

County Matter: Waste

Mid Devon District: Variation of Condition 7 of DCC/4074/2018 to alter the current restriction on road delivery tonnage from 55,000 tonnes per annum to 120,000 tonnes per annum, Willand Anaerobic Digestion Plant, Station Road, Willand

Applicant: Mr Henry Waite

Application No: 19/01986/DCC

Date application received by Devon County Council: 22 November 2019

Report of the Chief Planner

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

Recommendation: It is recommended that, subject to the applicant entering into a legal agreement to make an appropriate highway safety contribution and controlling deliveries within school pick up and drop off times and routeing, planning permission be granted subject to the conditions set out in Appendix I (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This application is to vary the amount of feedstock to be delivered by road to this existing anaerobic digestion (AD) plant by varying a condition of the existing permission. Condition 7 of permission DCC/4074/2018 requires that no more than 55,000 tonnes per annum of feedstock shall be delivered to this plant by road, and this application seeks to vary this condition to enable the importation of 120,000 tonnes per annum by road.
- 1.2 It is considered that the main material planning considerations in the determination of this application are waste planning policy, highways and access, sustainability and climate change, and general amenity.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4153/2019 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4153/2019>

2. The Proposal/Background

- 2.1 The AD plant at Willand is an existing facility built on the site of a disused abattoir. Planning permission (DCC/3725/2014 – report [PTE/15/25](#)) was originally granted in 2015 for a 2MW plant using a mixture of crops/silage and abattoir wastes, subject to a limitation on feedstock delivered by road not exceeding 25,000 tonnes per annum. There have been a number of subsequent amendments considered and approved by this Committee including:
 - (a) variation of conditions to increase deliveries of feedstock by road to a maximum of 55,000 tonnes per annum (DCC/3825/2015 –report [PTE/16/24](#)); and

- (b) variation of a condition to remove the restriction on importation of poultry products by road (DCC/4037/2017 –report [PTE/18/34](#)).
- 2.2 The currently approved operation is able to take a mixture of crops, farm and food wastes, of which up to 55,000 per annum tonnes can be transported by road, and has a notional electrical output equivalent capacity of 4.2 MW, with the biogas produced being fed directly into the national gas grid which is immediately adjacent to the site. The existing consent assumes a notional average of 33 movements per day.
- 2.3 The new application proposes to vary Condition 7 to allow up to 120,000 tonnes of feedstock to be delivered by road annually, of which a maximum of 75,000 tonnes could be waste materials. Such an increase in feedstock would enable an increase in renewable energy capacity to 8MW. The required plant and machinery are already consented or built and, therefore, the main change would be in terms of highway movements and the capacity, safety and amenity implications of this.
- 2.4 The application states that the process has changed and that they intend to produce a digestate that is a dry pelleted material with the liquid part of the digestate being cleaned to a standard that would enable it to be discharged to a watercourse. Although the plant and machinery required for this process are already consented, the Environmental Permit will deal with this element of the process and, therefore, this process is not yet guaranteed. To ensure that the worst-case scenario is assessed the applicant was asked to include the traffic numbers dealing with digestate from the original process to ensure that, if the permit is not achieved, the traffic figures do not increase as a result of this application.

3. Consultation Responses

- 3.1 Mid Devon District Council: objection. Serious concerns about the increase in traffic generation through and around Willand. The increased movement of waste may add to pollution and potential odour. The site has already increased from its original intent and is likely to cause harm. No details of the source of waste which is likely to be from neighbouring authorities.
- 3.2 Willand Parish Council (16.12.19): recommend refusal. The Parish Council supports the comments and objections of the Campaign to Protect Rural England (see section 4). The comments made question the information given to support the original permission and the fact that increases in capacity have been made by submitting subsequent planning applications which comprise “*planning by stealth*”.

Willand Parish Council disagrees that the increase in deliveries is small and considers the application to be misleading and queries some of the commentary in the highways information regarding traffic flows, especially along South View Road and at Four Ways Cross. It says that there is no information about the source of waste, destination of digestate or the carbon footprint set against the AD plant generation. It queries the awarding of the DCC food waste contract to an operator with insufficient capacity and the fact that the current application doesn't accord with the Environmental Permit. It says that there is no proven need for the additional tonnage and is concerned about the potential adverse impacts on the wider road network as well as potential odour impacts in the village. The council considers that the proposal represents a significant adverse effect when looked at cumulatively with other developments.

- 3.3 Environment Agency (EA): no objection in principle. The EA has provided advice on the application with relation to the current tandem application to vary the Environmental Permit (EP). The current EP application is to vary the existing permit from 55,000tpa to 100,000tpa which is lower than that being applied for in this application. Whilst advice in the NPPF is that planning and permitting issues should not overlap, it is not desirable that they should conflict.

