

CET/23/33
Development Management Committee
26 April 2023

County Matter: Waste

Variation of Condition 2 of Devon County Council Ref. DCC/4198/2020 for the extensions and alteration to the existing waste processing facility and combined heat and power plant, Unit 8, Stuart Way, Hill Barton Business Park, Clyst St Mary

Applicant: Renewable Asset Limited

Application No: DCC/4331/2022

Date application received by Devon County Council: 16 December 2022

Report of the Chief Planner

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

Recommendation: It is recommended that planning permission be granted subject to the planning conditions set out in Appendix 1 (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

2) Summary

2.1 This report relates to a planning application to vary a combined heat and power [CHP] plant at Unit 8, Hill Barton Business Park previously in March 2021. The proposal seeks to remove the originally proposed upwards extension of the existing processing building, site the CHP related plant and equipment externally, and install revised airflow management system and sound attenuation to retain existing operational sound levels within the plant. The revised proposal will also see the externally located plant being more than 6m lower than the currently approved 18.43m plant building and the stack reducing in height from 21.45m to 16m.

As with DCC/4198/2020, it also proposes to remove the approved roadside conveyor 'dryer' facility to the front of the site and to construct a new bunker building (to replace an external walking floor bunker to the south-west of the site to house imported refuse derived fuel).

2.2 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations, noise, lighting, landscape and highways.

- 2.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4331/2022 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4331/2022>

3) The Proposal/Background

- 3.1 Hill Barton Business Park is located approximately 6km to the east of Exeter with vehicular access provided directly from the A3052 Exeter to Sidmouth road, and it includes a recent extension to the land allocated for business and industrial uses at the front of the business park. A number of waste operations are carried out at the site including skip hire, waste transfer, a gasification unit, materials recycling facility, green waste composting, incinerator ash processing and an inert landfill site.

- 3.2 Unit 8 has been the subject of several previous planning applications for waste-related thermal treatment facilities:

07/01520/2005: Installation of a self-contained gasification unit to process non-recyclable materials arising from the Hill Barton waste transfer station, approved in July 2005 with the amount of waste limited to one tonne per hour. This permission was not implemented.

DCC/2727/2008: Relocation of the gasification unit approved by 07/01520/2005 to inside the existing Unit 8, approved in January 2009 with the same throughput limitation as the previous permission.

DCC/3690/2014: Extension to existing industrial unit to accommodate thermal processing and energy plant to process recycled waste wood and to dry non-hazardous and non-recyclable wastes from adjacent transfer station, approved in April 2015. This plant would have three core components:

- a thermal oil boiler to generate heat by the combustion of woodchip and provide energy to run the turbine and belt dryer;
- a small-scale turbine to generate electricity; and
- a belt dryer unit to reduce the moisture content of incoming waste derived from the waste transfer site.

The fuel to be used in the facility would be chipped waste wood, with the plant using approximately 12,000 tonnes per annum. It was indicated that 10,000 tonnes of this would arise from the waste wood collected by the skip hire company, with the remaining 2,000 tonnes being imported from elsewhere.

The plant approved by this permission was installed and commissioned in late 2016, but it had various operational problems and was mothballed in 2020.

DCC/4198/2020: Extensions and alterations to the existing waste processing facility and CHP plant, approved in March 2021 with a limitation on annual throughput of 26,000 tonnes. This allowed an upwards extension of the processing building approved by DCC/3690/2014 to accommodate new internal CHP related plant and equipment. It was also proposed to remove a

roadside conveyor 'dryer' facility to the front of the site and construct a new bunker building (to replace an external walking floor bunker) to the south-west of the site to house imported refuse-derived fuel [RDF].

The proposed upgrades would enable more efficient processing of fuel and also allow for an increase in throughput from 12,000 tonnes per annum to 26,000 tonnes per annum. This permission also approved an increase in the ridge height of the main plant room from 12.91m above ground level [AGL] to 18.43m AGL, and for associated stack from 15.36m AGL to 21.45m AGL. This most recent permission has not been implemented, but it remains extant.

