

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	23 May 2012
Title:	Construction of an anaerobic digester to convert food waste into bio methane to supply the gas requirements of the existing brickworks and the extension of an existing haul road in order to provide HGV access at Selborne Brickworks, Honey Lane, Selborne, Alton GU34 3BS (Application No: 20661/048, Site Ref: EH015)
Reference:	3946
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. The proposals are for the construction of an anaerobic digester to convert food waste into bio methane to supply the gas requirements of the existing brickworks and the extension of an existing haul road in order to provide Heavy Goods Vehicle (HGV) access at Selborne Brickworks, Honey Lane, Selborne. The proposed extension to the haul road is also partly within the South Downs National Park and this part of the extension is subject to an application to the South Downs National Park Authority, on which the County Council has been consulted.
- 1.2. The main issues associated with this application are the same as with the previous planning application, which was refused planning permission and dismissed at appeal. These are visual impact in the countryside, proximity to South Downs National Park, impact for nearest residents, highway impact, relationship with brickworks, nature conservation impact and sustainability. These issues need to be considered in the light of the previous decisions by the Committee and the Planning Inspector.
- 1.3. In conclusion anaerobic digestion is a sustainable, environmentally sound waste management option for biodegradable waste, including food waste (Policy S7), and has benefits in producing renewable energy, in this case gas, which can be used to fuel the kilns in restarting the brickworks. There is also beneficial agricultural use for the digestate. The proposed site is on previously developed land within the curtilage of the brickworks and so is in

accordance with Policy DC13. The proposed plant and buildings would not be visually intrusive in the landscape as they would be seen in the context of the existing brickworks (Policy DC3) including views from the South Downs National Park (Policy DC2). Subject to measures which can be conditioned, the proposed plant would not have an adverse impact on the amenity of local residents through noise or odour (Policy DC8) nor adverse impact on drainage or flooding (Policies DC10 and DC11) and the highway impact would be acceptable provided the haul road across Chapel Farm was the only access for HGVs (policy DC6).

2. Site

- 2.1. The site, as shown on the attached plan, comprises an area of 2.15 hectares at Selborne Brickworks, together with haul road, as shown on the attached plan. The site is to the east of the main brickworks buildings. The current site access is via Honey Lane, with two vehicle entrances, although the proposals are to use the proposed extended haul road for HGVs and not Honey Lane. The nearest dwelling is 'Ajax' to the east of the main brickworks, which is about 75 metres from the proposed plant, the nearest house to the east is about 120 metres away. The boundary of the South Downs National Park is about 275 metres to the north and about 200 metres to the west of the proposed plant.
- 2.2. The proposals are for the construction of an anaerobic digester to convert food waste into bio methane to supply the gas requirements of the existing brickworks and the extension of an existing haul road in order to provide HGV access at Selborne Brickworks, Honey Lane, Selborne. The proposed extension to the haul road is also partly within the South Downs National Park and this part of the extension is subject to an application to the South Downs National Park Authority, on which the County Council has been consulted.

Planning History

- 2.3. A previous proposal for an anaerobic digester and extension of the haul road (Application 20661/045) was considered by the Committee at its meetings on 27 October 2010 and 24 November 2010, and resolved to refuse planning permission, the refusal being issued on 26 November 2010. The reason for refusal was that 'It was considered that the proposal is an unacceptable departure from the development plan in that it is not all located within previously developed land as required by policy DC13 and the proposal would have a perceived adverse amenity impact upon the occupiers of neighbouring dwellings which is contrary to policy DC8.'
- 2.4. The subsequent appeal against the refusal was dismissed by the Planning Inspector on 24 August 2011 following a hearing. The Inspector concluded 'I recognise that the proposed Anaerobic Digester (AD) would have a number of advantages in terms of providing a renewable source of energy for the brickworks derived from waste which would otherwise go to landfill,

employment and a by-product which could be used on local farms, but I consider that the points regarding the viability of the brickworks to fully justify development in the countryside, the disposal of the digestate, the extent of the works needed to the access track and details of noise need to be addressed more satisfactorily before planning permission can be granted.'

- 2.5. The applicant has amended the proposals to seek to address the reasons for refusal and the reasons for the dismissal of the appeal. The inspectors report and decision is included as Appendix 2.
- 2.6. Since the previous decision the South Downs National Park Authority has come into being, and is the planning authority for the area of the national park. As with the previous proposal the access would be via an extension to the existing haul road, part of which is within the National Park and is the subject of a separate planning application (20661/049). There is a scheme of delegation for determining planning applications between the National Park Authority and the County Council, but in this case the National Park consider this to be a significant application and so will determine it themselves, with the County Council as a consultee.

Proposals

- 2.7. As with the previous application the proposal is to import food waste and farm yard manure (FYM). The annual throughput is estimated to be 24,550 tonnes of organic waste. This would comprise 22,000 tonnes of food waste (both packaged and unpackaged), 750 tonnes of glycerine and 1,800 tonnes of cattle slurry and FYM. This waste would be processed via AD to produce a biogas which would then be upgraded and conditioned to grid specification biomethane. This would then be injected into the grid via an existing connection, and gas would be drawn back from the grid when needed by the kilns for brick making. The production of 200m³ of methane per hour, is equivalent to the anticipated average demand of the operational brickworks when operating at a production rate of 2.5 million bricks per year. In addition to the biogas the AD process produces a digestate, which would be pasteurised, surplus water removed and would be used as a soil conditioner on farm land. This would be transported either by road or by pipeline.
- 2.8. The proposals include the construction of:
 - (i) an anaerobic digester, which is a series of concrete tanks covered in earth, measuring 25 metres x 55 metres x eight metres high;
 - (ii) feedstock processing shed, measuring 30 metres x 40 metres x 11 metres high to ridge, which would be airtight and contain bio filter and water treatment plant;
 - (iii) storage shed for solid digestate, measuring 10 metres x 20 metres x 9.5 metres high to ridge;