The EA is currently concerned about odour control and have received complaints relating to external storage of the crop feedstocks. The current permit application states that all feedstock would be stored in a building with an odour control system and the EA considers this to be a necessary measure. The application also includes a new treatment process for the digestate and this is being considered by the EA with relation to odour management.

- 3.4 Highways England: no objection.

- 3.5 DCC Highways: no objection. The applicant has submitted a transport statement, the content of which is acceptable to the Highway Authority and the new technologies, if implemented, to reduce liquid waste will give rise to an additional 18 movements per day. The additional 2 movements per day if liquid waste is to be exported are also accepted. These represent only 5% of the total traffic on South View Road and in planning terms is less than significant (based on worst case scenario of 20 movements per day necessary to export liquid digestate). These figures are based upon use of Duoliners/Tankers for all feedstock deliveries and the implementation of the new technologies identified by the applicant. The planning authority may wish to consider conditions restricting the import to Duoliner/Tanker type vehicles and no increase in feedstock until the implementation of the new technology for the digestate has been installed and is operational.

- 3.6 DCC Waste Management: support the application which provides more local capacity within the Devon area, thus reducing the distances travelled by waste. The application supports the Government "Resources and Waste Strategy" (Dec 2018) which states that "*...anaerobic digestion (AD) represents the best environmental outcome for food waste that cannot be redistributed to others or, if this is not possible, used as animal feed. It provides both low carbon renewable energy and digestate, which can be used as fertiliser, compost or soil improver*".

They confirm that there is no Local Authority Collected Waste going to the plant at this time (which would in any case be a breach of the Environmental Permit) but that the existing waste contract would enable approximately 5,500 tonnes per annum of food waste to be received from Brynsworthy Transfer Station, near Barnstaple, in due course once the EP revision is granted.

4. Advertisement/Representations

- 4.1 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 26 letters of representation have been received from local residents, all of which are objections to the proposal based on concerns about highway capacity and safety, odour, vibration, need and safety of the gas plant. A letter has also been received from the local MP expressing concerns raised with him by his constituents.
- 4.2 The Campaign to Protect Rural England (Devon) has made representations expressing concerns about the impact on the residents living along the access road due to the increase in traffic, uncertainty about the source of crops and destination of

digestate (and thus overall mileage), storage of digestate and potential pollution/health issues, conversion of fleet to biogas would reduce the amount being sent to the grid, distance for transporting food waste from North Devon, reduction in soil health due to growing maize, querying the County Council's "due diligence" in awarding a waste contract to this operator and stating that the proposal has no quantifiable benefits. They further state that the amount of food waste being imported from North Devon does not require the variation of the condition and the forward planning is a speculative claim with no information about where the higher amounts of waste would arise from.

5. Planning Policy Considerations

5.1 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.

5.2 **Devon Waste Plan 2011-2031** (adopted December 2014)
Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W6 (Energy Recovery); W14 (Sustainable and Quality Design); W15 (Infrastructure and Community Services); W17 (Transportation and Access) and W18 (Quality of Life).

5.3 **Mid Devon Local Plan Core Strategy 2026** (adopted July 2007) and **Development Management Policies** (adopted October 2013)
Policies COR5 (Climate Change); COR9 (Access); DM5 (Renewable and Low Carbon Energy); DM6 (Transport and Air Quality) and DM7 (Pollution).

5.4 Other material considerations include:
National Planning Policy Framework
National Planning Policy for Waste
Planning Practice Guidance
Mid Devon Local Plan Review 2013-2033 (emerging)

6. Comments/Issues

6.1 It is considered that the main material planning considerations in the determination of the proposed development are: waste planning policy, highways and access, residential amenity, sustainability and climate change.

Waste Policy Considerations

6.2 The Devon Waste Plan, through Policy W2 (Sustainable Waste Management) seeks to maximise the efficiency of low-carbon energy derived from waste materials, and to deliver sufficient waste management capacity with flexibility to respond to changes in the quantity, nature and composition of waste. As this proposal will achieve an increase in renewable energy by increasing the throughput of the plant, it is considered that it is consistent with Policy W2.

6.3 Policy W3 sets out the Waste Plan's spatial strategy for strategic waste management facilities, with these to be located within or close to Exeter, Barnstaple and Newton Abbot. The AD plant was originally approved at Willand due to the merits of co-location with the adjacent abattoir which, together with its accessibility to the M5

and A361 that connect Exeter and Barnstaple, justified its location away from the specified settlements. Given that the plant is now established, it is considered that its further increase in capacity is not contrary to Policy W3.

