

Local Member	
Mr. M. J. Winnington	Gnosall and Doxey

Planning Committee 6 August 2020

Waste County Matter

Application No (District): [S.20/01/4004 W](#) (Stafford)

Applicant: Lower Reule Bioenergy Ltd

Description Application to consolidate the existing Anaerobic Digestion (AD) facility/ biogas facility (planning permission Ref. [S.13/11/4004 W](#)) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used.

Location: Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.

Background/Introduction

1. The company 'Lower Reule Bioenergy Ltd' was sold in 2017 and two planning applications have been made concurrently by the new owners for the permitted Anaerobic Digestion (AD) facility and ancillary de-packaging facility, both of which are being reported to this Planning Committee. Plan 1 accompanying this report shows the site location and the extent of the two planning applications.
2. The first application, the subject of a separate report to this Planning Committee (reference [S.19/08/4004 W](#)), is retrospective and has been made to regularise the de-packaging building, ancillary to the AD facility, which is under construction but not being built in accordance with the approved plans of permission [S.16/05/4004 W](#). Plan 2 accompanying this report shows the site layout. The second application, the subject of this report, makes amendments to the layout of the existing AD facility (reference [S.13/11/4004 W](#)). Plan 3 accompanying this report shows the site layout. Amendments to the original schemes have been made to make the facilities Environment Agency (EA) and Animal By-Products (ABP) Regulations compliant.
3. Lower Reule Bioenergy Ltd has operated an AD / biogas facility at Brookfield Farm since March 2010. The AD facility currently operates in accordance with planning permission ref. [S.13/11/4004 W](#) and handles up to 45,000 tonnes of feedstock (food waste) per annum. The process takes place principally in three large digester tanks and produces 2.25 MW of green electricity each year from the biogas generated on-site which can be fed directly into the National Grid. A [PAS110](#) certified by-product from the process called liquid digestate is also produced, which can be used as a fertiliser.
4. Planning permission was first granted in August 2008 for two digester tanks and in

September 2013 the site layout was amended to accommodate a third digester tank and the capacity of the facility increased from 30,000 tonnes per annum to the current 45,000 tonnes per annum. The original 2008 permission allowed the site to accept on-site pig and slurry wastes only but in May 2009 planning permission was granted to allow municipal kitchen waste and de-packaged food waste also.

5. As the third digester tank was built by the previous owners in a slightly different location to the approved layout plan of permission (ref. [S.13/11/4004 W](#)) the applicant was advised by the County Council's Planning and Regulation Teams to submit a planning application to consolidate the existing AD facility planning permission ([S.13/11/4004 W](#)) in addition to the new elements which include: erection of a new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. [S.15/01/4004 W](#)); and erection of two end storage tanks for liquid digestate to replace the 2 leased lagoons (at Lower Reule Farm) previously used. As the application boundary is slightly larger than the permitted boundary of [S.13/11/4004 W](#) it was not possible to submit a s73 application to vary that permission. The red line application boundary has therefore been drawn around the whole of the permitted AD facility boundary including the additional area for the relocated fibre store building. For the avoidance of doubt no changes are however proposed to the capacity of the facility or vehicle movements.

Site and Surroundings

6. The Lower Reule Bioenergy Ltd AD facility is located within open countryside approximately one mile from the village of Gnosall and approximately 400 metres east of the C0139 Church Eaton / Cowley Lane, accessed by a private road which leads approximately 1km to the Lower Reule Farm, which grows soft fruit produce for supermarkets.



Photograph 1 - The AD facility and de-packaging building seen across the fields from the A518 just north of Gnosall

7. The AD facility comprises of three 10-metre-high digester tanks which are a similar height to the Brookfield Farmhouse, a residential property approximately 90 metres

west, separated from the site by farm buildings. In addition there are ancillary gas scrubbers and carbon filters; two smaller 7-metre-high feedstock storage/pre-separation tanks which are 11 metres in diameter; a separated fibre store; and a service building 9 metres (w) x 18 metres (l) x 4.5 metres high to the eaves which houses a control room, and equipment such as pasteurisation units, heat exchangers, and Combined Heat and Power (CHP) engines. The site offices comprising of two portacabins stacked on top of each other are in the northeast corner of the site.



Photograph 2 - Aerial view looking west (taken 2019) towards Brookfield Farmhouse and Willow End (top left). The Lower Reule access road is on the left of the photo, the new de-packaging building with grey roof is in the middle and the AD facility including portacabin offices is on the right. Polytunnels surround the site to the north, east and south.

8. Immediately to the south of the AD facility is a new building under construction for use as a food de-packaging facility ancillary to the adjacent AD facility. This area was previously occupied by four redundant single storey buildings that were previously used for intensive pig production. These buildings were last used in 2008 and under planning permission [S.16/05/4004 W](#) were demolished in 2018 in order to construct the food de-packaging facility. The land to the west of the de-packaging building and east of Brookfield Farm is currently vacant where farm buildings have been demolished for the construction of a large storage building for use by Lower Reule Farm Ltd.
9. In addition to the residential property 'Brookfield Farm' another residential property 'Willow End' is located at the private road entrance off Cowley Lane, approximately 170 metres southwest of the AD facility and de-packaging building sites.
10. Lower Reule Farm is approximately 500 metres to the east and has Stafford Borough Council planning permissions for a soft fruit chilled storage and pack house in addition to over 12 hectares of polytunnels which surround the AD facility and de-packaging building to the north, south and east. Caravans to house seasonal workers are sited adjacent to Lower Reule Farm.



Photograph 3 – AD facility portacabin offices stacked on top of each other to be removed. The office staff and the silver air handling unit (on the left of the photograph) to be relocated within the de-packaging building. The existing separated fibre store shown between the offices and de-packaging building would be relocated and replaced by a fibre store building.