- (iv) six storage tanks for unprocessed feedstock and liquid digestate, measuring nine metres in diameter x 6.5 metres high;
 - (v) two gas conditioning units each measuring seven metres x 2.5 metres x 2.6 metres high, each with two 12.3 metre stacks;
 - (vi) propane injection and analyser buildings, each measuring three metres x three metres x 3.4 metres high to ridge;
 - (vii) gas holder measuring 7.5 metres diameter x 5.5 metres high;
 - (viii) two small (4,000 litre) propane tanks measuring 1.2 metres x 4.5 metres;
 - (ix) extension to gas hut containing gas valve measuring 3.9 metres x 3.8 metres x three metres high;
 - (x) weighbridge; and
 - (xi) shrouded flare.
- 2.9. The proposals include extension to the haul road to provide HGV access, as part of the extension to the haul road is within the South Downs National Park this stretch of proposed haul road is subject to a planning application to be determined by the South Downs National Park Authority. It is estimated the proposal would generate about 10 lorry movements per day to include feedstock delivery, removal of packaging and digestate.
- 2.10. The food waste and FYM would be tipped into the process shed and fed via a mechanical loader into the macerator. This material is passed to the anaerobic digestion tanks via a pipeline. Glycerol is added to the material to aid the process. Here the waste is agitated and digested through the anaerobic process. This process produces gas and liquid. These products are pumped back into the process shed and separated from each other.
- 2.11. The plant would be automated (except for the mechanical loader). In the event of failure, an alarm would be sent to the operator. The gas flare would only be operated in the event of a plant failure and burn off any excess gas and the flare would be shrouded. The working hours for delivery and processing would be limited to Monday to Friday 08.00 to 18.00, although the AD plant would be in operation 24 hours. There would be onsite storage for 600 tonnes of waste at any one time (about two weeks worth).
- 2.12. The liquid would be pasteurised to 70c⁰ to extract the solid matter and produce a solid digestate suitable for use as a fertiliser. This is then stored on site before being collected to be spread on agricultural land. The intention is that this will be taken to a 1200 hectare arable farm near Bramdean. Treated water, using a reverse osmosis plant, would be discharged to watercourse from the site.
- 2.13. A Noise Impact Assessment has been submitted which concluded that 'The worst case noise impact assessment of the proposed anaerobic digestion plant shows that the predictive cumulative noise level from the brickworks together with the proposed anaerobic digestion system will satisfy the limits set out in the PPC permit for both daytime and night-time hours.'

- 2.14. An Odour Assessment has been submitted which concluded 'Utilising the calculated emission concentrations indicated relatively low predicted impacts at the closest residential properties to the site. As such, odour nuisance is not anticipated as a result of normal operation of the AD plant.'
- 2.15. A proposed GCN Mitigation Plan has been submitted, this identified a medium sized population of GCN (great crested newts), a European protected species, breeding within the water bodies to the north of the site and adjoining the proposed haul road. Mitigation is proposed in form of fencing and barriers to prevent newts entering works area, and searching to remove any newts within works area.
- 2.16. Further information has been provided on brickworks viability. In terms of brickmaking costs, a Selborne Brick requires 6.5kWh of gas to manufacture and sells (2009 price) for 55p. At a price of 4.0p /kWh the gas costs 26p, leaving 29p to cover all other non-energy costs. Producing 6.5kWh of gas and injecting it into the grid generates 42p of subsidy revenue and 13p of gas sales revenue, a total of 55p. Purchasing the gas back from the grid costs 26p and then selling the brick at 55p leaves 84p to cover all other non-energy costs. The brickworks will therefore generate three times as much revenue (after energy costs) by replacing reliance on mains gas with gas from the AD. In relation to profitability, revenue of 84p per brick equates to 13p per kWh of gas produced in the AD. If the brickworks were not operating the digester and pasteuriser would have to be heated using gas produced from the digester. Assuming 100% efficiency of heat transfer, the heating load is 250kW, or 12.5% of the AD's 2MW output. This gas used for heating cannot be sold into grid or claimed for subsidy. Therefore the 6.5kWh of gas produced yields 5.7kWh of revenue generating gas. This equates to revenue of 7.5p per kWh of gas produced. Making bricks therefore generates 73% more revenue per kWh of gas produced than simply making gas. On a 2MW plant this generates an additional £963,000 income per year. This additional income is more than enough to cover the additional operating costs, including the 14 brickmaking employees; brickmaking is at least £400,000 per year more profitable than just producing gas.
- 2.17. The proposals are not an EIA Development under the Environmental Impact Assessment Regulations 1999 and an environmental statement has not been submitted.

3. Development plan

- 3.1. Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy policies S5 (Capacity Requirements for Recycling, Composting and Recovery and Treatment), S7 (Specialist Facilities), S17 (Co-location, Systems and Infrastructure), DC2 (Sites with International and National Designations), DC3 (Impact on Landscape and Townscape), DC6 (Highways), DC7 (Biodiversity), DC8 (Pollution, Health,

Quality of Life and Amenity), DC10 (Water Resources), DC13 (Waste Management and Recycling).

- 3.2. National Planning Policy Framework presumption in favour of sustainable development and core planning principles, include seeking 'a good standard of amenity for all existing and future occupants of land and buildings', 'recognising the intrinsic character and beauty of the countryside', 'encourage use of renewable resources (for example, by the development of renewable energy)' and 'encourage the effective use of land by reusing land that has need previously developed (brownfield land)'.
- 3.3. Draft Hampshire Portsmouth Southampton New Forest and South Downs Minerals and Waste Plan (submission February 2012), Policy 21 clay at Selborne Brickworks included as a site allocation.