- 6.4 The Waste Plan's approach to energy recovery facilities, including AD, is dealt with in Policy W6, which sets capacity requirements (including up to 356,000 tonnes by 2021) to which the proposal will contribute. Part 3 of Policy W6 suggests a capacity limit of 80,000 tonnes for any one energy recovery facility to avoid over-concentration of capacity in one location and, as it is envisaged that the amount of waste to be managed at the expanded Willand facility will be no more than that (with the balance being accounted for by agricultural products), the proposal is considered to be consistent with this part of Policy W6.
- 6.5 Policy W6 also seeks to ensure that facilities achieve the maximum feasible level of efficiency in the use of the energy resource. The Willand facility supplies gas to the gas grid, which has a greater efficiency than burning the gas to produce electricity.

Highways

- 6.6 The applicant was requested to provide information to assess the type and level of traffic associated with the operation and to provide a "worst case scenario" in terms of overall movements.
- 6.7 Highways impacts remote from the site will depend on many factors including contracting, availability, energy mix and farming practice, none of which can be effectively controlled by planning condition. Given that the importation and export of all feedstuff and digestate is now subject to a planning condition to be via sealed tanker or HGV and there is an existing legal agreement requiring that the routeing avoids Willand Village and deliveries take place outside school pick up and drop off times, then the main planning consideration is whether the highway network could accommodate the additional numbers and whether the increase would lead to an unacceptable impact on the living conditions of neighbours.
- 6.8 The applicant has submitted a transport statement the content of which is acceptable to the Highway Authority. If the new technologies are implemented to reduce liquid waste, the proposal will give rise to an additional 18 movements per day (over the 33 already permitted). There would be a further 2 movements per day if liquid waste is to be exported. This is acceptable as it represents only 5% of the total traffic on South View road and in planning terms is less than significant (based on worst case scenario of maximum additional 20 movements per day necessary to export liquid digestate). These figures are based upon use of Duoliner type vehicles or tankers for all feedstock deliveries and removal.
- 6.9 The survey data and conclusions cited in terms of capacity are consistent with previous planning applications at Mid Devon Business park and Hitchcock's which both lie on the access route from the M5 and the Highway Authority would agree that there are no capacity issues resulting from the increase in traffic from this site under the scenarios proposed.
- 6.10 There have been concerns raised at the content of the highways documents relating to the various kinds of feedstock (crops vs commercial vs local authority collected food wastes) and the averaging out of vehicle movements. These concerns have been discussed with the applicant and it is agreed with them and the Highway Authority that the highway movements would be best determined by a maximum importation restriction rather than dealing with various types of feedstock given that they are all delivered in the same manner along the same lorry route from the M5.

The applicant has therefore agreed to the imposition of a that there should be a planning condition restricting deliveries to a maximum of 120,000 tonnes per annum.

- 6.11 The Highway authority suggests that conditions are considered, restricting the import/export of feedstock and digestate products to Duoliner/Tanker type vehicles and that there should be no increase in feedstock until the implementation of the new technology for the digestate has been installed and is operational. Based upon the current proposals and the suggested conditions, the Highway Authority raise no further objections to the application.
- 6.12 There are no proposals to deliver or remove feedstock or digestate at night and the applicant has accepted that a condition requiring HGV deliveries to be restricted to the hours of 07.00am to 20.00pm will overcome the concerns of residents along Station Road about night - time noise.

Highway Safety

- 6.13 The highway safety team has confirmed that there have been 5 shunt type slight injury collisions on the A38 approach to the roundabout at Junction 27 of the M5. Screening on this approach might help to reduce traffic pulling onto the roundabout without stopping or looking carefully and, should planning permission be granted, the safety team request that the applicant makes a contribution to a feasibility study to support this. This has been agreed by the applicant in principle.
- 6.14 The applicant has agreed to abide by the existing legal agreement not to generate lorry movements during school drop off and pick up times, and the agreement can be varied to apply to this new consent.
- 6.15 There have been representations seeking improvements to pedestrian facilities along South View Road from this application. The application would not attract additional staff to the site and, given that the traffic increases are less than significant nor severe, it would not be CIL compliant to require this. T
- 6.16 The comments made by residents about thoughtless parking in Willand cannot be attributed to vehicles that do not currently exist. The applicant has agreed to amend their advice to drivers as all of their movements are under their control or under direct contract to them. This is a lorry route also used by the large Two Sisters abattoir as well as a number of businesses on the adjacent industrial estate and the comments are noted, but the management of parking on pavements and inconsiderate driving are police enforcement matters.

Residential Amenity Considerations

- 6.17 The site is not in any immediate proximity to residential properties, the nearest being some 100m distant across the railway line. This proposal would not increase the proximity, although there have been concerns from owners of properties along the haul route especially in Station Road. The highways response indicates that the overall increase in traffic would not be material above existing and it is clear that a number of the objections being made are based on the existing situation caused by the traffic from the Two Sisters plant which is significantly higher and on a 24 hours basis unlike this site which does not and would not accept waste or send out digestate between the hours of 20.00 and 07.00.