- 3.3 The current application seeks to install the same equipment and plant that was approved by planning permission DCC/4198/2020, but with omission of the upwards extension of the existing processing building; siting of the CHP related plant and equipment externally; and installation of revised airflow management system and sound attenuation to retain existing operational sound levels within the plant. The newly proposed plant will be no higher than 12.5m AGL with a stack height of 16m, and it is proposed that the surrounding buildings will have a ridge height of 10.12m AGL.
- 3.4 The proposed annual throughput of waste materials remains at 26,000 tonnes as previously permitted under DCC/4198/2020, with approximately 70% or 19,000 tonnes of that being sourced from EMS Waste Services, located 400m to the north-east of the site and within the confines of the Hill Barton Business Park.
- 3.5 Following previous correspondence with East Devon District Council during the determination of DCC/4198/2020 it was advised that, based on the operating hours of 8,600 hours a year, the throughput of 25,800 tonnes equates to three tonnes per hour which will require a local authority Small Waste Incineration Plant permit (rather than an Environment Agency permit) which was at the time under consideration by the District Council.

4) Consultation Responses

- 4.1 East Devon District Council (Planning): No response received.
- 4.2 East Devon District Council (Environmental Health): Based on the conclusions of the noise report (ref. 402.V06687.00002,) it is not expected that there should be significant adverse impacts on nearest residential receptors. It is recommended that, prior to the commissioning of the plant, a review of the impact of any low frequency noise should be carried out and any mitigation measures submitted to and approved in writing by the waste planning authority.

It was also recommended that an updated lighting plan be submitted for approval.

- 4.3 Farringdon Parish Council: Object on the following grounds:

- visual impact of the building and wider landscape impacts within the countryside;
- the wider cumulative impacts on Denbow and Farringdon with regards to noise, lighting, dust and other emissions from the current activities;
- further intensification of activities at the site having an industrialising effect;
- the cumulative impacts as a result of an increase of throughput from 12,000t/annum to 27,000 t/annum;
- will have an environmental impact as well as cumulative impact; and
- not in accordance with Policies FARR6 (paragraphs a) - d), f) and h)) of the Farringdon Parish Neighbourhood Plan and Policies W2 and W12 of the Devon Waste Plan.

It should be noted that, on a number of occasions, Farringdon Parish Council's response referred to an increase in throughput for the site from 12,000 to 27,000 tonnes per annum. The applicant has submitted an amended planning statement addressing a small error in their total throughput figure which should have read 26,000 tonnes per annum; however, as noted above, permission DCC/4198/2020 had previously permitted an increase in throughput from 12,000 tonnes per annum to 26,000 tonnes per annum.

- 4.4 DCC Landscape: No objection. The nature and location of the proposed development would be consistent with the industrial character of the wider Hill Barton business park and it is concluded that the visual impact of the proposals upon rural skylines and views would be of a lesser magnitude than the originally consented scheme under permission DCC/4198/2020.

Subject to the inclusion of conditions requiring the submission of a detailed external lighting scheme and a detailed assessment of the impact of any low frequency noise, including any required mitigation measures, it is considered that the proposals could be integrated into the landscape without harming its distinctive character or valued qualities, and any adverse visual impacts minimised to acceptable levels, as required through Devon Waste Plan Policy W12.

- 4.5 DCC Flood Risk: No objection subject to a pre-commencement condition requiring the submission of the following details:

(a) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(b) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(c) Details of the proposed rainwater harvesting system.

(d) Evidence there is agreement in principle from the owner to connect into the existing pond.

5) Advertisement/Representations

- 5.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures no letters of objection were received.

6) Planning Policy Considerations

- 6.1 In considering this application the County Council, as Waste Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 6.

- 6.2 Devon Waste Plan 2011 – 2031 (adopted December 2014)

Policies W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling and Materials Recovery); W6C (Hill Barton); W12 (Landscape and Visual Impact); W14 (Quality Design); W17 (Transportation and Access); and W18 (Quality of Life).

- 6.3 East Devon Local Plan 2013 – 2031 (adopted January 2016)

Strategies 3 (Sustainable Development) and 5 (Environment); Policies EN14 (Control of Pollution); and TC7 (Adequacy of Road Network and Site Access).