4. Consultations

- 4.1. **Councillor Kemp-Gee** raises objection to the application on the following grounds:

- (i) DC3 - Impact on landscape. The proposed AD and haul road will adversely impact on the distinctive character of the landscape which will not be maintained or enhanced if they are constructed. No amount of screening can hide the haul road from being overlooked from the high ground of the iconic Hangers to the north-west within the National Park as the Planning Inspector concluded last year. The noise and pollution from the haul road will also adversely affect dwellings which back onto Chapel Farm from the south-east along Latchford Lane and interfere with the very attractive rural aspect looking across the National Park and up to the Hangers beyond. The economic case for the brickworks is still unproven and, as the Inspector concluded, the AD application must stand alone, since a condition to remove it if the brickworks ceased to function would not be valid. Hence all reference connecting the AD to the brickworks must be disregarded.
- (ii) The granting of planning permission for an AD south of Basingstoke recently with another one in the pipeline even closer to Oakhanger, together with permission recently given for a food waste compacting unit at the Materials Recovery Facility south of Alton to deal with Waverley Council's doorstep food waste collection provide strong arguments that there can be no acceptable economic benefit arguments for departing from policy with regard to DC3, which is designed to protect the landscape and, of course, the very principles for which the SDNP was established.
- (iii) DC3 - The added traffic will impact on houses adjoining the Oakhanger/Bordon C road. The lorry movement estimate cannot be

relied on because of the uncertainty surrounding the storage and disposal of the digestate created by the proposed AD (see below under DC10);

- (iv) DC8 - The Inspector was concerned enough to give noise as a reason for refusal last year. I am deeply concerned about this, even if the applicant's own survey gives an estimated combined noise level at no better than the criteria of 50 dB(A) for the brickworks and AD together. The proposed SBW/AD has two dwellings at some 75 metres proximity and two more at some 125 metres. This is a serious danger to the amenity of these four dwellings.
- (v) DC10/11 - Serious issues are created by the differences between this application and the last one. This application provides for a reverse osmosis system which will reduce the amount of digestate liquor (or "dewater" it) at the rate of 1800 litres per hour. Since the AD process runs at 365 days a year in a perfect world this would imply a "potable water" release of between 3.5 million and 4 million gallons a year. Discharging to ground water and running north (which the application provides for) has serious aquifer/groundwater source/flooding implications. Having spoken to the two separate and unconnected technical teams behind the Farleigh Wallop and Herriard ADs confirm that they are aware of the reverse osmosis technology which reduces the digestate, which comprises circa 90% of AD residue, to potable water and a residue. However their view is that to use it increases the costs of the operation to such a degree that the AD is unprofitable. If the "dewatering" does not take place, then the storage area proposed for the digestate or the transport requirement to export it will be very much larger than in the application and may require either development on undeveloped land (contrary to DC13) or lorry movements in excess of that predicted.
- (vi) DC13 - The proposed AD site is not identified in any Hampshire County Council waste management or minerals plan for such use. Should the site need to be extended, it will stray onto previously undeveloped land and, indeed, objectors have already expressed concern about this possibility with regard to the much enlarged car parking facilities and much enlarged toilet facilities and the need to move/reconfigure brick making and storage facilities to accommodate the AD on the developed land area.
- (vii) Regarding the haul road, Hampshire County Council are bound to take into account the impact of any development on the SDNP having regard to Section 62 of the 1995 Environment Act. The haul road, while not part of the application site, is within the SDNP, and the application depends on it for access. The decision on the application must therefore give weight to the impact of the

development, and particularly the use of the haul road on the two National Park purposes, namely:

Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage;

Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities”.

- 4.2. **Councillor Carew** raises objection to the application, supporting the objections raised by East Hampshire District Council, Whitehill Town Council and local residents.
- 4.3. **East Hampshire District Council** raises objection on the following grounds: ‘In the absence of information relating to the viability of the brickworks, which is integral to the proposal, and insufficient information relating to the extent of works to the extension to the haul road, the Planning Authority raises an objection on the grounds that it is not satisfied that there is a justification for the development to be located in this sensitive rural location. In the absence of information relating to noise and odour arising from the proposal the planning Authority is not satisfied that the development can be carried out without adversely affecting the amenity of local residents.’
- 4.4. **South Downs National Park Authority** raises objection to the AD facility because it has not been shown that it is a sustainable proposition in this location and whilst renewable energy facility beside an existing brickworks has potential benefits in terms of the production of carbon neutral bricks there are significant issues as follows:
 - (i) lack of information regarding the source of the feedstock;
 - (ii) the quality of landscaping proposed;
 - (iii) the cumulative impact of the vehicle movements has not been addressed;
 - (iv) economic viability of further mineral working with the brickworks;
 - (v) lack of detail regarding the ability to spread the digestate;
 - (vi) lack of information regarding impact of water discharge.
- 4.5. In relation to the haul road application (20661/049) it was resolved that authority be delegated to the Director of Planning to:
 - (i) grant planning permission for the reasons set out in paragraph 9.4 of this report and subject to the conditions set out in paragraph 9.5 of this report should Application number 200661/048 for an Anaerobic Digester be permitted by Hampshire County Council;
 - (ii) refuse planning permission for the reason set out in paragraph 9.6 of this report should Application number 200661/048 for an Anaerobic Digester be refused by Hampshire County Council.