- 6.18 There have been some complaints and concerns raised about odour relating to external storage of silage. The Environment Agency advises that the Environmental Permit restrictions on external storage of any feedstock do not apply until such time as wastes are imported. The existing planning permission, although it restricts the external storage of waste and soiled skips, does not restrict external storage of crops. The EA is still investigating and is of the view that this is an occasional occurrence, but it is concerned that there are currently no controls over this matter. It is suggested that a new condition which restricts any external storage of silage would deal with this matter. This may cause an element of double handling as the hopper for silage and crops is outside the building, but it would enable the EA to update the permit through the current application if they feel it to be necessary and will enable the storage of silage to take place in the transfer building. It is not considered necessary to restrict the storage of crops in this way.

It would be reasonable to apply such a condition to manage known effects from the existing site.

- 6.19 The existing consent restricts the import/export of waste and digestate to sealed containers and tankers, so the additional movements per day are unlikely to present any significant change in terms of overall living conditions with relation to odour.

Site Safety Considerations

- 6.20 There is a specific concern raised by a local resident about the nature and storage of the biogas from objector in terms of site safety. This was also sent to the County Council's Emergency planning team. The applicant has stated that there is very limited storage of gas on the site and that the domes contain only 53% methane which is very wet and therefore difficult to ignite. Once the gas is cleaned and dried it is injected directly into the national gas grid which poses the same risk as any gas connected premises. The plant is managed under the Dangerous Substances and Explosive Atmospheres (DSEAR) Regulations 2002 (managed by the HSE) and ATEX protection zones (required by EU legislation) with all of the necessary fire and safety procedures in place. The increase in road deliveries is not therefore likely to have any additional impact over that existing and already managed by other regimes and the safety of the storage and equipment is not a planning consideration being covered by other legislation and regulations.

Off-site impacts

- 6.21 The off-site impacts of Anaerobic Digesters continue to be a matter of concern, for the Parish Council, CPRE and the District Council and the management of digestate on farms has been an issue. However, there are other regulatory regimes that deal with this if planning consent is not required.
- 6.22 The movement of crops on and off unspecified farms is not a matter for the waste planning authority and the highways authority takes the view that crops will be on the roads in any case unless the farming industry reverts entirely to livestock farming. Even then, feedstuffs and animals will have to be moved. The issue of off-site impacts was set out in some detail in the previous report to this Committee relating to this site (DCC/4037/2017 - see paragraph 2.1 for a link to the report) and the situation is unchanged for this application.
- 6.23 Whilst the issue of off-site digestate storage is not a material consideration in respect of the current application, it is worth noting that the EA permit requires the site to have six months' on-site storage capacity. Additionally, the operator has confirmed that they are in discussions with ex dairy farms that have existing storage capacity on

site in the event of storage issues at Willand. The proposed system of converting the digestate to dry pellets and clean water would in any case reduce the storage requirements for liquid digestate, but it is clear that a combination of the EP conditions and the applicant's fall-back planning would deal with short term issues while the technology is demonstrated or in the event that the EA does not permit any discharge to watercourses.

- 6.24 The practice of waste management has altered significantly over the past few years and the nature of contracts would mean that identifying or specifying off-site impacts would not necessarily be helpful as contracts may change significantly over the life of an operation. For example, Mid Devon District Council has expressed concerns about the DCC food waste contract bringing in materials from North Devon; it is correct that Willand Biogas is currently contracted to DCC to recycle food waste collected from the North Devon and Torridge District Council areas (contract started in October 2019), but the operator is currently taking this material to a site outside Devon to be processed. Food waste from Mid Devon is also currently contracted to go to a site outside Devon. The Waste Plan seeks the delivery of a range of facilities which would mean that carbon issues as well as finances could, in future, dictate that wastes are able to be dealt with closer to their source as contracts are renewed and new facilities provided. Specifying the destination for food wastes through the planning process is likely to ensure that the waste management system is unable to respond to changing technology and contracts. The land use planning issues on this particular site are properly dealt with through the various planning and permitting systems as are off-site impacts wherever they may occur.

