

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 17 January 2014
at 10am in the Edwards Room, County Hall**

Present:

Mr B Bremner, Chairman

Mr S Agnew

Mr S Askew

Mrs J Brociek-Coulton

Mr A Dearnley

Mr N Dixon

Mr C Foulger

Mr A Grey

Mr A Gunson

Mr B Hannah

Mr B Iles

Mr J Joyce

Ms A Kemp

Mr W Richmond

Mrs M Somerville

Mr M Storey

1 Apologies and Substitution

Apologies for absence were received from Mr B Long (Mr W Richmond substituted), and Mr M Baker.

2 Minutes from the meeting held on 6 December 2013.

The minutes from the Planning (Regulatory) Committee meeting held on 6 December, 2013 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

Mr Dixon declared an "other" interest in agenda items 5 and 6 as he was a Member of North Norfolk District Council.

4 Urgent Business

There were no items of urgent business.

Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

5 North Norfolk District: C/1/2010/1005: Edgefield: Erection of plant to accommodate an anaerobic digestion facility, provision of ancillary office and weighbridge, retention of existing landfill gas engines and provision of landscaping: Buyinfo Ltd

North Norfolk District: Edgefield: C/1/2013/2010: Edgefield: Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility: Buyinfo Ltd

5.1 The Committee agreed to hear the officer presentations for agenda items 5 and 6 together, during which the following points were noted:

- A previous planning application had been refused in December 2010. A site visit had been planned for March 2011, although this had been deferred pending some further information and clarification regarding the proposed plant.
- The Anaerobic Digestion (AD) plant would be situated to the west of the existing landfill site and would treat approximately 30,000 tonnes of household waste per year as well as other materials deemed suitable for treatment.
- The revised application site covered approximately 3.9 hectares and would require the construction of an access road. The access road was subject to a separate planning application (C/1/2013/2020).
- The application also proposed 2.5 hectares of indigenous woodland planting to the south, west and north of the plant. Also included was a proposal to retain the existing landfill gas infrastructure on a permanent basis and a proposed extension to the generation hall.
- The officer recommendation was that the application should be refused planning permission as outlined in section 12 of the report as the application represented a departure from the development plan on land-use grounds and would have an adverse impact on the Glaven Valley Conservation area and the wider landscape. The site had not been included in the minerals and waste site allocations document on the basis it was unacceptable on landscape grounds.

5.2 Mr Russell Wright, Cabinet Member for Economic Development at North Norfolk District Council, addressed the Committee in support of the application and the following points were noted during his presentation.

- The objections from North Norfolk District Council to the original application had related mainly to issues around the landscape. It was now considered that the objections been overcome by the proposed landscaping to the north of the site and therefore the site would be well hidden once the landscaping had matured.
- Lord de Mauley the Parliamentary Under Secretary of State for natural environment and science had recently outlined his views on Anaerobic Digestion plants, stating that Anaerobic Digestion plants could have a range of benefits, for example providing energy. He had also stated he would like to see Anaerobic Digestion plants become more widely used.

- The plant would create two jobs in addition to those existing jobs at the site.
- The amount of energy that the plant would be able to produce would be capable of supplying power for Holt.
- It was anticipated that the amount of traffic using the main road may also reduce.
- North Norfolk District Council had given this application their full support.

The following points were noted in response to questions to Mr Wright.

- Although North Norfolk District Council had previously objected to the application as they considered it had not complied with landscaping requirements, they now felt that those landscaping issues had now been addressed.
- The Highways Engineer - Highways Development Management confirmed that although there had been a number of objections relating to highway safety along the B1149, including damage caused to buildings as a result of accidents, the road was classified as a main distributor route therefore it was deemed a suitable route for HGV traffic.
- The plant would be capable of producing 8kw of electricity per annum, which would be able to power approximately 1830 homes. This was enough to power Holt with spare capacity.

The Chairman thanked Mr Wright for attending.

- 5.3 Mr D Mack and Mr J Mack addressed the Committee in support of the application and a copy of their letter in support is attached to these minutes at Appendix A.

Following the presentation, the Planning Services Manager said that the view of officers was that this application was a departure from the Local Development Framework and the reason for the recommendation to refuse this application was due to the location of the plant. Norfolk County Council had no in principle objections to Anaerobic Digestion facilities in general and each application would be considered individually.

In response to a question from the Committee, Mr Mack confirmed that he was the grandson of Mr Gent of Buyinfo who was the applicant.

The Chairman thanked Messrs Mack for attending.

- 5.4 Mr Ted Clover, Clover Planning, addressed the Committee on behalf of the applicant, and a copy of his presentation is attached at Appendix B.

The Chairman thanked Mr Clover for attending.