Photograph 4 (below) – Two of the three Digester tanks. Note established landscaping beyond fencing on the northern boundary; and, ongoing installation of the new BAT compliant secondary containment to meet EA requirements.



11. The application site is 5 km from 'Aqualate Mere' Site of Special Scientific Interest (SSSI) and 1.7 km from 'Allimore Green Common' SSSI. Aqualate Mere is a

component of the Midland Meres and Mosses (Phase 2) Ramsar Site (listed Wetlands of International Importance under the Ramsar Convention).

Summary of Proposals

12. The development proposals consist of the following elements (refer also to Plan 3 accompanying the report):
 - Regularisation of the position of Digester no.3 and extension of the concrete drive within the permitted boundary of the AD facility;
 - Two end storage tanks for liquid digestate within the permitted boundary of the AD facility;
 - Replacement and relocation of the digestate fibre store outside of the original permitted boundary of the AD facility but within the permitted area of the de-packaging facility; and,
 - Separator relocation within the permitted boundary of the AD facility;

Position of Digester no. 3 and Concrete drive

13. The AD facility comprises of three Digester tanks, each 10-metres-high and 24 metres in diameter with a capacity each of 2,700 cubic metres. The third tank, approved in September 2013 and constructed in August 2016, has however been built approximately 3 - 4 metres west of the location shown on the layout approved by planning permission ref. [S.13/11/4004 W.](#) In order to regularise this, a revised layout and elevation drawings have been submitted to reflect the current position of the Digester and to show the extent of an extension to the existing access concrete drive further into the site.

Two end storage tanks for liquid digestate

14. The digestate that is produced as a by-product of the AD process is separated into liquor and fibre. The liquor was originally pumped up to two leased lagoons at Lower Reule Farm for storage and then spread under [PAS110](#) regulations as a biofertiliser on agricultural land. The leased lagoons however have a failing liner and no cover and therefore are no longer Environment Agency (EA) and Animal By-Product (ABP) compliant for the storage of digestate. As an alternative two enclosed end storage tanks are proposed which would hold 3000 cubic metres each of liquid digestate until the spreading season opens. The tanks, each 6 metres high and 23 metres in diameter, would be in-situ concrete storage tanks within the bunded area of the site and would have gas tight domes. As part of the application a containment design plan proposes to increase the bund around the AD facility in specific areas in addition to the installation of secondary containment to make the site EA compliant in the event of a catastrophic tank failure on the site. The existing AD site offices (2 portacabins stacked on top of each other) would be removed to accommodate the two end storage tanks and the staff would be relocated to the main de-packaging building offices.

Relocation of Fibre Store

15. To accommodate the proposed construction of the two end storage tanks and retain maintenance vehicle access into the AD facility site, the store for the fibre digestate from the AD process would need to relocate slightly further south than its current location adjacent to the entrance to the AD facility. The current open fibre bunker is not EA compliant and approval was gained in 2015 for the erection of a building to contain the fibre, odour, spores and drainage. The new fibre store would be fully enclosed to ensure it is EA compliant and would as per the 2015 permission ([S.15/01/4004 W](#)) measure 15 metres in length, 13 metres in width, and 12.8 metres in height with a storage capacity of 250 tonnes.

Separator relocation

16. The existing separator would be relocated to the north gable of the new fibre store to allow digestate to fall directly into the fibre store, keeping the process enclosed to comply with EA regulations.

Operation of the AD facility

17. For the avoidance of doubt there are no proposals to change the existing capacity of the AD facility. The existing planning permission ref. [S.13/11/4004 W](#) is subject to 21 no. planning conditions. These conditions would be repeated and updated on any subsequent planning permission.
18. The application is accompanied by:
- A Waste Development Statement;
 - Proposed containment design plan;
 - Site layout plan;
 - Fibre store details, layout and elevations;
 - End store plan and elevations;
 - Sound level assessment; and,
 - Noise and vibration management plan.

The Applicant's Case

19. Investment is now being made to make both the AD/Biogas facility and the ancillary de-packaging facility work together in a compliant and efficient way. After purchasing Lower Reule Bioenergy Limited in 2017, the new owners realised that the existing AD facility and food waste process were under performing and in breach of EA legislation.
20. The capacity of the AD facility has not /is not being increased in size or electricity output or in terms of vehicle movements by the proposals and the principle of the food waste de-packaging facility has already been established by the granting of planning permission in 2016. The applications submitted are to consolidate the scheme with a more efficient process including odour and noise controls and EA compliance. The addition of enclosed digestate tanks also provides a digestate solution as the existing two leased lagoons are not EA and ABP compliant for the

storage of liquid digestate, and the lagoon owners are unable to make them compliant.