Relationship to the Environmental Permit

- 6.25 The NPPF guidance is that permitting and planning matters should not be duplicated. The current application for a permit variation seeks to import 100,000tpa of feedstock and this disconnect between the permitting and planning has been the subject of some concern.
- 6.26 The applicant was asked for an explanation, and their response is that the current technology being installed in quarter 2 of 2020 provides a theoretical capacity of 120,000tpa. The applicant will look to vary the permit to this level once the tolerance of the new technology has been tested within the plant. The throughput suggested in the current application could not therefore be reached until there is a further permit variation, and the existing permit remains in place controlling the likely environmental impacts. This application would therefore ensure that the longer-term intentions for this plant are clear and would avoid yet another planning application to dovetail the planning and permitting. This is helpful given some of the objections to the piecemeal nature of planning at this site.
- 6.27 The EP (existing and proposed) will deal with emissions from the plant, noise and odour as well as the management and storage of digestate. The principal planning issue remains therefore whether the road can accommodate the additional vehicle movements.
- 6.28 To deal with the overlap between the planning and permitting with relation to the external storage of digestate, it is proposed to attach a condition requiring that any storage of silage shall take place in a building or odour proof container.
- 6.29 There would be no reason to refuse planning permission on the grounds that the permit application is different. To date, the permit has been very different from the planning permission and many of its conditions would not come into effect until wastes begin to be imported. At present, due to permit restrictions, the food waste is

currently being sent outside Devon and it remains a crop-only facility until such time as the reception hall is completed.

Need

- 6.30 Objectors, including the CPRE, have quoted the existing domestic food waste contract as insufficient reason for the requested waste input as well as querying the lack of information about the source of materials and the destination of digestate.
- 6.31 The applicant has commented that, unless the planning consent is in place, they cannot bid for waste contracts (although they did receive the DCC contract). The applicant has also stated that, with relation to crops and storage, they are helping with farm diversification away from livestock by utilising crops from farms that have slurry stores no longer required for livestock farming. They are also investigating farms with livestock sheds that might be used for the storage of pellets. The transportation of these materials has a cost and therefore the use of proximate facilities would drive down costs and should deal with the concerns raised by the CPRE.
- 6.32 The policies in the Waste Plan do not require need to be demonstrated, merely that on-site issues can be resolved and that the facility contributes to a range of waste management facilities.

Overall Sustainability Considerations (Including Climate Change)

- 6.33 Paragraph 148 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.
- 6.34 The biogas generated by this plant is scrubbed and injected directly into the national gas grid, minus that which is used to power the plant itself which is converted to power using on site gas engines.
- 6.35 There is also a current planning application with Mid Devon District Council to enable the biogas (along with grid gas) to be converted to electricity to support the electricity grid when other renewable energy sources are unavailable to “even out” supply. This application is currently undetermined, however, there is storage on the site and therefore the current application does not depend on that separate consent being granted.
- 6.36 Discussions have also been held with the applicant regarding the nature of the fuel used for their HGV fleet. The applicant recently received planning consent from Mid Devon District Council for a Renewable Compressed Natural Gas filling station and associated infrastructure within the site. The applicant has stated their intention to use this in their fleet.
- 6.37 There is no planning control relating to the growing of energy crops and for farmers receiving digestate in return. In terms of soil health and carbon sequestration, soils that have been treated with improvers which increase their bacterial content are known to retain and capture higher amounts of carbon.

- 6.38 The applicant has stated, in their response to objectors' comments about there being no benefit from the proposal, that the proposal supports the response to the ambitions of the Devon Climate Emergency Group to increase the renewable energy supply and this is further supported by the intention to convert their HGV fleet to biomethane which could result in a 60-85% CO₂ saving, with a 60% reduction in NO_x, 80% methane and 99% particulates. According to the applicant, RCNG HGVs are additionally approximately 50% quieter than diesel.
- 6.39 Although the production of renewable energy from a mixture of wastes and crops is not entirely carbon neutral, it is less carbon intensive than traditional generation methods and is acknowledged to be a lower carbon substitute. The use of food wastes to produce low carbon energy is supported by Government's Resources and Waste Strategy and the increased capacity of the plant to produce up to 8MW of energy is a material planning consideration especially on an existing site.

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that the proposed alteration to the existing planning consent is not likely to have a significant impact on the residential amenity along the delivery route given the low number of additional movements; there are measures in place to manage odour and the proposal would provide an important contribution to the diversion of waste up the waste hierarchy and in increasing the renewable energy contribution to a lower carbon economy as the Willand AD plant produces renewable natural gas which is fed straight into the gas supply grid.
- 7.3 It is recommended that planning permission be granted subject to the applicant entering into a legal agreement to make an appropriate highway safety contribution, revising the existing legal agreement controlling delivery hours to roll it forward to apply to this consent, and subject to the conditions set out in Appendix I (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