5.5 Mr David Ramsbotham, Member for Melton Constable Division which includes the parish of Edgefield, addressed the Committee as the Local Member, during which the following points were noted:

- There were a number of properties situated close to the proposed site and the safety and amenity of the people living in those houses should be protected. One cottage in the area, which was on a particularly sharp bend, had been damaged on 12 separate occasions in one year by lorries using the main road, and a nearby listed barn had also been damaged a number of times.
- With the anticipated restoration of the site following the closure of the landfill site, residents had been looking forward to the better quality of life they would have without the traffic movements and the smell they had lived with for many years. The restoration of this site was unlikely to happen if the application was granted.
- The visual impact on the Glaven Valley Rural Conservation area would be awful with the proposed large buildings at the plant adding to the reduced visual impact.
- Once the capping of the landfill site had been completed, any damage to the cap may allow rainwater to penetrate, which could cause pollution if the contaminated water escaped and found its way into the local river.
- The local tourist economy provided significantly more income to the area than the benefit which may be provided by the provision of two new jobs at the AD plant, and this should also be taken into consideration.
- The Local Member said he considered that the two applications failed to meet the requirements of the planning framework and Mr Ramsbotham confirmed that he supported the officer recommendation, urging the Committee to refuse planning permission.

5.7 The following points were noted in response to questions to Mr Ramsbotham:

- All the accidents quoted by Mr Ramsbotham had happened within 1.5 miles of the landfill site, although there was no evidence to prove the vehicles were travelling to, or from, the site.
- Since work at the landfill site had commenced, local residents had been reassured that the site was temporary and once it was closed it would be capped and returned to open countryside. There had been a lot of disappointment that this had not happened.
- The Highways Engineer - Highways Development Management reiterated that the Highway Authority only held records of personal injury accidents and that he had no record of any such accidents. He could only assume therefore that any incidents related to damage only. He reiterated that if the planning application was refused on

the grounds of traffic, as the route was a main distributor route, this would be tantamount to saying that an HGV route was not suitable for HGVs to use.

- The Planning Officer advised that the Environment Agency had been satisfied that there was no risk of flooding at the site as a result of the proposed scheme and had raised no objection on those grounds.
- Also, the Environment Agency had responsibility for bore sites and they had not raised any concerns or objections. The nearest residential properties were 150m from the site, although there were no other properties within 250metres. All of the nearby properties were privately owned. No objections had been raised on the grounds of loss of amenity from any of the statutory consultees.
- The primary purpose of capping the landfill site was to prevent the waste turning into leachate which would require a separate process for dealing as well as appropriate permits. The Environment Agency had confirmed it was satisfied that the site could be managed for the future.
- The Environment Agency was the pollution control authority and they would retain information about any complaints they had received relating to the site and what action had been taken to mitigate the complaints.
- Members felt that there was merit in co-locating this facility at the site. Although the officer recommendation was to refuse the application, Members felt that this was already a site used for landfill, it was close to an HGV route and already produced gas which could be turned into power. No objections had been raised by the statutory consultees and therefore it was considered that this was the most sensible place to locate the proposed facility.
- The Planning Services Manager confirmed that the gas engines were already working at the site and that no objections had been received relating to noise pollution.
- The Planning Officer advised that bunding formed part of the overall development. Provision would be included in the conditions stipulating that trees should be planted during the first tree planting season after the granting of permission, with a condition that any failed trees would be replaced for a period of five years.

5.8 Regarding application number C/1/2010/1005, a vote was taken on the recommendation within the report. With 3 votes for, 13 votes against and 0 abstentions, it was **RESOLVED** that the application be approved on the grounds that the benefits attributable to the proposed anaerobic digestion plant were sufficient to outweigh the development plan and any residual landscape impacts. That on behalf of the county council officers be authorised to:

- enter into a legal agreement with the applicant for the provision of off site landscaping scheme
- approve the development subject to appropriate conditions

- discharge any conditions or agree minor non material changes to the development.

5.9 Regarding application number C/1/2013/2010: Edgefield: Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility: Buyinfo Ltd. The recommendation in the report was voted on and with 2 votes for, 14 votes against and 0 abstentions, it was **RESOLVED** that the Director of Environment, Transport and Development should be authorised to grant planning permission, subject to the inclusion of a Section 106 Agreement within the conditions.

The meeting ended at 11.20 am

CHAIRMAN



If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or Textphone 0344 8008011 and we will do our best to help.

Dear Councillor,

With reference to planning application: North Norfolk District: C/1/2010/1005: Edgefield:

Erection of Plant to Accommodate an Anaerobic Digestion Facility

I am writing to express my **support** for the above application for the following reasons:

- This is a renewable energy development which would have a 1MW installed capacity. The plant would use 30,000 tonnes of waste to produce over 8 GWh of electricity per annum, enough to power 1830 Norfolk homes (Calculated using of 4,359kWh, the 2010 UK average household consumption). Unlike solar or wind this power can be relied on 24/7 and does not require backup from other power stations.
- With the closure of the Edgefield Landfill Site this project brings many benefits to the table. A reduction in Norfolk's waste burden by 30,000 tons while producing green electricity and creating/retaining local jobs.
- The disposal of waste and the production of renewable energy is a crucial part of a sustainable community and should be considered as a sustainable development and thus afforded significant weight in any planning balance.

