

PLANNING STATEMENT

**Section 73 Application- Enfield AD (Resubmission
of 21/2375/VAR)**

Variation of Conditions to 15/1512/FUL

Prepared for: Gorst Energy Ltd

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Executive Summary

Gorst wishes to increase production of renewable energy at its AD plant at Enfield Farm, Clyst St Mary. The facility currently generates 3 megawatts (MW) of renewable energy which is injected directly into both the local gas and electricity grids to supply homes and businesses in the East Devon and Exeter area. The proposed changes would increase this to 4MW without the need to construct any additional plant.

Gorst believes this is a very important and timely application for the following reasons:

- **Fuel poverty** – The UK is currently going through significant inflationary pressures which will impact on the welfare of large numbers of people across the country. Fuel bills are at record levels and it is likely that from Autumn 2022 some people will be forced to choose between heating their homes and buying food. The Gorst AD facility generates renewable gas at a largely fixed price which is well below the current market price and helps protect consumers against current market fluctuations.
- **Environmental** – In 2019, East Devon District Council signed up to the Devon Climate Change Declaration. The proposed increased output from the AD facility would contribute green, low carbon energy and further support the achievement of the UK Government's target in the Climate Change Act to achieve 'net zero' carbon emissions by 2050. The latest report issued by the UN's Intergovernmental Panel on Climate Change (IPCC) on 9 August 2021 was referred to by the UN as "*a code red for humanity*".
- **Stable energy production** – Unlike other forms of renewable energy, AD plants produce consistent and predictable quantities of gas and electricity irrespective of weather conditions and daylight. It therefore supplies consistent baseload energy to the national grid.
- **Carbon footprint** – The AD facility currently saves 3,387 tonnes of CO₂ per annum. At the increased level of production this would become 6,774 tonnes of CO₂ per annum. This is equivalent to taking 1,500 cars off the road or is equivalent to 1.2% of the total carbon footprint of Exeter.
- **Energy self-sufficiency** – The Russian invasion of Ukraine has brought into sharp focus how reliant Europe and the UK is on imported gas. The UK currently imports 52% of its gas from overseas, predominantly from Norway. Europe has identified gas from AD as a key part of moving away from Russian gas and towards local energy production, since unlike other renewable technologies it produces gas rather than electricity.
- **Organic fertiliser** – The reduction of trade with Russia has meant that many artificial fertilisers now have a restricted supply into the UK. This has resulted in the price of artificial fertiliser rising from circa £230 per tonne to +£750 per tonne. Prices are expected to rise further next year. The result of this will be that many farmers will either face hardship by growing crops at a loss or will not grow certain crops leading to a shortage of some foods. AD facilities produce a high-quality organic fertiliser that replaces the need for artificial fertiliser. Gorst protects its agricultural partners by supplying them with the organic fertiliser produced at the AD plant; this is used not only on energy crops used to supply the AD facility but also on crops for the wider food chain. It is also used on pasture land and helps to improve grazing for dairy farmers.
- **Support to the local economy** - The proposed increase in throughput at the AD facility would strengthen the contribution that it makes to the local economy to £4m per year (currently £3 million). This money goes directly into companies (feedstock suppliers/ maintenance providers etc) providing jobs and services in the local area. This enhances the circular economy within East Devon with regard to the key objectives of keeping products and materials in use; regenerating natural systems, and eliminating waste and pollution.

- **Research and Development** – Gorst enjoys a number of ties with academic studies in Exeter which are identifying further ways to enhance environmental savings. These studies include hydrogen, fertiliser production and using waste heat to make a more sustainable UK shellfish industry. These projects have the ability to further enhance the green credentials of East Devon and Exeter and to help it transition to a net zero region.

Since commencing operations in 2015 the AD plant has made a valuable and substantial contribution to renewable energy generation in East Devon. It already generates sufficient green energy to supply 2,389 homes in Exeter and East Devon with gas for heating, and a further 934 homes with electricity. The proposed increase in throughput would increase the number of homes that can be supplied with gas to 3,538 and electricity to 1,570.

