

- 2.62mtpa of non-hazardous waste;
- 2.49mtpa of inert waste;
- 0.16mtpa of hazardous waste.

The following minimum amounts of additional waste infrastructure capacity are estimated to be required:

- 0.29mtpa of non-hazardous recycling capacity; and
- 0.39mtpa of non-hazardous recovery capacity; and
- 1.4mt of non-hazardous landfill void.

Proposals will be supported where they maintain and provide additional capacity for non-hazardous recycling and recovery through:

- a. the use of existing waste management sites; or
- b. extensions to suitable sites:
  - that are ancillary to the operation of the existing site and improve current operating standards, where applicable, or provide for the co-location of compatible waste activities; and
  - which do not result in inappropriate permanent development of a temporary facility and proposals for ancillary plant, buildings and additional developments that do not extend the timescale for completion of the development; or
- c. extension of time to current temporary planning permissions where it would not result in inappropriate development; or
- d. new sites to provide additional capacity (see Policy 29 - Locations and sites for waste management).

**Policy 28: Energy recovery development**

Energy recovery development should:

- a. be used to divert waste from landfill and where other waste treatment options further up the waste hierarchy have been discounted; and
- b. wherever practicable, provide combined heat and power. As a minimum requirement the scheme should recover energy through electricity production and the plant should be designed to have the capability to deliver heat in the future; and
- c. provide sustainable management arrangements for waste treatment residues arising from the facility.

## **BASINGSTOKE AND DEANE BOROUGH LOCAL PLAN REVIEW (2006)**

### **Policy EC7 – Farm Diversification**

Development which forms part of a farm diversification scheme will be permitted provided:

- i. It benefits the economy of the rural area of which it is a part; and
- ii. The buildings are appropriate in scale, form, impact, character and siting to their rural location. Wherever possible new or replacement buildings should be located within or adjoining an existing group or buildings; and
- iii. It does not generate traffic of a type or amount inappropriate for the rural roads affected by the proposal or require improvements to these roads which could be detrimental to their character.