21. The digestate that is produced as a by-product of the AD process is separated into liquor and fibre. The liquor is currently spread on local farmland in Staffordshire and Shropshire under PAS110 regulations and the fibre is currently deployed under a mobile permit, but this is very costly. With the efficiency of the new process removing nearly all contaminants the fibre will also be PAS110 accredited and spread as a biofertiliser on local farmers fields.
22. Liquid digestate is spread to land during certain times of year as approved by the EA therefore the EA require a minimum of 5 months secured digestate storage. Some towers and lagoons are secured with local farmers but not enough and without their own storage Lower Reule Bioenergy Ltd could be at the control of others and potentially in breach of their own EA permit.
23. Liquid digestate is currently removed by tractor and tankers and HGVs. During the height of the season in spring and after harvest in the summer this is a very busy period for the AD facility but crucial for keeping the site processing. At the peak 6-7 HGVs per day would remove digestate. It is proposed that both the separated digestate and the fibre would leave the site via the new automated entrance gates unless the secondary manual gates are required by condition.
24. Whilst construction of the de-packaging building takes place the AD facility site is untidy. However once the new building is complete all storage will be inside and the new storage tanks will either be between the existing AD site and the new building so not visible, or they will screen existing buildings and tanks.
25. Originally no mitigation was proposed in previous planning permissions between the site and Brookfield Farmhouse. The demolition of the buildings to the west, outside of the control of Lower Reule Bioenergy Ltd, has however made the de-packaging site more visible. The new application for the de-packaging building replicates the approved landscaping scheme, with a small loss of grass, but with no loss of screening. Additional hedge planting, to match existing approved landscaping schemes, along the whole of the western boundary to the AD/Biogas site and de-packaging site is proposed as part of the applications.
26. It is also proposed to issue a monthly newsletter to neighbours, the Parish Council and local schools to keep them informed of what is happening on the site. The company also propose to engage with a local school, supply materials for them to build bird boxes and then erect them on site and invite them for a tour around the site seeing their boxes in place. (Bird boxes are a requirement of the 2016 permission once the de-packaging building is constructed).

Relevant Planning History

27. [Appendix 1](#) lists the relevant permissions for the Anaerobic Digestion (AD) / biogas facility and the associated de-packaging facility following its relocation from the Sprint Industrial Estate at Four Ashes. In addition, relevant planning decisions are also listed in relation to Lower Reule Farm and the land between the application site and Brookfield Farm.

Environmental Impact Assessment (EIA)

28. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Council conducted a “Screening Opinion” on the original de-packaging facility proposals [S.16/05/4004 W](#) which concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement (ref: [SCE.220/S.16/05/4004 W](#) dated 26 July 2016).
29. As the proposed development does not fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a “Screening Opinion”.

Appropriate Assessment (Habitats Regulations)

30. In relation to the requirements of Regulations 61 and 62 of the [Habitats Regulations](#) Natural England confirmed that they considered that the original de-packaging facility proposals [S.16/05/4004 W](#) was unlikely to have a significant effect on any European site, and could therefore be screened out from any requirement for further assessment. To justify the conclusions regarding the likelihood of significant effects Natural England commented that

‘The application site lies 5km from the Aqualate Mere SSSI. Natural England have considered the proposal in relation to the type and scale of the proposed process and taken account of the relevant distance thresholds to inform the need for further assessment. Based on the proposed annual throughput of food waste of 45,000 tons per year no further assessment is needed for designated sites more than 1km from the proposed process’.

31. As the proposed development amends the layout but does not alter the scale of the existing AD facility, and the permitted annual throughput of food waste and number of vehicle movements are restricted by the de-packaging facility permission, Natural England’s decision that the proposal can be screened out from any requirement for further assessment is still applicable.

Findings of Consultations

Internal

32. **Environmental Advice Team (EAT)** – no objections.
33. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections.
34. **Planning Regulation Team** – no comments to make. The applicant has taken on board previous advice regarding the inclusion of the existing tanks in the block plans and elevations.
35. **County Noise Engineer** - no objections. A noise assessment was requested and supplied by the applicant which considers the sound levels likely to arise from the AD and de-packaging facility including HGV movements and the potential effect on nearby receptors: Willow End; Brookfield Farmhouse; and Lower Reule Farmhouse.

The Noise Engineer commented that the conclusions that the impact would be low in the assessment are reasonable. The Noise Engineer also noted that the vehicle numbers are unchanged. The Noise Engineer recommended that appropriate noise conditions requiring best practicable means be employed and wherever possible for vehicles to be fitted with non-audible reversing alarms.

External

36. **Stafford Borough Council (SBC)** – support the application and do not wish to comment.
37. **Stafford Borough Council Environmental Health** – no response received.
38. **Gnosall Parish Council** – A response has not been received in relation to the changes to the AD facility. An objection was however received in response to the de-packaging facility application which stated that:

‘There have been significant changes to the operations carried out at Lower Reule with considerable expansion which could harm the appearance and have a detrimental effect on the local area, residents and neighbouring businesses. It is requested that appropriate checks are carried out and liaison takes place with relevant authorities (Environment agency) on current operations to ensure they meet up to date regulations and adhere to previously approved applications.’
39. **Haughton Parish Council** (the adjoining Parish Council to the site) – no objections.
40. **Church Eaton Parish Council** (the adjoining Parish Council to the site) – no response received.
41. **Environment Agency (EA)** – no objections. The EA commented that the proposed activities would require a reassessment of the current operational Environmental Permit before the engineering is completed. The site plan will have to be redrawn and if the built structure changes the operation of the site, the Environmental Permit and the EMS will also have to be rewritten. The applicant is advised to contact the EA. [Note in their response to the de-packaging application (reference [S.19/08/4004 W](#)) the EA comment that their advice is being followed in relation to the future proposals (the subject of this application ref. [S.20/01/4004 W](#)) in that the addition of the fibre store building will prevent runoff to ground and any odour being released beyond the permitted boundary from the fibrous digestate. Additional digestate storage tanks, will also be a benefit as liquid digestate is currently being stored within an unsuitable lagoon system].

Publicity and Representations

42. Site notice: YES Press notice: YES
43. Due to changes to the Planning Service as a result of coronavirus (Covid-19) 9 neighbour notification emails were sent out to all those who made a representation on previous applications at the site. 4 representations have been received. The concerns raised are summarised below.

Expansion of the site and detrimental effect on the rural character of the local area.