To achieve the proposed increase in energy generation and additional fertiliser output it is necessary to increase the tonnage and type of feedstock. These matters are controlled through conditions attached to the existing planning permissions at the site; the conditions contained similar wording but cover different parts of the site. Consequently, two planning applications have been prepared to vary the relevant conditions that allow the increased import and export of materials.

A previous proposal to vary the conditions was refused on appeal. Other than a query regarding which permissions required variation, the concern raised by the appeal Planning Inspector was in relation to increased traffic noise and the potential impact this might have on local residents; in particular, the amenity of residents living at the bungalow on the site access road. In direct response to this, Gorst commissioned an independent noise report to identify the level of noise that might result from the additional traffic movements. This report is provided in full as an appendix to this Planning Statement but, in summary, the detailed assessment (undertaken in accordance with the relevant British Standard) has demonstrated that there will be no significant increase in traffic noise for any local residents.

A further report has been undertaken to consider potential noise arising from the AD plant itself as a result of the higher level of production. This report is supported by a commitment from Gorst to noise reduction measures. The proposed noise reduction levels are set out in a technical report appended to this application, and implementation of the measures are already well advanced with completion expected in May 2022.

It is therefore concluded that there are no material considerations that would outweigh the clear local and national need for additional energy generation.

1.0 Introduction

This document comprises a Planning Statement prepared by SLR Consulting Ltd (SLR) on behalf of Gorst Energy Ltd (Gorst) This Planning Statement is being submitted to East Devon District Council (EDDC) in support of a Section 73 planning application (resubmission) at the Enfield Farm Anaerobic Digestion (AD) facility in Clyst St Mary, near Exeter, Devon.

The planning application forms one of a pair of applications being submitted concurrently for the Enfield Farm AD facility.

1.1 Resubmission Update - April 2022

A Section 73 planning application was validated on 3 September 2021 and given reference number: 21/2375/VAR. During the determination process and in consultation with East Devon District Council's Environmental Health Officer (EHO) it was recommended that the application be withdrawn and resubmitted to address noise standards that had not been addressed in the submitted application. Subsequently the planning application (21/2375/VAR) was withdrawn on 10 November 2021.

At a meeting in October 2021, feedback from the EHO and Environment Agency (EA) highlighted that Condition 8 referred to a noise standard that was not fit for purpose. Both the EHO and the EA wished BS4142+2014: *Methods for Rating and Assessing Industrial and Commercial Sound* (BS4142) to be used as the standard for addressing both plant noise (Condition 8) and traffic noise (Condition 5), the subject of planning application 21/2375/VAR).

Concern was also expressed that operational noise from the plant may increase and additional noise attenuation measures may be required to avoid any adverse impacts. The EHO wishes Condition 8 to set a new limit for noise emissions that would ensure that local residents do not experience any adverse impacts as a result of the increase in throughput at the plant.

Therefore, it is necessary to vary Condition 8 to refer to BS4142, hence why application reference 21/2375/VAR has been withdrawn and resubmitted. The proposed approach was confirmed by the Local Planning Authority in an email dated 10 November 2021 (**Appendix 08**). This planning application is substantially the same in all other aspects as the previous submission for application 21/2375/VAR.

1.2 Overview of the application

This Planning Statement has been prepared on behalf of Gorst in support of a Section 73 planning application to vary three conditions of the extant consent 15/1512/FUL at the Enfield Farm Anaerobic Digestion (AD) facility located in Clyst St Mary (the Site). A copy of permission 15/1512/FUL is provided in **Appendix 03**. A Site Location Plan Dwg 001 and Site Boundary Plan Dwg 002 for this application are provided at **Appendix 02**.

In parallel, a second application is being submitted to vary planning permission 17/0650/VAR. Both planning permissions (15/1512/FUL and 17/0650/VAR) contain similar conditions that control matters relating to the operation of the Site, but the permissions relate to different site footprints.