- 6.4 Farringdon Neighbourhood Plan 2018 – 2031 (made June 2021)

Policies FARR6 (Existing Business and Commercial Areas); N2 (Respect landscape character); and B1 (Control the impact of industrial/commercial activity).

- 6.5 Other material planning considerations include:

- National Planning Policy Framework;
- National Planning Policy for Waste;
- National Waste Management Plan for England; and
- Planning Practice Guidance.

7) Comments/Issues

- 7.1 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations, noise, lighting, landscape and highways.

Planning Policy Considerations

- 7.2 The proposal is located within an area identified for energy recovery under Policy W6 of the Waste Plan, specifically W6C Hill Barton, and the principle of this form of development in this location is therefore acceptable. Additional capacity of this nature will assist in driving waste up the waste management hierarchy and divert waste from landfill which is consistent with the aspirations of Policy W2 of the Devon Waste Plan.
- 7.3 The facility uses pre-sorted RDF and, in addition to generating electricity, it will also utilise waste heat in a beneficial way. This proposal is therefore in accordance with Part 5 (b) of Policy W6 and part 1 (d) of Policy W2 of the Devon Waste Plan.
- 7.4 Farringdon Parish Council has concluded that the proposal is not in accordance with criteria a) - d), f) and h) of Policy FARR6 of the Farringdon Neighbourhood Plan, which require that business development at Hill Barton should respect the character of its surroundings by way of its scale and design; not harm the surrounding landscape; not adversely affect any listed building, heritage asset or setting; not have an adverse effect on the living conditions of its neighbours; safeguard residential amenity and road safety; and mitigate any adverse effects of noise, air pollution and light pollution.
- 7.5 Matters relating to noise, lighting, landscape and traffic are addressed in the relevant sections below. With regard to impacts on heritage assets, the new proposal reduces the height and bulk of the building and emissions stack in comparison with the currently approved scheme, and the visual impact on views from Denbow House and other Listed Buildings to the north of the site would be reduced.
- 7.6 The application site is currently covered by a pollution control regime and is regulated by an environmental permit. An environmental permit will set conditions which aim to prohibit or limit the release of substances to the environment to the lowest practicable level, and also ensures that ambient air and water quality meet legal standards that guard against the impacts to the environment and human health. Permit conditions will require the operator to monitor emission limits to air and water, and to submit records to the Environmental Health department on a periodic basis.
- 7.7 Paragraph 188 of the National Planning Policy Framework states that: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively."
- 7.8 It is therefore considered that the information submitted by the applicant, any subsequent permits required and the requirement to submit additional information and assessment with regards to proposed lighting and low frequency noise, provide sufficient measures to meet the specific policy needs detailed within Policy FARR6 of the Farringdon Neighbourhood Plan.

Noise

- 7.9 It is not expected that there will be significant adverse impacts on nearest residential receptors, but there is uncertainty with regards to the impact of any low frequency noise which is yet to be modelled due to the absence of octave band data from the manufacturer of the proposed facility. As was the case with the previous permission, it is considered that a condition should be included within the permission to require that, prior to the commissioning of the approved plant, a detailed assessment of the impact of any low frequency noise including any required mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority. Subject to such a condition, it is considered that the proposal is in accordance with Policy W18 of the Devon Waste Plan and Policy FARR6 of the Farringdon Neighbourhood Plan.

Lighting

- 7.10 The applicant's planning statement indicates that the intention is only to "...provide additional lighting to the site to suit Health and Safety requirements and as such no significant alterations to exiting external lighting (locations or intensity type) are proposed." It is, however, proposed that the condition from the previous application is carried forward to this application requiring a detailed lighting scheme be submitted to and approved in writing by the Waste Planning Authority. As such it is considered that the proposal is in accordance with Policy W18 of the Devon Waste Plan and Policy FARR6 of the Farringdon Neighbourhood Plan.