- 4.6. **Environmental Health Officer East Hampshire District Council** comments that from the figures provided from the acoustic report, this would not breach the current permit. Given the contents of the odour report, there are no issues of odour in the surrounding area when comparing it against the appropriate national standard. I would therefore recommend approval with the following conditions; the design and capacity of the Odour Control Unit (OCU) must be submitted for written approval by the planning authority before installation and the siting of the exhaust stack for emissions must be agreed for written approval the Local planning authority before construction occurs. The terminal velocity of the OCU exhaust must be at least 15m/s-1. Notes comments of inspector, however believes there is a merit in linking the continued use of an AD plant with an operational brickworks for a set period of time i.e. for five years, which is more appropriate given the 5 million pound investment.
- 4.7. **Highway Authority** raise no highway objections to this planning application subject to the conditions that there shall be no operation on site for the purposes pursuant to the planning permission until the haul road and off site highway requirements of permission F/20661/039/CMA as shown on drawings BCF/CF/08-03/10691 and BCF/CF/08-03/10692 have been completed, HGV traffic associated with the permitted use shall only access and exit the site via the haul road, C70, C176 Oakhanger Road and A325 and there shall be no more than 110 tons of material per day transported to the site for the purposes pursuant to the planning permission. A written record of tonnages entering the site associated with the permission hereby granted shall be kept on site and shall be made available to the Planning Authority for inspection upon request.
- 4.8. **Rights of Way** raise no objection subject to conditions concerning signage where footpath crosses haul road.
- 4.9. **Environment Agency** raise no objection and comment is likely to require an environmental permit. They also have no objections in principle to the release of the effluent at a flow rate of 1.8 m³/hr to a watercourse flowing into the Oakhanger Stream provided that the concentration of pollutants in the effluent is low enough to ensure that there is no deterioration in the quality of the Oakhanger Stream. The design specification provided by the proposed plant operator would not result in a decline in the quality of the Oakhanger Stream, which is currently rated as "moderate" by the Environment Agency.
- 4.10. **Natural England** comment 'It has been previously noted that Great Crested Newts have been identified on land adjacent to this site. We would therefore advise that the proposals as presented have the potential to affect species protected under European or UK legislation. Natural England has now adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.'

- 4.11. **Selborne Parish Council** raise objection on the grounds that substantive evidence that, by making gas from the AD, the brick making business would be a viable operation has still not been provided even though the Planning Inspector said in her Decision Letter that this was a point of fundamental importance if development in the countryside is to be permitted; evidence about the disposal of digestate has not been provided; the application relies on a presumption that local farms will take much of this when the evidence suggests otherwise; the Inspector shared the Parish Council's concern that the disposal of digestate would lead to increased HGV traffic in order to remove it from the site; the Noise Survey is unreliable as it is based on supposition rather than evidence, it relies on data from 2008 at the Brickworks and upon assumptions for the proposed AD plant. The Parish Council does not feel confident that the noise of traffic movements as well as noise from the Plant has been addressed; the consequent increase of traffic to and from the site would be considerably more than the application suggests and the level of increased traffic would breach the Hampshire Transport Plan's objectives of reducing congestion, Improving Air Quality, and Improving Road safety; given the applicant's assertion that 20 new jobs would be created, an inadequate number of parking spaces is provided at the Facility. Notwithstanding the Parish Council's OBJECTION to the application, and given the application's potential to have an adverse effect on the character and appearance of the landscape adjoining the South Downs National Park, should Hampshire County Council be minded to approve this application Selborne Parish Council would request that any proposed Conditions should be made by way of Legal Agreement rather than by Condition.
- 4.12. **Whitehill Town Council** raise objection on grounds of increase of traffic through Bordon, lack of evidence about financial viability of the anaerobic digester and inappropriate development in the countryside.
- 4.13. **Kingsley Parish Council** raises objection on the grounds of additional traffic. The application states that the AD will add about one lorry movement per hour to feed the AD. This figure does not include the additional movements for removal of material produced after the process is complete; the removal from site of packaging; the distribution of the 2.5 million bricks to be produced on the site; the possible import of clay or infill materials if clay is extracted on site; nor the travel to work of the 20 extra employees. The proposal is that HGVs for the site will use a haul road so that it can approach Oakhanger on the Bordon to Oakhanger Road and avoid using the Kingsley to Oakhanger Road and the centre of the Oakhanger village. The concern is that this route is not enforceable; and vehicles will use the Kingsley to Oakhanger Road, turning down the road at Baker's Corner in Kingsley. The applicant has said that there is agreement with Hampshire Highways that road signs can be put up to direct drivers. Baker's corner is already cluttered with many road signs and apart from spoiling the environment on this corner of the National Park, more signs will lead to confusion and hence pose an additional risk safety. The impact of the Bordon-Whitehill ECO-Town needs to be taken into account. It has

been stated that the Bordon to Oakhanger Road will be made 'unattractive' for HGV use; this will increase the pressure to use the Kingsley to Oakhanger Road. It is felt that the application will lead to significantly more HGV traffic on narrow country roads leading to increased congestion, air pollution and safety risks. Viability of the Business: according to the recent inspectors report this is fundamental to approval being granted. No more detail has been provided to substantiate the claim that the business would be viable. Noise assessment: although Kingsley is not directly affected by this, it is felt very strongly that the principle should be not to allow any additional noise in the countryside affecting the tranquillity. Disposal of Digestate: This is not addressed in detail and it cannot all be used on local farms; hence there will be more HGV movements on country roads.'

- 4.14. **Oakhanger Preservation Society** raises strong objection on grounds the digester is non viable in such a rural location adjacent to the South Downs National Park. Using the brickworks as a smoke screen as the anaerobic digester is a wholly new large industrial development on a site where it could not otherwise be seriously considered. Brickworks a saga of failure and no confidence in new company to operate correctly with the regulations. Believe estimates of HGV movements very suspect.