Due to the terms of the conditions attached to permissions 15/1512/FUL and 17/0650/VAR, it is necessary to seek a variation to both planning permissions to facilitate the use of additional by-products and manures for increased production of renewable energy and its contribution to meeting local energy demand. In addition, the

applications seek to vary operational controls over plant noise and odour where the planning permissions have become out of step with the Environmental Permit regulated by the Environment Agency (EA).

This planning application, in respect of permission 15/1512/FUL, therefore seeks to:

1. vary the wording of condition 3 relating to the site's Odour Management Plan to reflect changes agreed with the Environment Agency from time to time;
2. vary Condition 5 of the appeal decision notice in order to replace 'per annum' with 'per calendar year';
3. vary Condition 5 of the appeal decision in order to increase the annual tonnage of feedstock input into the AD plant from 26,537 tonnes to approximately 66,000 tonnes per year and consequently to increase the annual tonnage of digestate exported from the site from 21,354 tonnes per annum to approximately 56,000 tonnes per annum; and
4. vary condition 8 to require that operation of the AD plant is measured against BS4142 and ensure that noise levels from the plant do not adversely affect residential receptors.

The precise wording of the proposed variations is set out in Section 4.0 below.

1.3 Reasoning behind two parallel applications

The two current planning applications to vary permissions 15/1512/FUL and 17/0650/VAR follow an appeal decision dated 26 November 2020 in which the Inspector's Report identified potential procedural issues with a previous application for a similar variation. A Section 73 planning application for the variation of conditions 2, 5, 7 and 10 of planning permission 17/0650/VAR was refused on 4 June 2019. The decision notice set out the following reason for refusal:

"Insufficient information has been submitted to demonstrate that the increase in throughput of the digester and scale of operations, without any increased infrastructure to process the increased inputs, would not have a detrimental impact upon its surroundings through noise and smell disturbance together with the impact of increased traffic movements on nearby residents. Accordingly the proposed development is considered to be contrary to Strategy 7 (Development in the Countryside) and Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan."

The subsequent planning appeal (reference APP/U1105/W/19/3234261) was submitted on 30 July 2019 and was dismissed by the Planning Inspector on 26 November 2020 (see **Appendix 04**). In his decision the Inspector stated two main issues in the appeal (para 16) which led to it being dismissed:

1. *"The effect of the proposed planning conditions on the living conditions of nearby residents.*
2. *The effect of granting a new permission pursuant to section 73 of the 1990 Act on the integrity of the planning system, given that it would result in different permissions subject to different conditions for overlapping sites. This is not an issue that is contested by EDDC and I invited comment from the parties. Their respective written submissions have been taken into account in dealing with this issue."*

This application focuses on addressing the issues that were considered by the Inspector to require resolution.

The Inspector's comments regarding the planning procedural issue regarding the permissions to be varied has been addressed by submitting two planning applications in parallel to East Devon District Council to cover each of the two overlapping permissions relevant to operation of the Site. This document addresses permission 15/1512/FUL, whilst the parallel application covers permission 17/0650/VAR. The submission of two Section 73 applications in parallel will ensure that, if granted, the whole Site would be covered by the same conditions.

1.4 The Applicant

Gorst is part of the Ixora group, a specialist renewable energy company that manages five AD plants based in the Southwest. Ixora has recently won the Sustainability award at the Exeter Living Awards 2022. The judge observed

“Ixora are heading the race towards a greener future and powering nearly 13,000 homes by renewable energy. Truly sustainable in nature”.

Ixora is proud of its track record of supporting the environment and rural communities. Where possible it purchases goods and services from the local area and employs people in well paid jobs who live in the vicinity. The Gorst site works closely with local agricultural producers and farms who provide feedstock to the plants and make use of the digestate as fertiliser for their land – supporting economic and environmental sustainability of the agricultural sector.