44. Whilst in principle the AD facility and the production of energy from it is supported, concerns are however raised that a facility of this scale is not appropriate in this location and destroys the beauty of the farm and surrounding countryside. It is commented that the intended scale and nature of the site has changed over time (from original small-scale proposals of pig waste processing to imported food waste processing) and these proposals seek to ensure that the applicant can significantly expand their operations. It is considered that the nature of the facility is proposed to change from a local scale to a regional hub for food processing and storage. Concerns are also raised how the proposed development will impact on existing residents and the farming operations of surrounding tenants and landowners.

Lack of screening /landscaping

45. Visual impact concerns and lack of screening are raised given the proposals for an additional building and storage tanks, the increase in concreting within the site, and the significant extensions to the bunds that would form a perimeter of the site. It is commented that the existing three digestors at the AD site are large and take up much of the site and objections are raised to more tanks and buildings being built. It is also stated that the site is untidy, and the domes of the digester tanks are clearly visible across the countryside from the A518 and public footpaths and there is a lack of tree planting around the site to screen it from view. It is claimed that mitigation planting has been reduced/not implemented. Improved screening should be a requirement if the application is approved.

Local amenity

46. Whilst the improvements are acknowledged in order to comply with environmental regulations, concerns are raised at what the proposals are doing to loss of amenity. It is commented that the operators of both Lower Reule Bioenergy Ltd and Lower Reule Farm Ltd do not live in the vicinity of the site and therefore cannot appreciate the effect their developments have on the health and amenity of residents living near to the site. It is stated that mitigation built into previous decisions is disregarded in later applications, particularly the retrospective de-packaging facility application, or by non-compliance of conditions. Local residents are also not adequately informed of proposals and changes to existing developments.
47. Current and potential increased vehicular traffic is raised as a concern a result of proposed improvements to the site and consolidation of permissions. It is commented that the application highlights the uplift in traffic in the spring and summer months (spreading of liquid digestate) but does not demonstrate how any unacceptable adverse impacts upon the existing highway network will be mitigated. It is commented that the roads in the vicinity are narrow and winding and the heavy traffic use has caused deterioration to the surface, banks and drainage. The flooding has meant that drivers of smaller vehicles have had to make long detours, to the inconvenience of local inhabitants and others. It is also claimed that the operator is exceeding current restrictions on vehicle movements to the site and the waste types into the digestors are queried given the odour. Conditions such as installation of bird boxes haven't been adhered to.

48. The need to consolidate planning permissions is acknowledged however objections raised on previous de-packaging facility application still stand which has impacted on property sales.

The development plan policies (and proposals) and the other material planning considerations relevant to this decision

49. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:

‘To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 11 \[not 14 as stated\] of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.’

50. [Appendix 2](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

51. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultee comments and the representations received the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- Any material changes to the site, its surroundings or in terms of development plan policy and other material planning considerations
 - The site-specific considerations and matters raised in representations
 - The opportunity to review and update the existing AD facility planning permission

Any material changes to the site, its surroundings or in terms of development plan policy and other material planning policy considerations

52. The acceptability of an AD facility was established in 2008 through the granting of planning permission [S.08/05/4004 W](#) and changes to the layout, capacity and waste type were approved in 2009 and again in 2013 which enabled the construction of a third digester tank in 2016 (extant permission [S.13/11/4004 W](#)). In July 2015 a dedicated building was permitted (albeit that it wasn't built) to store the separated digestate fibre from the existing AD activities ([S.15/01/4004 W](#)). An ancillary food waste de-packaging facility was approved in December 2016 on land to the south of the AD facility and the former pig buildings were demolished in June 2018 and ground preparation began for construction of the new building (ref. [S.16/05/4004 W](#)

which is now being varied by the current application [S.19/08/4004 W](#)).

53. Commentary: With reference to the Planning History there have been no material changes to the actual AD facility site since the layout was changed in 2013 ([S.13/11/4004 W](#)). Approval for the ancillary food waste de-packaging facility on the adjacent site to the south in 2016 is however a significant change in the immediate vicinity of the site. The ownership of Lower Reule Bioenergy Ltd changed in 2017 and the new owners have implemented the 2016 permission albeit with proposed changes in a revised location. The building has been built 8 metres further south than the original scheme and closer to the private drive; and, amendments to the original scheme have been made to make the facility Environment Agency (EA) and Animal By-Products Regulations (ABPR) compliant.
54. A significant change once the de-packaging facility is operational is in terms of vehicle movements. Food waste would be pumped from the de-packaging facility to the AD facility and so once the de-packaging facility is operational, vehicle movements to the facility would off-set the existing vacuum tanker movements of liquid food waste direct to the AD facility.
55. Another change to the site's surroundings is the demolition of the farm buildings to the west, outside of the control of Lower Reule Bioenergy Ltd, which has made the de-packaging building and AD site more visible. Originally no mitigation was proposed in previous planning permissions between the site and Brookfield Farmhouse as an agricultural building permitted by Stafford Borough Council (SBC) was to be built measuring 23 metres x 40 metres x 12 metres high (ref. [11/14903/FUL](#)). As the building hasn't been built, landscaping along the western boundary is now proposed by Lower Reule Bioenergy Ltd.



Photograph 5 - Looking from the access road across the land to the west of the AD facility and de-packaging building and east of Brookfield Farm where farm buildings have been demolished for the construction of a large storage building for use by Lower Reule Farm Ltd.