Landscape Impacts

- 7.11 In comparing the proposed elevation drawings with the previously approved drawings of elevations, together with consideration of the long sightline sections submitted with the original consent, it is concluded that the visual impact of the proposals upon rural skylines and views would be of lesser magnitude than the consented scheme, including views from Denbow House and other Listed Buildings to the north of the site. The externally located plant would be more than 6m lower in height, and of much less bulk, than the currently approved plant building, and the emissions stack would reduce in height by around 5.5m. When considered alongside the other industrial development at Hill Barton Business Park, therefore, the proposal is unlikely to have a further industrialising effect on local rural skylines and views and in a sense reduces such impacts when considered along the already consented scheme under DCC/4198/2020.
- 7.12 Overall, the proposals would result in less visual and cumulative visual impacts as compared to the already consented scheme and, subject to the details of the materials to be used in the external surfaces of the plant and buildings being submitted to and approved in writing by the Waste Planning Authority, it is considered that the proposal is in accordance with Policy W12

(Landscape and Visual Impact) of the Devon Waste Plan and Policy FARR6 of the Farringdon Neighbourhood Plan.

Highways Impacts

- 7.13 The submitted planning statement advises that (as was the case the currently approved scheme), by essentially removing both wet and dry biomass being processed at the site, it will “reduce the amount of material throughput by the order of 3,600 tonnes per annum and vehicle movements by up to 400 HGVs per year.”
- 7.14 In addition to this, around 19,000 tonnes per annum of RDF will be transferred internally within the Hill Barton Business Park from the nearby materials recycling facility operated by EMS Wastes Services. The remaining, commercially sourced, material of up to 7,000 tonnes will be transported to the site by road from elsewhere.
- 7.15 Overall, the proposal is considered acceptable in transport terms based on the current planning consents and previously agreed traffic figures. The stated reduction in vehicle movements will have a positive effect on road safety and the capacity and functionality of the transportation network for all users, in accordance with Policy W16 of the Devon Waste Local Plan and Policy FARR6 of the Farringdon Neighbourhood Plan. In addition, the reduction in vehicle movements, from sources external to the Hill Barton site, also has the potential to have a positive impact on air quality.

Other Environmental Considerations (Including Climate Change)

- 7.16 Paragraph 152 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate”, while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon’s carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 7.17 RDF is a fuel produced by the processing (usually involving shredding and, sometimes, drying) of mixed waste that cannot be recycled but can be fed into a thermal treatment plant. The RDF for this facility will largely consist of combustible components such as non-recyclable plastics (not including PVC), paper, cardboard, labels and other corrugated materials, and it is estimated that approximately 19,000 tonnes of RDF will be recovered from and processed at the EMS Wastes Services site.
- 7.18 Current Government guidance advises that CHP is a highly efficient process that captures and utilises the heat that is a by-product of the electricity generation process. By generating heat and power simultaneously, CHP can reduce carbon emissions by up to 30% compared to the separate means of conventional generation via a boiler and power station.

7.19 The heat generated during this process is supplied to an appropriately matched heat demand to dry chipped wood that would otherwise be met by a conventional boiler. CHP systems are highly efficient, making use of the heat which would otherwise be wasted when generating electrical or mechanical power. This allows heat requirements to be met that would otherwise require additional fuel to be burnt.

8) Reasons for Recommendation/Alternative Options Considered

- 8.1 The Committee has the option of approving, deferring, or refusing this planning application.
- 8.2 The CHP facility has already received planning permission, and the current application will achieve reductions in the height and bulk of the plant and its emissions stack, with consequent reduction in visual impacts. As the annual throughput of the plant will remain as previously approved, there are considered to be no adverse impacts in terms of traffic or harm to the quality of life of nearby residents. It is therefore considered that the proposals should be approved.