1.5 Pre-Application Advice

A pre-application advice request was submitted to EDDC as the Local Planning Authority (LPA) on 3 June 2021 to seek advice on the following matters:

1. the appropriate noise standard to determine the acceptability of HGV delivery noise;
2. use of Section 73 procedure; and
3. confirmation that the LPA accepts the position on matters as set out in the appeal decision APP/U1105/W/19/3234261.

Pre-application advice was issued by EDDC on 20 August 2021 (see **Appendix 07**) which provided the following advice:

1. The appropriate noise standard to determine the acceptability of HGV delivery noise

The Council’s Environmental Health Officer responded as follows: *“Having reviewed the submitted documentation I agree that the most appropriate guidance to use for assessing the noise impact of the access road, is British Standard 4142:2014+A1:2019 Methods for rating industrial and commercial sound.*

I am satisfied with the suggested baseline background methodology, the identified character corrections and the general scope of the assessment”.

2. Use of the s73 procedure and 3. Confirmation of the position of EDDC in relation the appeal

The Council’s Planning Officer responded as follows: *“The Council remains of the view that it presented at the time of the recent appeal and therefore a variation of conditions application (s73) for applications 17/0650/VAR, and 15/1512/FUL would be acceptable as the same conditions are replicated on each decision”.*

This response has been taken as endorsement of the approach proposed by the Applicant, which has been adopted in this application and the parallel Section 73 application in respect of permission 17/0650/VAR.

Subsequent to the submission of application 21/2375/VAR, further advice was sought from the Local Planning Authority as to the best way of addressing the issues that had been raised during consultation in respect of Condition 10. The Council’s Planning Officer provided the following advice on 10 November 2021 (see **Appendix 08**):

“In our view the most straightforward and transparent approach would be to withdraw the current applications and submit new comprehensive Section 73 applications including the variation to condition 10 of the previous approvals in addition to the other conditions.

We consider that the submission of new applications will reduce confusion for all parties, and will further allow any additional issues raised by the current applications to be addressed within the supporting documentation.”

1.6 Extant planning permissions

The planning history for the Site dates back to 2014 and is summarised in **Table 1-1** below.

Table 1-1: Planning History Records

Application Reference	Description of Development	Decision	Decision Date
18/2437/MFUL	Installation of a roof and roller shutter door to existing storage clamp; installation of dome to collect residual gas and installation of digestate processor unit	Approved	19 Jun 2019
18/2173/VAR	Variation of conditions 2, 5, 7 and 10 of planning permission 17/0650/VAR to allow increase annual tonnage of crop input from 26,537 to 66,000 tonnes and increase annual tonnage of digestate exported from the site from 21,354 to 56,000 tonnes and vary wording of Odour Management Plan	Refused Appeal Dismissed	04 Jun 2019 26 Nov 2020
17/0650/VAR	Variation of condition 7 (ii) of planning permission 15/1473/VAR to allow alternative site for feedstock source and variation of condition 7 (iii) to alternative destinations for digestate, and variation of condition 2 (plans condition) to replace approved transport statement	Approved	01 Nov 2017
15/1512/FUL	Extension to anaerobic digester plant to provide new site entrance, weighbridge, gas upgrade plant, propane tanks, digestate storage lagoon and underground leachate tank, turning circles, surge wall, drainage channels and chambers with associated landscaping and earth bunds	Refused- Allowed on Appeal	19 June 2017
15/1473/VAR	Variation of condition 2 (plans condition) of planning permission 14/0858/MFUL to alter infrastructure and layout of an Anaerobic Digester Plant	Approved	23 Aug 2016
14/0858/MFUL	Construction of agricultural anaerobic digester plant for production of renewable energy	Approved	24 July 2014

The most recent planning permission 18/2437/MFUL has not yet been implemented but provides the necessary consent to upgrade the odour management of the Site following variation to the operating conditions that are the subject of this application and the parallel application in respect of permission 17/0650/VAR.