Mike Deaton
Chief Planner

Electoral Division: Willand & Uffculme

Local Government Act 1972: List of Background Papers

Contact for enquiries: Sue Penaluna

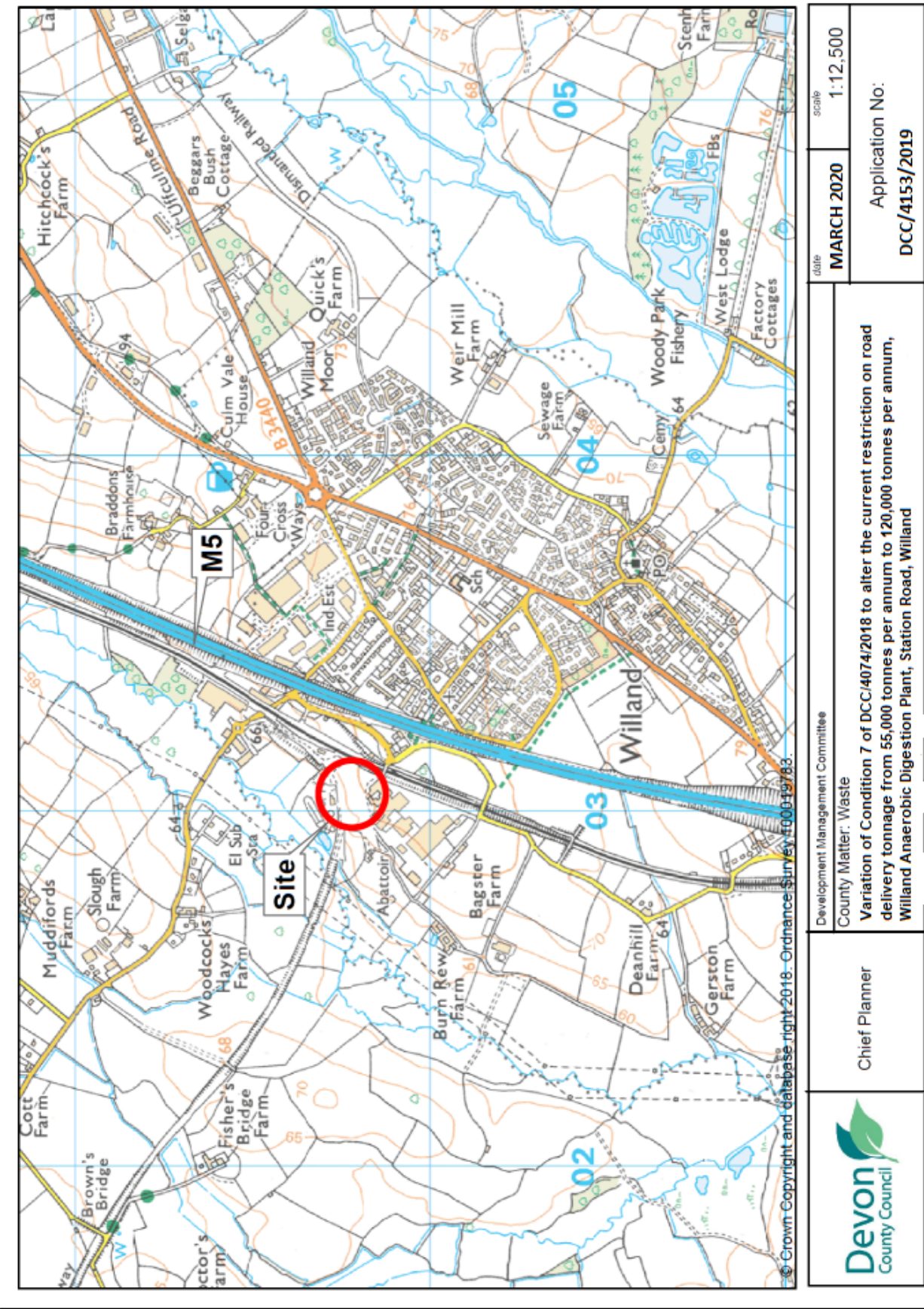
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