Mike Deaton
Chief Planner

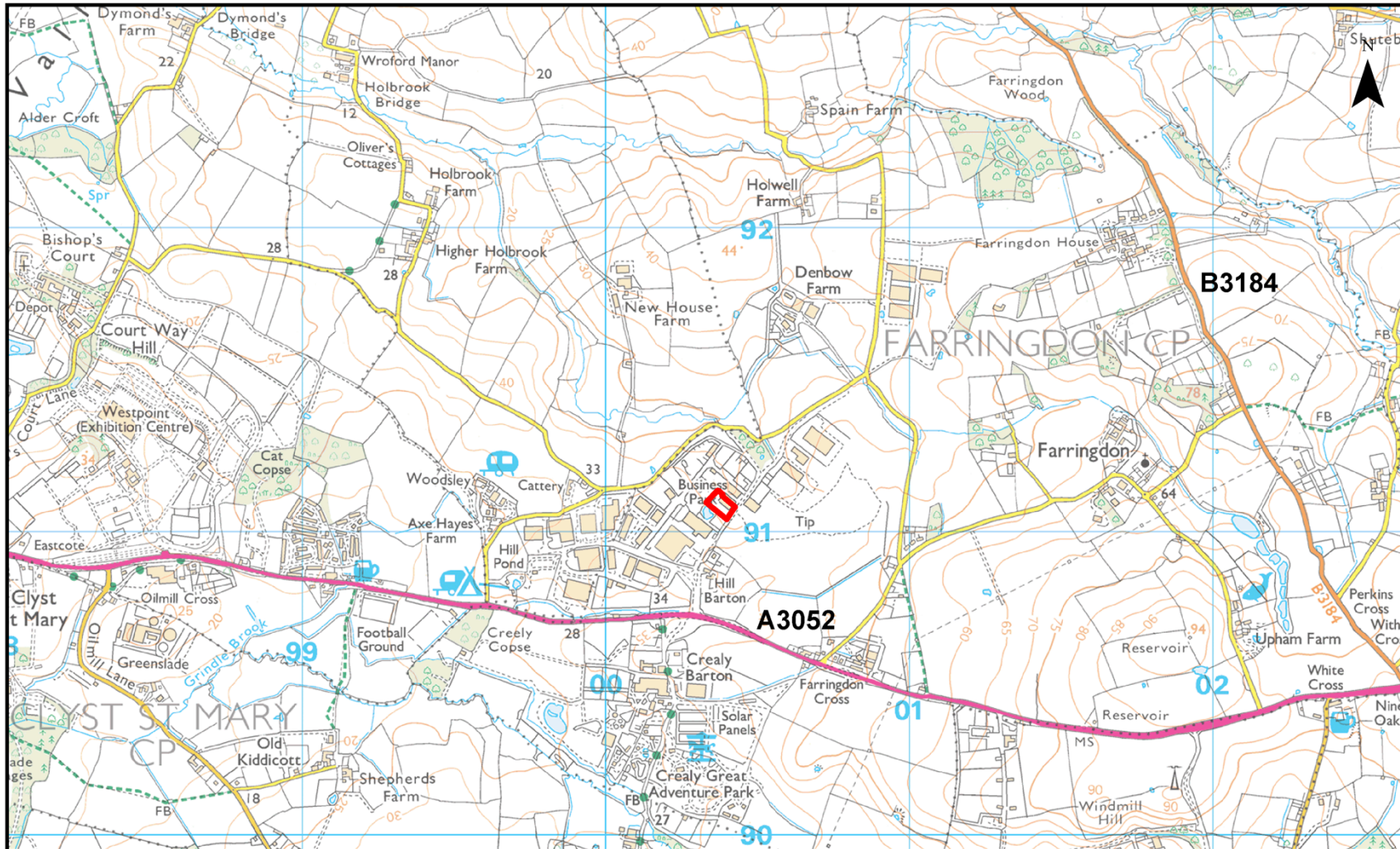
Electoral Division: Broadclyst


Local Government Act 1972: List of background papers

Background Paper Casework File
Date December 2022
File Reference DCC/4331/2022

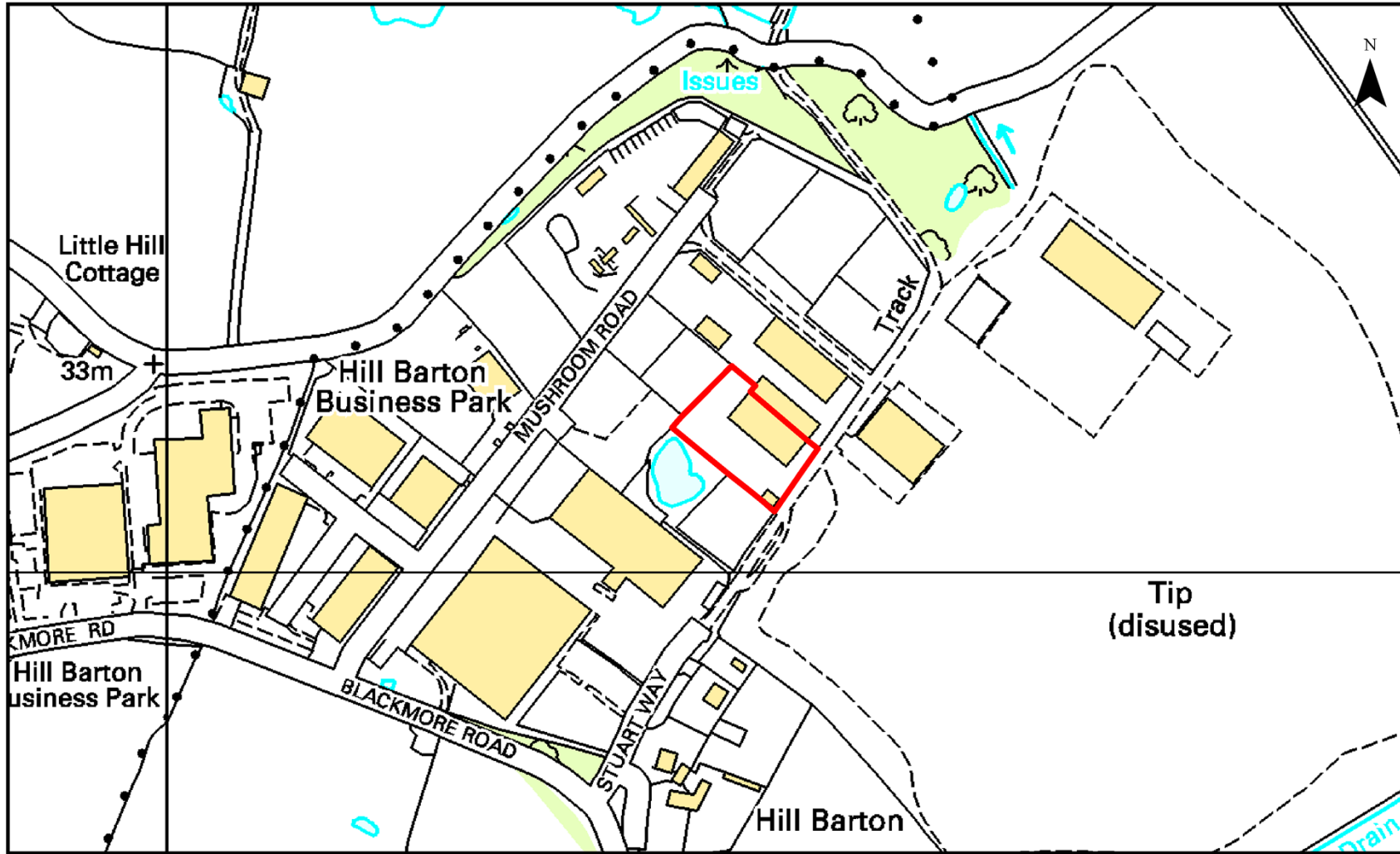
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Location Plan



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|  | Head of Climate Change, Environment and Transportation | Development Management Committee | date April 2023 | scale 1:20,000 |
| | | Location Plan County Matter: Waste East Devon District Council: Variation of Condition 2 of Devon County Council Ref. DCC/4198/2020 for the extensions and alteration to the existing waste processing facility and combined heat and power plant - Unit 8, Stuart Way, Hill Barton Business Park, Clyst St Mary, Devon, EX5 1SD | | Application No: DCC/4331/2022 22/2780/CM |

**Site Plan
To CET/23/33**



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|  | Head of Climate Change, Environment and Transportation | Development Management Committee | date April 2023 | scale 1:3,000 |
| | | Site Plan County Matter: Waste East Devon District Council: Variation of Condition 2 of Devon County Council Ref. DCC/4198/2020 for the extensions and alteration to the existing waste processing facility and combined heat and power plant - Unit 8, Stuart Way, Hill Barton Business Park, Clyst St Mary, Devon, EX5 1SD | | Application No: DCC/4331/2022 22/2780/CM |