1.7 Requirement for EIA

1.7.1 Previous EIA Screening

Having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) which require that any change to an EIA development is screened in order to determine whether the development, as changed or extended, would have significant effects on the environment, a Screening Opinion Request (SOR) was submitted on 29th March 2018 (reference 18/0010/EIA) to EDDC for the refused application reference 18/2173/VAR under Section 6 the EIA Regulations (the 'original SOR').

The original SOR identified that the proposed development would:

- not change the nature of the operations carried out at the AD facility;
- not result in any additional built development;

- not therefore have any effect on the external appearance of the existing AD facility; and
- continue to provide a source of renewable energy but at an increased rate.

The proposed change would therefore have no additional significant effects that have not already been considered as part of the original ES for the AD facility as there are no built elements associated with this application. The Local Planning Authority confirmed this in writing in their Screening Opinion dated 4 September 2018 where they stated:

“It is the opinion of the Council that there will be no requirement for this development proposal to be subject of a formal Environmental Impact Assessment.

This opinion has been adopted after consideration of the following facts and issues:

Your proposal falls outside the definition of development within Schedule 1 of the Regulations (i.e. where E.I.A. is mandatory) but within the definition of development within Schedule 2 of the Regulations, where E.I.A. may be required.

Having identified the proposal as Schedule 2 development, the Council has assessed your scheme in the light of the criteria and guidance contained within the Regulations.

Under the descriptions of development outlined within Schedule 2 of the Regulations it is clear that the proposal falls within Schedule 2 part 3a energy industry where the applicable threshold is 0.5 hectares and 11 (b) installations for the disposal of waste.

Having considered the proposal against the criterion in Schedule 3 it is considered that none of the selection criteria would trigger the requirement for an EIA.”

1.7.2 Screening for this Application

The EIA Regulations set out in Schedule 1 descriptions of development and relevant criteria that if met by a proposed development would mean that it is referred to as ‘Schedule 1 Development’; and is automatically ‘EIA Development’ and therefore EIA is mandatory. The Proposed Development does not fall into the Schedule 1 criteria so must be screened against the Schedule 2 criteria.

The EIA Regulations Schedule 2 provides descriptions of development and relevant criteria that if met by a proposed development mean it is referred to as ‘Schedule 2 Development’. In this case in order to establish whether such development is ‘EIA Development’ it has to be reviewed against the screening criteria in EIA Regulations Schedule 3. These criteria are used to determine whether a proposed development is ‘likely to have significant effects on the environment by virtue of factors such as its nature, size or location’.

The proposed development does not fall under any description of development within Schedule 2 and it is not in an environmentally sensitive area. Furthermore, it is similar in principle to the previous proposed development subject of application 18/2173/VAR which the Local Planning Authority confirmed did not trigger the requirement for EIA. As such the applicant proposes to the LPA that the proposed development should be considered as a ‘non EIA development’ and should be treated as such in the decision making process.