56. In terms of the policy considerations a significant change is that the [National Planning Policy Framework](#) (NPPF) was updated in February 2019. The original 2008 AD proposal was considered against National Policy (PPS1, PPS7, and PPS10) and the 2013 AD proposal was considered against the NPPF published in 2012 and also National Waste Policy PPS10 and Local Policy in the former Waste Local Plan and Structure Plan and Draft Plan for Stafford Borough, all of which have subsequently been superseded. The 2016 proposal for the de-packaging facility and the 2015 proposal for the dedicated building to store fibre digestate were however considered against the [National Planning Policy for Waste](#) published in October 2014; the [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) adopted in 2013; and [The Plan for Stafford Borough](#) (adopted 19 June 2014). These remain unchanged and still form the Development Plan and promote a more sustainable and efficient approach to resource use and waste management and highlight the importance of putting in place the right waste management infrastructure at the right time in the right location.
57. Conclusion: The earlier and current national waste and local waste planning policies promote the principles of sustainable waste management and the changes are required to make both the AD/Biogas facility and the ancillary de-packaging facility work together in a compliant and efficient way. The existing processes are under performing and in breach of EA legislation and the proposals would remediate this. Therefore, having regard to the development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that in waste planning policy terms the amendments to the AD facility layout are acceptable in principle. The site-specific considerations are discussed below.

The site-specific considerations and matters raised in representations

58. The [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policies 3.1 and 4.2); [The Plan for Stafford Borough \(Local Plan\) \(2011 – 2031\)](#) (policies N1 and N8); the revised [National Planning Policy Framework](#) (sections 8, 9, 12, 14 and 15); and, the [National Planning Policy for Waste](#) (paragraph 7 and Appendix B) require developments to be well designed particularly ensuring that the design and layout complements sustainable waste management and that on-site operations do not have a significant adverse impact; and, the environment and amenity of the area is protected. [Gnosall Neighbourhood Plan](#) (Policies 2 and 6) also supports rural diversification and good design.
59. Commentary: A revised layout for the AD facility is now sought to regularise the area where the third digester tank has been built and also permission is sought for the erection of two end storage tanks for digestate to replace the 2 leased lagoons (at Lower Reule Farm) previously used. The application also increases the permitted area of the AD facility use of the site to include the area where a dedicated building (592 square metres in area) to store the separated digestate fibre (to replace planning permission ref. [S.15/01/4004 W](#)) is to be built. The additional area is within the permitted site boundary for the de-packaging facility site (ref [S.16/05/4004 W](#)).
60. Whilst statutory consultees have no objections, concerns have been received from local residents regarding: the expansion of the site; the lack of screening/landscaping; and, the impact on local amenity.

Capacity of the Site

61. For the avoidance of doubt the capacity of the AD facility has not /is not being increased in size or electricity output. There is also no change to number of vehicle movements. The applications submitted are to consolidate the scheme with a more efficient process including odour and noise controls and EA compliance.

Screening /Landscaping

62. The AD facility and de-packaging building are visible in the landscape and the site area is bound by hedgerow and tree planting and bunds. The two 6-metre high end store tanks and the 12.8-metre-high fibre store building proposed would be viewed within the context of three existing 10-metre-high digester tanks, two existing 7-metre-high feedstock storage tanks and a 3.5-metre-high service building within the boundary of the AD facility site. The new structures would also be viewed against the de-packaging building (13.35 metres at ridge height and 12.6 metres at the eaves) to the south of the AD site.
63. Whilst planting schemes were approved as part of previous AD facility and de-packaging facility permissions, no mitigation landscaping was originally proposed on the western boundary. As the farm buildings have now been demolished to the west (SBC permission ref. [11/14903/FUL](#)) and the site is more visible, additional hedge planting along the whole of the western boundary to the AD/Biogas site and de-packaging site, to match existing approved landscaping schemes on the other boundaries, is now proposed.

Local Amenity

64. The extant permissions have conditions which control throughput, waste types, hours of operation, vehicle movements, odour and noise control. As the existing processes are under performing the changes to the site layout would provide greater efficiencies and meet the requirements of the EA.
65. It is relevant to note the government guidance on waste which explains that:
- ‘There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.’ (ref. Guidance – Waste - [Regulatory regimes](#)).
66. The day-to-day operations would continue to be controlled by an Environmental Permit regulated by the EA. The EA have commented that their advice is being followed by the applicant.
67. Furthermore, the Planning Committee will know that the courts have ruled that in general:

‘planning is concerned with land use in the public interest, so that the

protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.' (emphasis added)(ref. Planning Practice Guidance - [How must decisions on applications for planning permission be made?](#) paragraph 008 - 'What is a material planning consideration?').

68. There is already a restriction on vehicle movements and a restriction for vehicles leaving the Site to turn right onto the public highway C0139 Church Eaton Road (Cowley Lane). No left turn towards Church Eaton is permitted.
69. In respect of improving community engagement, Lower Reule Bioenergy Ltd propose to issue a monthly newsletter to neighbours, the Parish Council and local schools to keep them informed of what is happening on the site including engaging with a local school, supplying materials for them to build bird boxes and then erect them on site and invite them for a tour around the site seeing their boxes in place. (Bird boxes are a requirement of the 2016 permission once the de-packaging building is constructed).
70. Conclusion: Having regard to the site-specific considerations and matters raised in representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

The opportunity to review and update the planning permission

71. The extant planning permission for the AD facility was issued in September 2013 ([S.13/11/4004 W](#)). This is an opportunity to review and update the existing 21 conditions of that permission where it is reasonable and necessary to do so; to take account of the revised [National Planning Policy Framework](#) and the policies in the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#), (Policy 3.1, Policy 4.1 and Policy 4.2)) to secure good design and the operation of the site to high environmental standards; to take account of the approved details which have discharged the relevant conditions; and, to include the new elements which include construction of the relocated fibre store and the new digestate storage tanks.

Overall Conclusion

72. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to application, the supporting information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

Recommendation

73. **Permit** the application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission ref. [S.13/11/4004 W](#)) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission ref. [S.15/01/4004 W](#)); and erection of two end storage

tanks for liquid digestate to replace the lagoons previously used at Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford subject to conditions.