5. Representations

- 5.1. 348 letters of representation have been received. 332 are letters of objection raising following objections:
- (i) no substantive evidence that brickworks would be viable with an AD gas plant;
 - (ii) a stand alone AD plant would not be justified;
 - (iii) there is no permission to extract clay;
 - (iv) abuse of original haul road through SDNP should stop and not be allowed to continue to allow further uncontrolled dumping of waste in beautiful rural area.
 - (v) long history of condition breaches at conjoined sites of Selborne Brickworks and Chapel Farm and no confidence that Hampshire County Council has resources to manage future breaches;
 - (vi) evidentially Selborne brickworks has been defunct for more than two years and has proved to be an unsustainable business many times and there is no evidence that the brickworks can attract any new business;
 - (vii) such a proposal should not be allowed within 250 metres of existing homes, and homeowners should be protected under policy DC8;
 - (viii) proposal relies on a single theoretical noise report;

- (ix) do not believe any AD gas plant is 100% odour free;
- (x) traffic proposals and road amendments will not be sufficient to protect residents and other road user, will detract further from the rural demeanour of the area and its amenity;
- (xi) importation of waste from unidentified areas is ECO sensitive, and vehicles should not be allowed to travel long distances just to tip waste in rural communities;
- (xii) no wider benefit or need for local communities in having AD gas plant at this location.
- (xiii) application contains false statements and insufficient detail, still not a suitable location for an AD gas plant;
- (xiv) benefits of AD gas plant are being hijacked to solely provide the profits of a single business to the detriment of people, their homes and the countryside.

- 5.2. **Ramblers Association** raise objection on grounds the proposed development will have a deleterious effect on the amenity of the area. There will be an impact on the number of regular and potential walkers in the area. In turn this will have adverse consequences for tourism in Selborne, Blackmoor, Oakhanger and the surrounding areas.
- 5.3. **CPRE Hampshire** comment in the absence of the benefit of a functioning brickwork, the site is inappropriate for an industrial plant of this type, even if situated on previously developed land and so raises objection.
- 5.4. **Blackwater Valley Friends of the Earth** support the application on the grounds of benefits in diversion of food waste from landfill, enable production of bricks with a low carbon footprint, could save up to 32,000 tons/year of CO2 emissions, by product will be a local supply of high quality organic fertiliser for local farmers, is entirely compliant with planning policy and will provide a boost to the local economy.

6. **Commentary**

- 6.1. The main issues associated with this application are the same as with the previous planning application. These are land use, visual impact in the countryside and proximity to South Downs National Park, impact for nearest residents, highway impact, the relationship between the proposed anaerobic digestion plant and the brickworks, nature conservation impact, drainage and sustainability. These issues need to be considered in the light of the changes to the proposed development and the previous decisions by the Committee and the Planning Inspector.
- 6.2. One of the reasons for refusal of the previous application was that it was contrary to policy DC13, as the proposed lagoons and digestion plant were

on the restored landfill, which is not brownfield land. The inspector agreed that this significant part of the proposal was not on previously developed land and so contrary to policy DC13. In response to these decisions the applicant has amended the proposals, and is no longer proposing the use of the lagoons, instead the current proposal is to change the digester technology and locate it next to the brickworks alongside the waste reception and storage. This would be on previously developed land within the curtilage of the brickworks, and consequently, unlike the previous application, the proposal is now in accordance with policy DC13. This is a significant difference from the previous application.

- 6.3. Notwithstanding being previously developed land, Selborne Brickworks are within the countryside and the proposals include substantial buildings and plant, therefore the landscape impact needs to be considered (Policy DC3). The views from the north would be in the context of the existing large brickworks buildings and chimney, and there is screening by hedgerow and woodland to the east. Although very substantial it is not considered that the proposed plant and buildings would be intrusive and would not be detrimental to the character of the landscape. In relation to the landscape impact the proximity of the South Downs National Park needs to be considered (Policy DC2). The views of the plant and buildings from the National Park would not be intrusive, the public rights of way are not close to the site and so public views would be distant. However the proposed haul road, including part of the extension which is the subject of an application to the South Downs National Park Authority (Application no: 20661/049), crosses the national Park. The adverse landscape impact of the haul road within the National Park, and uncertainty about the proposed works to bring it up to standard, and the impact of these works, were issues raised by the inspector. These issues will have to be considered by the South Downs National Park Authority. The existing haul road is crossed by public rights of way and would benefit from additional landscaping to reduce its visual impact when viewed from within the National Park. It is noted the South Downs National Park have resolved to grant planning permission for the extension to the haul road if permission is granted for the anaerobic digestion plant
- 6.4. In contrast with the previous application the nearest houses are about 75 metres from the plant on the other side of the brickworks. The nearest houses to the east are about 120 metres away. The proposals include a noise assessment and odour report which conclude that the noise would be within the levels already accepted as appropriate for the environmental permit for the brickworks and odour can be suitably controlled. The perception of an adverse amenity impact was the other reason for refusal of the previous application under Policy DC8. The inspector commented that Policy DC8 was not breached just because there were objections, and if concerns can be addressed with suitable design and mitigation there would be no conflict with the policy but considered noise to remain an outstanding issue to be clarified. A noise assessment report has been

submitted, and these issues can be suitably conditioned and consequently proposals comply with policy DC8.