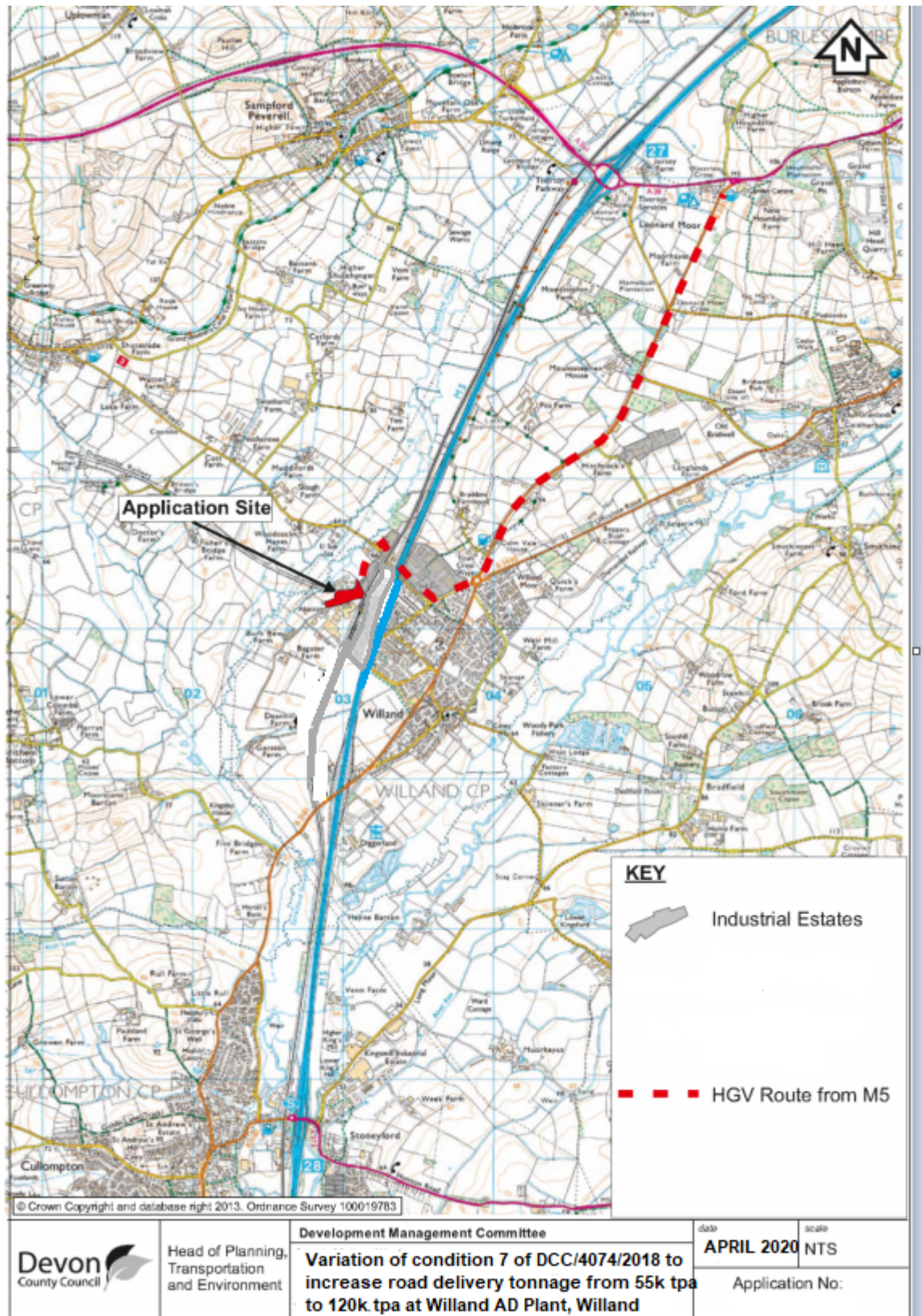
Background Paper	Date	File Ref.
Casework File	22.11.19	DCC4153/2019

sp200220dma
sc/cr/variation of condition Willand Anaerobic Digestion Plan Station Road Willand
04 090320

Location Plan



Delivery route to M5



Planning Conditions (Changes to existing indicated in **bold** or *italic*)

1. The development shall commence within 3 years of the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of commencement.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the MPA to adequately monitor the development.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents referenced:

Figure 1: Site Location AMZ01_SL_001;
Figure 2: Site Plan. Overall AMZ01_SP_029a;
Figure 2: Site Plan. Main Site Area AMZ01_SP_029b;
Figure 2: Site Plan. Access Road AMZ01_SP_030*;
Figure 3: Elevation AMZ01_EL_016;
Figure 4: Cross Section A-A (Phase 3) DWG No 35;
Figure 6: Cross Sections B-B and C-C (WIN01_Willand_CSb/c_002);
Figure 7: Cross Sections D-D (WIN01_Willand_CSD_002
Figure 9: Planting specification for Willand Anaerobic Digester AMZ01_PP_001a;
Figure 9: Planting specification Willand Access road AMZ01_PP_001b;
Figure 10: Individual Structures 1-4 AMZ01_ST_004a;
Figure 10: Individual Structures 5-8 AMZ01_ST_004b;
Figure 10: Individual Structures 9-12 AMZ01_ST_004c;
Figure 10: Individual Structures 13-16 AMZ01_ST_004d;
Figure 10: Individual Structures 17-19 AMZ01_ST_004e;
Figure 11: Comparison drawing for new, consented and built development AMZ01_CBP_001;
13854-SKC001 Rev C: (Site Access Track Layout);
13854-SKC002 Rev A: (Access Track Sections);
00110-00-D-GFL: (Hydro-brake at attenuation pond outlet);
00110-00-D-GFL: (Typical manhole with penstock valve); construction traffic management plan (approved by discharge of condition under DCC/3725/2014);
Appendix 11: Habitat enhancement and mitigation document dated 26/3/2014 (approved under DCC/3725/2014), except as varied by the conditions below.