The conditions repeat and update the relevant existing conditions of permission reference [S.13/11/4004 W](#) and [S.15/01/4004 W](#). The updated conditions are indicated in **bold**.

The conditions to include the following:

1. Definition of consent [**Update to include reference to the documents and plans of the existing and new permissions and approved details**].
2. Commencement of the development [**Update to state that this is a consolidating planning permission that has already commenced however operator is required to notify the Waste Planning Authority within two weeks of the date when fibre store and tanks are brought into use**].
3. Cessation of the development - notification within 7 days in the event that operations associated with the AD development cease.
4. Site clearance within 12 months of the cessation of AD operations and restored to an agricultural condition.
5. Expiry of the permission when the site has been cleared.
6. Site layout [**Update to refer to approved site layout plans, Fibre Store drawings, End store tank details**].
7. Landscaping [**Update to refer to approved site layout drawing; approved planting details; and planting to be continued around western boundary of the site in the first available planting season**].
8. Construction of earth bunds [**Update to refer to Proposed containment design plan**].
9. Waste type [**Update to state restricted to non-hazardous municipal, commercial and industrial food waste pumped from the ancillary adjacent de-packaging facility. Include in emergency situation where direct imports of tankered waste are allowed in the event that the de-packaging facility is not operational**].
10. Quantity of waste restricted to a maximum of 45,000 tonnes in any 12-month period.
11. Restriction on Permitted Development Rights.
12. Hours of Operation [**Update to state that emergency operations include direct waste deliveries by tanker only in the event that the ancillary adjacent de-packaging facility is not operational and cannot pump the feedstock**].

No operations hereby permitted, other than for emergency operations and the maintenance of plant and equipment which is essential for reasons of health and safety, including waste deliveries when the ancillary de-packaging facility is non-operational shall take place at the Site other than between the following hours:

- **07:00 to 07:00 hours Monday to Saturday**
 - **07:00 to 19:00 hours on Saturday**
 - **08:00 to 17:00 hours Sundays, Bank or Public Holidays].**
13. Emergency operations outside the normal permitted hours shall be reported to the Waste Planning Authority within 3 days of the event occurring **[Update to cross reference to the Hours of Operation condition number].**
14. The Site shall remain locked when the Site is unsupervised **[Update to cross reference to the Hours of Operation condition number].**
15. Access to the Site **[Update to refer to approved layout plan].**
16. All HGVs /service vehicles associated with the development shall leave the Site and join the public highway by turning right only.
17. No HGVs /service vehicles associated with the development shall leave the Site in a condition whereby mud, dirt or deleterious material is deposited on the public highway.
18. Waste carrying vehicle movements **[Update to state that emergency operations include direct waste deliveries by tanker only in the event that the ancillary adjacent de-packaging facility is not operational and cannot pump the feedstock. Repeat current restriction:**
- Waste carrying vehicles delivering to the Site shall not exceed 120 movements (60 in and 60 out) per week:**
- a) **a 6-day average of no more than 18 movements per day (9 in and 9 out) Monday to Saturday; and,**
 - b) **no more than 12 movements per day (6 in and 6 out) on Sundays and Bank or Public Holidays].**
19. General Environmental Protection.
20. Best practicable means shall be employed to minimise noise including keeping external doors closed, plant and machinery used or controlled by the operator within the Site being operated with engine covers closed, and with effective silencers fitted. Wherever possible, and without contravening health and safety requirements, all vehicles shall be fitted with non-audible reversing/warning safety systems which shall be maintained in accordance with the manufacturer's specification for the duration of operations.
21. General Appearance of the Site.

22. No burning of materials on the Site.
23. Litter picking of the site on a daily basis.
24. External lighting positioned to minimise light spillage and so as not to cause glare or nuisance to the occupiers of neighbouring businesses and to road users.
25. Drainage Scheme.
26. Storage of oils, fuels or chemicals sited on impervious bases and surrounded by impervious bunds.
27. Record keeping. **[Update to include records of vehicles delivering feedstock in the event of an emergency due to the ancillary de-packaging facility being non-operational].**

Informative 1: Knowledge of the Conditions

Informative 2: Advice from the Environment Agency (refer to relevant advice from previous permissions S.13/11/4004 W, S.09/05/4004 W and S.08/05/4004 W)

Informative 3: Community engagement advice.

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Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to planning@staffordshire.gov.uk and can only be provided by email.

Appendix 1 Relevant Planning History

Anaerobic Digestion (AD) /Biogas Facility

[S.08/05/4004 W](#) In August 2008 permission was granted for construction of a biogas facility including one service building, two fermenters, two storage tanks and a pad for silage. A landscaping scheme and wheel cleaning measures were later approved in April 2009 to discharge conditions 6, 7 and 9 ([S.08/05/4004 W D1](#)).

[S.09/05/4004 W](#) In May 2009 the site layout was varied, the digester size increased from 24,000 cubic metres to 30,000 cubic metres per annum (sufficient to generate 1.3MW of electricity), and the type of waste input was increased from on-site pig and cow slurry wastes to include municipal kitchen waste and de-packaged food waste. Permitted working hours were also increased from starting at 08:00 hours to 07:00 hours and finishing at 19:00 hours Monday to Friday and starting at 08:00 hours until 19:00 hours on Saturdays. Operations with the exception of deliveries of waste were also allowed from 08:00 hours to 17:00 hours Sundays and Bank Holidays. The number of vehicle movements were also increased from 6 to 10 per day. Drainage details were approved in July 2009 to discharge condition 16 ([S.09/05/4004 W D1](#)), and measures to minimise odour (alkaline scrubber system or carbon absorber) were approved in December 2009 to discharge condition 13 ([S.09/05/4004 W D2](#)).