**Appendix 1
To CET/23/33**

Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence by 17 March 2024.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled PA-01, PA-007, PA_008 Rev A, PA-009, PA-010, Planning Statement (PROJECT REF: 20010015) Dated 03/04/2023, Noise Impact Assessment (SLR Ref: 402.V06687.00002) Version 1, Dated October 2022, Waste Planning Statement 3-4-23 (REF: 20010015 - Undated) and Visual Assessment (REF: 20010015 - Undated) except as varied by the conditions below.

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

CONDITIONS (PRE-COMMENCEMENT)

DETAILED DESIGN

3. No development shall take place until details of the materials to be used in the external surfaces of the plant and buildings have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: To ensure the development is in keeping with the character and appearance of existing building in accordance with Policy W14 (Sustainable and Quality Design) of the Devon Waste Plan (2011-2031).

NOTE: It is recommended to select a light grey colour for the upper more widely visible parts of the structure to minimise its visual impact on local skylines.

CONTAMINATION

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Waste Planning Authority. This strategy will include the following components:

- (a) a preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site
- (b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- (c) the results of the site investigation and the detailed risk assessment referred to in (b) 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.
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

CONDITIONS (OPERATIONAL)

FLOOD RISK AND SURFACE WATER MANAGEMENT

- 5. The proposed development shall not be brought into use until permanent surface water drainage measures have been implemented in accordance with a detailed surface water management plan that shall first have been submitted to, and approved in writing by, the Waste Planning Authority. If surface water will be drained into the existing pond to the southwest of the site, then details will need to be submitted to demonstrate the suitability of this. The capacity of the pond will need to be assessed. Furthermore, the following details will also be required:
 - (a) detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted;
 - (b) proposals for the adoption and maintenance of the permanent surface water drainage system;
 - (c) details of the proposed rainwater harvesting system; and

- (d) evidence there is agreement in principle from the owner to connect into the existing pond.

REASON: To ensure the proposed surface water drainage system will operate effectively in line with SuDS for Devon Guidance (2017), Policy W14 (Sustainable and Quality Design) of the Devon Waste Plan and national policies, including the National Planning Policy Framework and Planning Practice Guidance.

LIGHTING

6. Prior to the installation of external lighting a detailed lighting scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, except where low height, low level, local security lighting has been identified as being essential for the operation of the site. The development shall be carried out in accordance with these approved details.

REASON: To protect the living conditions of nearby residents from light pollution in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan (2011-2031) and EN14 (Control of Pollution) of the East Devon Local Plan (2013-2031).

NOTE: It is recommended that any new external lighting should be limited to that required for safety, positioned at lower levels, and with shrouds to prevent upward light spill and limit effects of artificial lighting on surrounding countryside.

NOISE

7. Prior to the commissioning of the approved plant a detailed assessment of the impact of any low frequency noise including any required mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full prior to commissioning of the approved plant and maintained throughout the lifetime of the plant.

REASON: To protect the living conditions of nearby residents from low frequency noise associated with the associated plans and machinery in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan (2011-2031) and EN14 (Control of Pollution) of the East Devon Local Plan (2013-2031).

HOURS OF DELIVERIES/COLLECTIONS

8. Deliveries and collections shall only be accepted or despatched to or from the site between 0730 and 1800 on Mondays to Fridays and 0730 and 1300 on Saturdays. There shall be no deliveries on Sundays and Public Holidays unless they are required for emergency breakdown and/or repair.

REASON: To protect the living conditions of nearby residents from noise associated with deliveries and collections in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan (2011-2031) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan (2013-2031).

ANNUAL THROUGHPUT

9. The maximum throughput of the facility shall not exceed 26,000 tonnes of refuse derived fuel per annum. The operator shall keep written records of throughputs and make such records available to the Waste Planning Authority within 14 days of the Authority making any such request.

REASON: To ensure the facility does not exceed the capacity applied for in the interests of the amenity of local residents, the highway network in accordance with Policies W17 and W18 of the Devon Waste Plan.