Based on the benefits as mentioned above, the positive statutory consultee responses (Appendix 1) and the support of the Norfolk Minerals and Waste Development Framework (Appendix 2) this project clearly weighs in favour of approval.

Officers Report

As far as I can see there have been no planning tests applied, giving no consideration to the above benefits. These points should have been afforded considerable weight in the final planning balance and therefore the officers recommendation for refusal is flawed. I urge the NCC members to pass this project without delay.

Kind regards,



John Mack

Appendix 1 - Consultations Responses

NNDC	No conservation or biodiversity objection
Edgefield Parish Council	No objection
Stody Parish Council	No objection
Environmental Health Officer (NNDC)	No objections (with conditions)
Norfolk Historic Environment Service	No objection
Environment Agency	No objections subject to conditions
Natural England	No objection
Highways Authority (NCC)	No objection
National Planning Casework Unit (previously Go-East)	No objection
English Heritage	No objection
Waste Disposal Authority (NCC)	NCC are partly responsible for the adjacent landfill site. The WDA encourages new technologies such as AD plants for the disposal of waste and therefore fully supports this application.

Appendix 2 - Norfolk County Council Policy

Core Strategy Policy CS7 – Recycling, composting, anaerobic digestion and waste transfer stations

The expansion of, or development of new, recycling, composting and anaerobic digestion facilities, and waste transfer stations to handle all types of waste (inert, hazardous and non-hazardous), will be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts.

Proposals for composting plants (both enclosed and open-air) will need to be accompanied by a site-specific risk assessment based on clear evidence which shows that bio-aerosol levels can be maintained throughout the life of the operations, at appropriate levels at dwellings or workplaces within 250m of a facility.

I am here to speak on behalf of the applicant.

As stated in the report consideration of this proposal was deferred by this committee in order to resolve a number of issues. All the relevant information has been provided to the authority to address the points raised.

There are 2 equally important aspects to this application – 1) the management of organic waste and – 2) production renewable energy generation. A fact that is not acknowledged in the report.

- NPPF identifies the delivery of renewable energy as central to the economic, social and environmental dimensions of sustainable development.
- Increasing Anaerobic Digestion capacity has national support. The Government made a commitment in the Coalition Programme for Government to introduce measures to increase energy from waste through anaerobic digestion. In June 2011 it published an Anaerobic Digestion Strategy and Action Plan which seeks at least a threefold increase in power generation from anaerobic digestion by 2020. Increasing Anaerobic digestion capacity is seen as a key element in reducing reliance on fossil fuels. Unlike some other renewable energy sources (wind, solar) it not weather dependant and the energy generated can be stored.
- Food waste is one of main suitable feedstocks for Anaerobic Digestion. The Strategy sees Anaerobic Digestion as playing an important role as a means of dealing with organic waste and avoiding greenhouse gas emissions.
- The plant will contribute to County self sufficiency in waste management something that is not currently being achieved.
- The County's own Waste Core Strategy states that the County Council will support the use of AD and will work closely with farmers and developers to maximise the delivery of new AD plants.
- The plant will utilise the organic fraction of municipal waste and other suitable local waste materials to generate electricity using existing electrical infrastructure. The plant will also produce an agricultural soil improver for use in the local area, including the applicant's own farmland adjoining the site.
- North Norfolk Core Strategy Policies allow for the development of waste management uses and renewable energy projects in the countryside. The application was prepared following consultation with North Norfolk District Council and in the light of their Core Strategy Policy support for renewable energy development. The District Council do not object to the application. The officers report makes no reference to the need for renewable energy capacity nor does it consider the relevant local and national policies relating to renewable energy despite the proposed development from renewable sources.
- The North Norfolk Landscape Character Assessment identifies the site as lying in a landscape capable of accommodating renewable energy proposals.
- With mitigation the proposed plant will not have a significant adverse impact on the landscape. The River Glaven Conservation Group does not object to the proposal.
- The proposed design, choice of materials and landforming is intended to ensure the building has a low profile and can be assimilated in the landscape thus preserving landscape character.
- The proposal will deliver 7 acres of new indigenous woodland planting which will provide partial screening within 5 years and complete screening in 10. The planting will provide ecological benefits which have the support of the County Ecologist.
- With the proposed mitigation it would have no adverse impact on local amenity.
- Although Edgefield Landfill site will cease accepting waste in the near future the site will remain as an actively managed site for probably the next 60 years. This will require the retention and

maintenance of landfill gas and leachate monitoring and extraction equipment across the site as well as retention of the landfill gas management compound.

We would urge members not to support the officer recommendation on the grounds that the reasons for refusal are unfounded and that the recommendation has not taken into account the wider environmental benefits associated with increased production of energy from renewable sources as well as the need for deliverable facilities to treat organic wastes in Norfolk.

Thank you

Ted Clover
Clover Planning