[S.13/11/4004 W](#) In September 2013 the site layout was varied again in order to construct a third digester tank and increase the capacity of the facility to accept 45,000 tonnes of feedstock per annum and increase the electricity generation to 2.25MW. Also, as the AD facility is an automated process that operates 24 hours per day, 7 days per week, in order to ensure that the AD facility operates continuously, the operating hours and vehicle movements were varied. The planning permission allows 18 movements per day Monday to Saturday with no more than 12 movements Sundays, Bank or Public Holidays. 24 operating hours are also allowed: 07:00 – 07:00 hours Monday to Saturday. Earlier operating is allowed on Saturdays: 07:00 – 19:00 hours, however hours including waste deliveries remain the same for Sundays, Public and Bank Holidays: 08:00 – 17:00 hours. 2 weeks' notice was given in August 2016 for the commencement of construction works on the third digester tank (ref. [S.13/11/4004 W D1](#)).

[S.15/01/4004 W](#) In July 2015 a dedicated building (15m in length, 13m in width, and 12.8m in height with a storage capacity of 250 tonnes) was permitted to store the separated digestate fibre from the existing AD activities. The building was to be constructed on the site of the existing open air separate digestate fibre store adjacent to the entrance to the AD facility.

De-packaging Facility

[S.16/05/4004 W](#) In December 2016 permission was granted for demolition of existing farm building(s) and construction of a new building for use as a food de-packaging facility ancillary to the adjacent Anaerobic Digestion facility. The planning permission has 33 conditions, and the approved documents and plans (Condition 1) are being varied by the current application [S.19/08/4004 W](#). To summarise the permission approved the following:

- Building with total footprint of 1,350 square metres measuring 45.8 metres long by 30.8 metres wide and 13.35 metres at ridge height (12.6 metres at the eaves) in order to accommodate the requirement for articulated tipping lorries. The design is a steel portal framed concrete block structure with metal

cladding in a combination of non-reflective dark (forest) green and grey to match the existing structures on the adjacent AD site. Two 'in' and 'out' high speed roller shutter door entrances would be provided to ensure odour control and to facilitate efficient site operations. Equipment within the building would consist of a portable compactor, conveyors, a macerator, a separator, pumps, and telehandler and forklift.

- To the rear/north of the de-packaging building would be an area for odour abatement equipment, and a 500m³ above ground stainless steel liquid feedstock storage tank. Processed liquid feedstock from the de-packaging facility would be piped to the liquid feedstock storage tank before being fed directly to the digester tanks.
- An area of external concrete storage bays (for empty pallets, Intermediate Bulk Containers, animal manure and silage) would be located on the west side of the site, opposite the main entrance, and all above ground storage tanks would be located next to the western elevation of the building to minimise the connection distances from processing machinery and to allow for easy access.
- Portacabin offices and staff welfare units and car parking would be located to the south of the building next to the main entrance to the facility. The 2 portacabins would be 10 metres long by 3 metres wide by 2.5 metres high and would be stacked one on top of another (maximum 2 high).
- A new fully automated weighbridge would be installed and there would be two entrances/exits from the access road to the site. [The existing direct access to the AD site would be retained but the existing security fencing to the AD facility would be extended to the east, south and west sides of the proposed de-packaging facility with access gates for each entrance. This would comprise of a metal mesh fence with concrete posts].
- Landscaping would be extended around the de-packaging facility supplementing the planting around the AD facility. [The north of the site is formed by the existing bund to the AD facility. This would be retained in addition to the existing hedgerow and tree planting along the eastern and northern boundaries of the AD facility site (the planting scheme was approved [S.08/05/4004 W D1](#)) which would be extended around the de-packaging site].
- Condition 13 of the permission restricts the type of waste imported on to the site to non-hazardous municipal, commercial and industrial food waste and packaging thereof.
- Condition 14 restricts the quantity of waste material to a maximum of 45,000 per annum.
- Condition 18 restricts the hours of operation (including vehicle deliveries) to:

07:00hrs - 19:00hrs Monday to Friday;
07:00hrs - 17:00hrs Saturday;
08:00hrs - 17:00hrs Sundays and Bank or Public Holidays.

- Condition 25 restricts vehicle movements to 120 movements (60 in and 60 out) per week:
 - a) a 6-day average of no more than 18 movements per day (9 in and 9 out) Monday to Saturday; and,
 - b) no more than 12 movements per day (6 in and 6 out) on Sundays and Bank or Public Holidays
- Details of a foul and surface water drainage scheme were approved in June 2018 ([S.16/05/4004 W D1](#)) to discharge Condition 32. Details of a pre-demolition nesting bird check carried out on 11 February 2018, immediately prior to the demolition of the buildings, were acknowledged on 14 May 2018 ([S.16/05/4004 W D2](#)) in accordance with Condition 8. Notification of the commencement date (29 May 2018) of construction of the building for use as food de-packaging facility building was acknowledged 15 June 2018 ([S.16/05/4004 W D3](#)) in accordance with Condition 3 (a).

[S.19/08/4004 W](#) Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurization tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion facility. [Application not yet determined].

Lower Reule Farm

Lower Reule Farm began growing soft fruit in 1976 and provides all of its produce for supermarkets in the UK. Planning permission (reference [14/19941/FUL](#)) was granted in July 2014 by Stafford Borough Council (SBC) for the retention of over 12 hectares of polytunnels, and followed previous consents for 14.55 hectares and 11.8 hectares in 2009 and 2010 respectively. Polytunnel retrospective applications were received by SBC in March 2020 which are yet to be determined. The applications apply for the option to clad the tunnels in either clear or yellow polythene (Variation of condition 2 on application 09/11930/FUL; Variation of condition 2 on 10/14371/FUL, variation of condition 8 on 14/19941/FUL).