- 6.5. In relation to highways impact (DC6) the Highway Authority raise no objection subject to conditions to require the junction to be completed and restrict tonnage to limit lorry numbers. The inspector also considered that the level of lorry movements proposed was not unacceptable. However the use of the haul road and its extension is a fundamental issue as the use of Honey lane/Latchford Lane/Roman Road would be unacceptable and if proposed would be a reason for refusal on highway grounds. As referred to above the planning application for part of the extension haul road is with the National Park Authority. If permission is refused by the National Park Authority the anaerobic digestion plant would not have an acceptable access. Therefore it is recommended that planning permission for the anaerobic digestion plant is subject to planning permission being granted by the South Downs National Park Authority for the extension to the haul road. Similarly the existing haul road cannot be used until the works at the junction (which require a s278 highways agreement) have been completed. Due to previous delays in completing these works it is recommended that there is a condition requiring these works to be completed prior to any construction of the proposed anaerobic digester, plant and buildings.
- 6.6. The applicant states that it is proposed to reopen the brickworks and that the anaerobic digester is needed to make the brick making financially viable by providing the gas, therefore stating there is a synergy between the proposed plant and brick making (policy S17). The inspector considered that there was no substantiated evidence that the production of gas would make the brick making business a viable operation, commenting that there was no extant permission for clay extraction at the site. The applicant states that financial viability is not generally a planning consideration, but has provided with this application further information concerning the brick making viability, both in terms of brick making costs and increased profitability for brick making by using the gas from the proposed plant. Regarding the availability of clay, since the last decision the draft Hampshire Minerals and waste Local plan has identified clay at Selborne Brickworks as an allocation. In addition there is an application for using an existing stockpile of clay (Application 20661/050) in the short term which is also on the agenda for the this committee. Therefore additional information has been provided, and also the planning policy position has changed. The inspector needed to consider whether the basis of the scheme justified development in the countryside which was not previously developed land, as in part it was contrary to policy DC13. This is not the case with the current proposal which is in accordance with policy DC13.
- 6.7. The nature conservation impact concerns the presence of great crested newts, which are a European protected species (Policy DC7). A mitigation report has been produced which provides sufficient information to inform a decision. In summary, the proposed mitigation for each development would involve the capture and exclusion of GCNs from the proposed works areas.

A plan has been also provided by the applicant which indicates that there would be a net gain in GCN terrestrial habitat following the completion of the developments. The development is not unlikely to be licensed by Natural England and the proposed mitigation can be secured by condition.

- 6.8. Drainage in terms of water resources (Policy DC10) and flooding (Policy DC11) has been raised, and was also raised with the previous application. The Environment Agency and South East Water raised no objections subject to planning conditions, including contamination risk assessment. The conditions are included in the attached proposed conditions. The inspector concluded that there was no substantiated evidence that the appeal proposal would conflict materially with policy DC10 or DC11 and the Environment Agency do not raise objection to the proposed water discharge.
- 6.9. Specialist facilities for biodegradable waste (predominantly food) are recognised as a requirement for Hampshire (Policy S7). Anaerobic digestion is a sustainable, environmentally sound waste management option for this waste which helps divert waste from landfill and produces renewable energy. The National Planning Policy Framework core planning principles include encouraging the development of renewable energy. In addition the digestate can be processed to be used as a biofertiliser and soil conditioner on farmland.
- 6.10. In conclusion anaerobic digestion is a sustainable, environmentally sound waste management option for biodegradable waste, including food waste (Policy S7), and has benefits in producing renewable energy, in this case gas, which can be used to fuel the kilns in restarting the brickworks. There is also beneficial agricultural use for the digestate. The proposed site is on previously developed land within the curtilage of the brickworks and so is in accordance with policy DC13. The proposed plant and buildings would not be visually intrusive in the landscape as they would be seen in the context of the existing brickworks (Policy DC3) including views from the South Downs National Park (Policy DC2). Subject to measures which can be conditioned, the proposed plant would not have an adverse impact on the amenity of local residents through noise or odour (Policy DC8) nor adverse impact on drainage or flooding (Policies DCDC10 and DC11) and the highway impact would be acceptable provided the haul road across Chapel Farm was the only access for HGVs (Policy DC6).

7. Recommendation

- 7.1. That subject to the approval of planning application 20661/049 permission for construction of an anaerobic digester to convert food waste into bio methane to supply the gas requirements of the existing brickworks and the extension of an existing haul road in order to provide HGV access at Selborne Brickworks, Honey Lane, Selborne, Alton GU34 3BS (Application No: 20661/048) be granted subject to the conditions listed in integral Appendix B

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

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

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

Construction of an anaerobic digester to convert food waste into bio methane to supply the gas requirements of the existing brickworks and the extension of an existing haul road in order to provide HGV access at Selborne Brickworks, Honey Lane, Selborne, Alton GU34 3BS (Application No: 20661/048, Site Ref: EH015)	County Planning Elizabeth II Court West The castle Winchester SO23 8UD
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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.

2. The Waste Planning Authority shall be notified by the applicant of the commencement date of the development hereby permitted (the construction of the anaerobic digester) in writing. The Waste Planning Authority reserve the right to determine this date if appropriate.

Reason: To ensure the mitigation requirements of the development occur within the correct timeframes and is an acceptable development.

Complementary land uses

3. The use of the development hereby permitted shall only operate for as long as the brickworks remains in business as determined by the Waste Planning Authority.

Reason: To ensure that the location and scale of the development is appropriate in the setting of the countryside and South Downs National Park.

4. The development hereby permitted shall be removed and the land reinstated to its former condition within 12 months of the brickworks use changing to another land use as determined by the Waste Planning Authority.

Reason: To ensure that the location and scale of the development is appropriate in the setting of the countryside and South Downs National Park,.

Restriction of Permitted Development Rights

5. Notwithstanding the provisions of Parts 4, 8 and 25 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing.

Reason: To protect the local amenity and environment.

Hours of Working

6. Unless otherwise agreed in writing by the Waste Planning Authority no lorries shall enter or leave the site except between the following hours: 0700-1800 Monday to Friday and 0700-1230 Saturday. There shall be no lorries entering or leaving the site on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

Landscape

7. Within 3 months of the date of this consent a detailed landscaping scheme shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall be implemented as approved prior to the anaerobic digester becoming operational. Maintenance of the landscaping shall be continued for the duration of the development.