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

*** Alteration approved by Non-material Amendment procedure dated 11 November 2019.**

3. The development hereby permitted shall be constructed in accordance with the traffic routeing and restrictions set out in the Construction Traffic Management plan submitted in respect of permission Ref DCC/3725/2014 approved on 22 July 2015 under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

REASON: In the interest of highway safety and the efficient operation of the M5 motorway and its junctions.

4. The **development hereby permitted shall be carried out in accordance with the approved Construction Environmental Management Plan (Jan 2019) as set out**

in the Determination of Conditions under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 dated 30 September 2019.

REASON: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the construction works.

5. If contamination, not previously identified, is found to be present at the site during the construction period, then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Waste Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the protection of controlled waters.

6. **The development hereby permitted shall be carried out in accordance with the approved surface water management system as set out in the Determination of Conditions under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 dated 30 September 2019.**

REASON: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

7. The amount of feedstock delivered by road to this site shall not exceed **120,000** tonnes per annum.

REASON: To ensure that the impacts on the public highway network and on odour management as set out in the supporting Transportation Statement and Planning Supporting Statement are not exceeded in the interests of local amenity and highway safety.

8. The external materials for the cladding of the proposed buildings and digestate tanks shall be RAL 7038 (Goose wing grey) and the security fencing shall be RAL 6005 (Dark green) unless otherwise agreed in writing by the Waste Planning Authority.

REASON: To ensure the chosen materials for this development minimise its impact on the character and appearance of the landscape in accordance with Policy W12 of the Devon Waste Local Plan.

9. No vehicle or mobile plant used (other than visiting road lorries) shall be operated within the permission area unless they have been fitted with and use "white noise" alarms.

REASON: In the interest of protecting the local environment and community from adverse impact of noise generated at the site and to comply with policies of the Development plan: in particular Policies W02 of the Devon Waste Local Plan and Policy COR01 of the Mid Devon Local Plan

10. The landscaping scheme shown on plans: AMZ01_PP_001a (Figure 9 - Planting specification for Willand Anaerobic Digester) and AMZ01_PP_001b (Planting specification for Willand Access Road) shall be carried out by 31 December 2019. The approved planting shall be maintained for a period of five years. Any existing

tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within the five - year maintenance period shall be replaced with the same species or an approved alternative to the satisfaction of the Waste Planning Authority within the next planting season.

REASON: To protect the character and appearance of the local landscape in accordance with Policy W12 of the Devon Waste Local Plan.

11. The applicant shall implement the habitat enhancement and ecological mitigation measures as set out in Appendix 11 of the Habitat Enhancement and Mitigation Report dated 26 March 2015.

REASON: To ensure that proposed development minimises the impact on species and habitats and delivers the proposed mitigation and enhancement proposed in support of the proposal in accordance with Policy W02 of the Devon Waste Local Plan.

12. **The development hereby permitted shall be carried out in accordance with the approved Traffic Management Plan as set out in the Determination of Conditions under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 dated 30 September 2019.**

REASON: In the interests of highway safety.

13. All waste or odorous feedstock delivered to this site and digestate leaving it by road shall be transported in sealed containers or tankers.

REASON: To prevent odours from the transportation of waste feedstock causing detriment to the amenity of residents along the delivery routes.

14. **There shall at no time be any external storage of wastes, silage waste materials, or soiled containers.**

REASON: To prevent odours from this site affecting the amenity of nearby property.

- ~~15. Within 6 months of the date of this permission, the access road shall be completed and surfaced to top course in accordance with drawings 13854-SKC001 Rev. C (Site Access Track Layout) and 13854-SKC002 Rev. A (Access Track Sections);~~

~~REASON: To prevent the deposit of mud on the public highway in the interests of highway safety. [Access track is now complete]~~

15. **[New] There shall be no deliveries or removal of digestate from this site between the hours 20.00 and 08.00.**

REASON: In the interest of protecting the local environment and community from adverse impact of noise generated at the site and to comply with policies of the Development plan: in particular Policies W02 of the Devon Waste Local Plan and Policy COR01 of the Mid Devon Local Plan.

16. **[New] The total number of HGV movements associated with the delivery of feedstock and removal of digestate shall not exceed 35 per day averaged out over a 12 month period. The operator shall keep written records of the**

movements of feedstock and digestate into and out of the site and shall on request from the MPA make these available for inspection.

REASON: To ensure that the highway and amenity impacts of the proposal are not greater than those assessed in the supporting documentation in the interests of highway safety and to comply with policies of the Development plan: in particular Policies W02 of the Devon Waste Local Plan and Policy COR01 of the Mid Devon Local Plan.