In December 2014 permission (ref [14/21039/FUL](#)) was granted by Stafford Borough Council for the demolition of the existing pack house building and erection of a replacement soft fruit chilled storage and pack house building in its place. The dimensions of the steel framed building finished in matte dark green steel cladding being 48 metres deep x 37 metres wide x 6.4 metres high to the eaves x 9.9 metres high to ridge. There are no restrictions on hours of operation or vehicle movements on the permission.

Since 1994 there however had been caravans on site occupied by seasonal workers. Permanent permission (ref [13/19179/COU](#)) was granted in October 2013 by Stafford Borough Council for the siting of caravans to house seasonal workers, this followed a temporary 2 year permission being granted in November 2008.

Land between Brookfield Farm and the application site

In November 2011 Stafford Borough Council permitted the demolition of a farm building

adjacent to the application site and erection of an agricultural building (23 metres x 40 metres x 12 metres high (8 metres at eaves- roller door opening 10 metres high)) (ref. [11/14903/FUL](#)). Whilst demolition has taken place, the building has not been built.

Units 5a and 5b Sprint Industrial Estate, Four Ashes, Staffordshire

Units 5a and 5b have been the subject of a number of planning permissions for the sorting and de-packaging of food waste by the company Lower Reule Bioenergy Ltd (LRBL). Permission was first granted for Unit 5a in July 2009 ([SS.09/03/655 W](#)) and permission was later granted for the adjoining premises Unit 5b in September 2010 ([SS.10/11/655 W](#)). Operating hours were then amended in October 2010 to allow operations on Saturday afternoons and on Bank Holidays ([SS.10/13/655 W](#)). In April 2011 a consolidating permission was then granted ([SS.10/19/655 W](#)) which allowed Units 5a and 5b to continue to operate as a joint site for the sorting and de-packaging of food waste and permission was also granted to demolish the existing industrial store and erect new office and staff facilities. The capacity of the facility was restricted to 45,000 tonnes of waste per annum (Condition 6) and waste movements restricted to no more than 5 bulked/tankered food waste exports from the Site (for delivery to Brookfield Farm) in any one day (Condition 7). No operations or deliveries were allowed on Sundays and the hours of operation were restricted to 0700 to 1900 Monday to Friday and 0700 to 1700 Saturday, Bank or Public Holidays (Condition 15 & 16). The de-packaging facility ceased operation in 2019.

In February 2016 planning permission was granted to 'Thermal Recycling (UK) Limited' for a change of use of Units 5a and 5b, which housed the de-packaging activity, to accommodate a facility for the thermal recycling of asbestos wastes (ref. [SS.14/18/655 W](#)). The facility is currently understood to be pre-operational.

LRBL were granted planning permission in June 2016 for the alteration and change the of use of existing industrial unit (Unit 5) to a food waste de-packaging facility including relocation of portacabin office and staff mess room from Units 5A and 5B Sprint Industrial Estate ([SS.15/10/6011 W](#)). This application was not implemented.

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Appendix 2 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

The development plan policies and proposals

[Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
 - - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.1 Landfill diversion targets
 - Policy 2.2 Targets for new waste management facilities required by 2026 to manage municipal, commercial & industrial, and construction, demolition & excavation waste streams
 - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - Policy 3.1 General requirements for new and enhanced facilities
 - Policy 3.2 Exceptions criteria for organic treatment in farm locations close to the urban areas/ broad locations
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

[The Plan for Stafford Borough](#) (adopted 19 June 2014)

- Spatial Principle 1 (SP1): Presumption in favour of sustainable development
- Spatial Principle 6 (SP6): Achieving Rural Sustainability
- Spatial Principle 7 (SP7): Supporting Location of New Development
- Policy E1: Local Economy
- Policy E2: Sustainable Rural Development
- Policy T1 Transport
- Policy N1 Design
- Policy N2: Climate Change
- Policy N4 The Natural Environment & Green Infrastructure
- Policy N8: Landscape Character

[Gnosall Neighbourhood Plan](#) (made /adopted 24 November 2015)

- Key Objective K01: Employment, Rural Diversification and the Local Economy

- Key Objective KO4: Environmental Protection and Community Facilities
- Policy 2 – Rural Diversification
- Policy 6 – Support for Good Design

The other material planning considerations

- [National Planning Policy Framework](#) (updated February 2019):
 - [Section 1](#): Introduction
 - [Section 2](#): Achieving sustainable development
 - [Section 4](#): Decision-making
 - [Section 6](#): Building a strong, competitive economy
 - [Section 8](#): Promoting healthy communities
 - [Section 9](#): Promoting sustainable transport
 - [Section 11](#): Making effective use of land
 - [Section 12](#): Achieving well-designed places
 - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
 - [Section 15](#): Conserving and enhancing the natural environment
- [Planning Practice Guidance](#)
 - [Design](#)
 - [Flood risk and coastal change](#)
 - [Health and wellbeing](#)
 - [Light pollution](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Renewable and low carbon energy](#)
 - [Travel Plans, Transport Assessments and Statements](#)
 - [Use of planning conditions](#)
 - [Waste](#)
 - [Determining planning applications](#)
 - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014)
 - Determining planning applications (paragraph 7)
 - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
 - Appendix B – locational criteria:
 - a) protection of water quality and resources and flood risk management
 - b) land instability
 - c) landscape and visual impacts
 - d) nature conservation
 - e) conserving the historic environment
 - f) traffic and access
 - g) air emissions
 - h) odours
 - i) vermin and birds
 - j) noise, light and vibration

- k) litter
- l) potential land use conflict

- The new waste strategy [‘Our Waste, Our Resources: A Strategy for England’](#) published in December 2018

[Return to Observation section of the report.](#)