Reason: In the interests of visual amenity.

8. Samples and/or details of the materials and finishes to be used for the external walls and roofs of the proposed buildings and plant shall be submitted to and approved by the Waste Planning Authority in writing before the development commences.

Reason: In the interests of visual amenity and to secure a satisfactory development.

Protection of Water Environment

9. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (i) a preliminary risk assessment which has identified:
 - (a) all previous uses;
 - (b) potential contaminants associated with those uses;
 - (c) a conceptual model of the site indicating sources, pathways and receptors;
 - (d) potentially unacceptable risks arising from contamination at the site.
- (ii) a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (iii) the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy

giving full details of the remediation measures required and how they are to be undertaken;

- (iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To protect the Folkstone Formation (a Principal Aquifer).

- 10. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy (as in Condition 8) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: It may be necessary for remediation to be carried out prior to development commencing, to ensure the protection of the Folkstone Formation (a Principal Aquifer).

- 11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Waste Planning Authority) shall be carried out until the developer has submitted an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Waste Planning Authority.

Reason: To ensure the protection of the Folkstone Formation (a Principal Aquifer).

- 12. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface and foul water has been submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of the Folkstone Formation (a Principal Aquifer).

- 13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved plans and particulars of the permission.

Reason: To ensure the protection of the Folkstone Formation (a Principal Aquifer).

Noise, air and odour

14. Noise measured at the boundary of any residential dwelling outside the site, shall not exceed the following levels:
- (i) during the day (0700 to 2300) - 50dB LAeq when measured for a one hour period. The LAeq (one hour) (plant in operation) shall be no more than 5dB above the LAeq (one hour) (plant not in operation);
 - (ii) during the night (2300 to 0700) - 45dB LAeq when measured for a five minute period 60dB LAFmax (at any time). The LAeq (five minutes) (plant in operation) shall be no more than 5dB above the LAeq (one hour) (plant not in operation).

Reason: To prevent noise disturbance to the residents of the houses and countryside users.

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

Reason: To minimise noise disturbance from operations at the site.

16. Prior to operation of the hereby approved development, the structure of the loading bay shall produce negative pressure. This shall be maintained for the duration of the development. Prior to operation of the hereby approved development, high speed roller shutter doors shall be installed and maintained where vehicles enter and exit the loading bay. These shall operate automatically. These shall be maintained for the duration of the development. Food waste shall only be stored in the loading bay for a maximum of ten days before use.

Reason: To protect the local amenity from odour or air quality harm.

17. Prior to operation of the hereby approved development, the draft Pest Management plan (vermin, insects and birds) shall be updated and submitted in writing to the Waste Planning Authority for approval. The plan shall be implemented as approved for the duration of the development.

Reason: To protect the local amenity.

18. The design and capacity of the Odour Control Unit (OCU) shall be submitted for written approval by the planning authority before installation and the siting of the exhaust stack for emissions shall be agreed for written approval by the waste planning authority before construction occurs. The terminal velocity of the OCU exhaust must be at least 15m/s-1.

Reason: To protect the local amenity.

19. There shall be no offensive odour detected beyond the boundary of the site as determined by the Waste Planning Authority. If offensive odour is recorded by the Waste Planning Authority more than once within a period of 21 days, then the operator must not accept any deliveries of waste until such time as the problem is remediated.

Reason: In the interests of local amenity.

20. Prior to operation of the hereby approved development, details of a wind direction indicator (such as a windsock or wind vane) shall be submitted in writing to the Waste Planning Authority for written approval. The indicator shall be implemented as approved for the duration of the development.

Reason: To protect the local amenity as likely emission paths and areas of potential odour impact can be identified in the case of abnormal emissions for recording.

Storage

21. There shall be no storage of any waste or end product other than that within the approved anaerobic digestion plant or sealed tanks and building facilities. There shall be no waste or end product materials exposed to the environment.

Reason: To ensure the protection of local amenity and the environment.

Lighting

22. There shall be no outside lighting installed in connection with the development, unless a lighting scheme is submitted to the Waste Planning Authority for approval in writing. Any scheme should include details of all outside lighting, including floodlighting, safety lighting and illumination from within the plant, and measures to prevent light pollution.

Reason: In the interests of visual amenity.

Highways

23. All vehicles delivering waste, except those handling farm yard manure, shall only enter and exit the site via the access road (as permitted under F.20661/039/CMA and 20661/049). There shall be no commencement on site until as the details of the offsite works as shown in principle on plan 'BCF/CF/08-03/10692' have been agreed to a preliminary stage and the appropriate approval to carry out the works have been secured and no plant or building (excluding footings) shall be erected until such time as the access road (as permitted un No. F.20661/039/CMA) and the off site highway works as shown in principle on plan 'BCF/CF/08-03/10692' have been completed.

Reason: In the interests of highway safety.

24. There shall be no more than 22,750 tonnes per year of food waste and farmyard manure a year and a maximum of 110 tonnes of material per day shall be 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: To impose a maximum limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site.

25. All waste except farm yard manure imported via private, commercial and waste vehicles associated with the hereby permitted use shall be exported in fully enclosed containers.

Reason: In the interests of the amenity.

26. The vehicle circulation and parking shall be as shown in the 'Selborne Brickworks Traffic and Parking Plan Food Waste Movements Detail' (received 5 August 2010).

Reason: In the interests of local amenity.

27. Measures shall be implemented to prevent mud or waste from vehicles leaving the site being deposited on the public highway. These measures shall be maintained for the duration of the development. In the event that any mud or waste is deposited on the highway, it shall be cleaned off at the end of each working day.

Reason: In the interests of highway safety.

Nature Conservation

28. The mitigation measures as detailed in the Ecological Sustainability Ltd GCN Mitigation Plan report shall be implemented in full. Thereafter the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure favourable conservation status of great crested newts, which are a protected species under The Conservation of Habitats and Species Regulations 2010.

Annexe to Conditions
(as required by Article 22 of the Town and Country Planning
(General Procedure) Order 1995 – as amended)

**HAMPSHIRE PORTSMOUTH SOUTHAMPTON AND NEW FOREST
NATIONAL PARK MINERALS AND WASTE CORE STRATEGY**

S5 - Capacity Requirements for Recycling, Composting and Recovery and Treatment

Waste management capacity (including specialist facilities as detailed in Policy S7) will be provided in the period to 2020, as follows:

- Recycling and Composting – facilities for the reception, storage, segregation and processing of 1.86 million tonnes a year of municipal, commercial and industrial waste (and associated bulking-up, transfer and contingency storage facilities);
- Recovery and Treatment - facilities for the reception, storage and treatment of 0.93 million tonnes a year of municipal, commercial and industrial waste (and associated bulking-up and transfer facilities).

S7 - Specialist Facilities

Hazardous waste management capacity will be increased by reviewing and revising the capacity and potential of existing treatment and landfill sites.

Provision will be made for the following specialist waste operations:

- a. Biological processing, capable of handling 385,000 tonnes a year of biowaste, and
- b. Soil Hospitals (for remediation of contaminated soils) capable of treating 35,000 tonnes a year, and
- c. Recycling (or Treatment) of Air Pollution Control Residues capable of handling at least 20,000 tonnes a year, and
- d. Energy Recovery from Waste Biomass (inc. Wood) capable of handling a minimum of 50,000 tonnes a year of contaminated waste wood, and
- e. If needed, disassembly plants capable of handling 35,000 tonnes a year of waste electrical equipment, and
- f. Facilities on farms for the storage/processing and recycling of farm waste, and
- g. If needed, expansion of existing sites or new sites for the treatment of sewage and trade effluent.

S17 - Co-location, Systems and Infrastructure

Minerals and waste developments should increase resource recovery and efficiency by the:

- a. Co-location of compatible minerals and waste facilities, including where appropriate, with suitable reprocessing, manufacturing or industrial uses;
- b. Use of 'reverse logistics,' bulking and transfer for the movement of materials;
- c. Optimisation of waste collection and handling systems to allow the joint collection and handling of similar types of municipal, commercial and industrial waste.

DC2 - Sites with International and National Designations

Minerals and waste development, which is likely to prejudice the purpose of the following designated sites and their settings, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance.

Internationally Designated Sites:

European Sites (Special Protection Areas, proposed Special Protection Areas, Special Areas of Conservation, proposed Special Areas of Conservation) and Ramsar sites (Wetlands of International Importance);

Nationally Designated Sites:

The New Forest National Park, the proposed South Downs National Park and Areas of Outstanding Natural Beauty; National Nature Reserves, Sites of Special Scientific Interest; Scheduled Ancient Monuments; Listed Buildings, and sites on the National Register of Parks and Gardens of Special Historic Interest; Registered Battlefields. In all cases, applications will be subject to the most rigorous examination.

DC3 - Impact on Landscape and Townscape

Minerals and waste development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, should be proposed.

DC6 - Highways

Major mineral extractions, landfills and 'strategic' recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed access to the site and of the road network that would be affected. Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

DC7 - Biodiversity

Minerals and waste developments will only be permitted if due regard is given to the likely effects of the proposed development on biodiversity and, where possible, proposals should conserve and enhance biodiversity. Development likely to adversely impact upon 'regionally or locally designated sites or protected species' – designated in adopted Local Plans or Local Development Frameworks – (including Sites of Importance for Nature Conservation (SINCs), Species of Principal Importance for Biodiversity, Regionally Important Geological Sites and Local Nature Reserves) shall only be permitted if the merits of development outweigh the likely impact.

DC8 - Pollution, health, quality of life and amenity

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

DC10 - Water Resources

Non-hazardous landfill developments in areas that overlie major aquifers, and Groundwater Source Protection Zones I , II & III, and mineral extraction or inert landfill in areas that overlie major aquifers and Groundwater Source Protection Zone I will not be permitted .

All minerals and waste developments will only be permitted if they are unlikely to have an unacceptable impact on coastal, surface or ground waters and due regard is given to water conservation and efficiency.

DC11 - Flooding

Minerals and waste development will only be permitted in accordance with the conclusions of a Flood Risk Assessment. Moreover, landfill and hazardous waste facilities, in flood risk zones 3a and 3b, or development that is likely to create an unacceptable risk of off-site flooding, will not be permitted.

DC13 - Waste Management and Recycling (including Aggregate Recycling Facilities)

Waste management developments (excluding landfill) will be permitted provided that the site:

- a. Is identified as a site, or within an area suitable for waste management uses, in the Hampshire Waste Management Plan or Minerals Plans, or
- b. Re-uses/redevelops previously developed land and/or redundant agricultural and forestry buildings (including their curtilages), or
- c. Is within a planned area of large-scale development, or
- d. Is on employment land, preferably co-located with complementary activities, and
- e. Has good access to, the minerals and waste lorry route as shown on the Key Diagram, and where possible, the site enables the use of water-borne and rail freight, and
- f. In the case of recovery and treatment sites, incoming waste shall be subject to pre-treatment, either on or off site to maximise the potential for recycling, and where technically possible, energy will be generated and used and the by-products, including heat, will be reused or recycled, and
- g. In the case of sites providing public access, the site shall be accessible for use by disabled people.