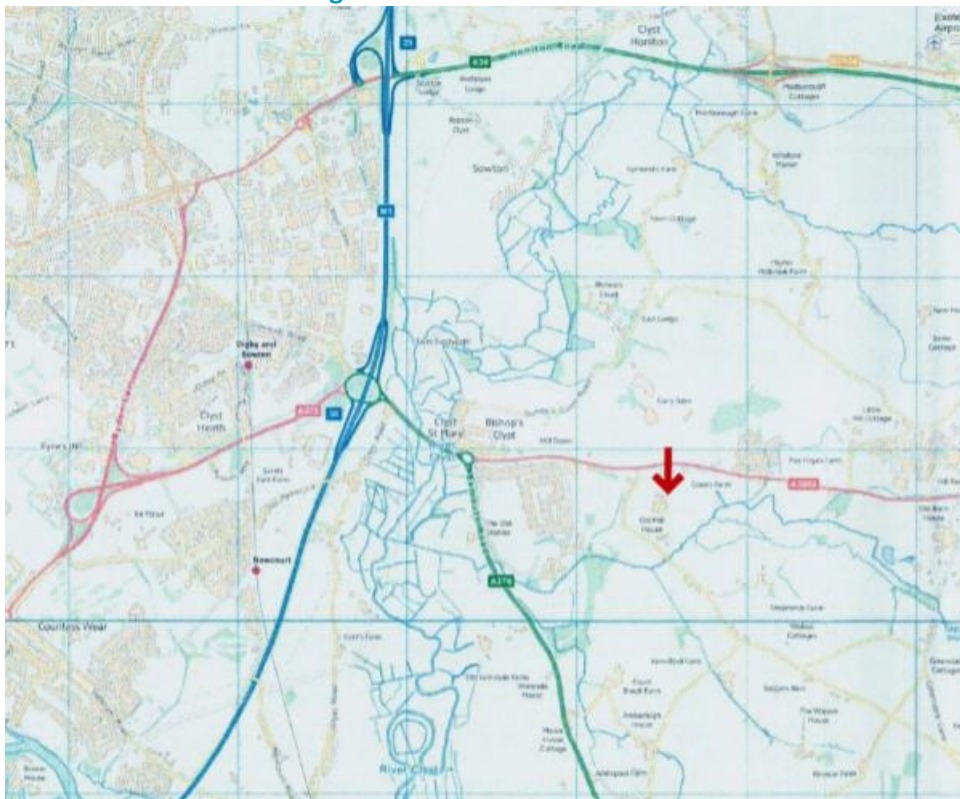
2.0 Site Location and Description

2.1 The Site Location

The Site location is centred on NGR SX 98499 90675. It is located adjacent to Enfield Farm, Oil Mill Lane, Clyst St Mary, EX5 1AF and is accessed via the A3052. The village of Clyst St Mary is situated c.500m to the west whilst Exeter City Centre is approximately 6km to the northwest. The Site location is shown on Figure 2-1 below.

The Site is in the County of Devon and within the East Devon District Council (EDDC) administrative area; and is approximately 2 km from the M5. The red line boundary for this planning application is the same as the boundary of planning permission 15/1512/FUL. The Application Boundary Plan is provided in **Appendix 02**.

Figure 2-1- Site Location Plan



2.2 Site and Surroundings Description

The Site comprises an irregular shaped parcel of previously agricultural land with a hedge border. The existing AD facility comprises a digester tank, two digestate storage tanks, a gas storage dome, a digestate processor unit and associated infrastructure including operational equipment, offices and agricultural feedstock storage structures. A 1.2m high retaining wall surrounds the facility with a 6m wide gated access.

The site access is located to the northwest and comprises a tarmac road which leads to the AD facility from Oil Mill Lane. To the north is the Dartline Coaches Depot with the Enfield pig farm immediately adjacent to the site and to the west, beyond which are residential properties. Agricultural land extends to the east and south.

It should be noted that while the AD facility is located at Enfield Farm it is completely separately owned and operated from the Farm and pig unit itself.

The closest residential property to the Site is known as 'the Bungalow' and is located on the access road that leads to the Site from Oil Mill Lane.

3.0 Description of Development

Gorst, the owner and operator of the Enfield Farm AD facility, is seeking to maximise the potential renewable energy generation capabilities of the existing AD plant by the introduction of more and varied feedstock including an increase in the use of agricultural wastes and by-products. Gorst is therefore applying to vary the existing consent, to include the processing of waste dairy and additional agricultural by-products and farm manures and to increase the total throughput of feedstock. As a result of the increased throughput, there will be an increase in energy (electricity and gas) generation and organic fertiliser outputs (digestate). No additional plant or equipment is required to achieve this, the increased throughput will be achieved by the implementation of operational efficiencies within the plant.

The purpose of the Enfield Farm AD facility is to generate renewable energy. The AD process produces a gas ('biogas') which can be used as a substitute for natural gas, either by injection into the national grid locally for heating homes and businesses, or converting into electricity to provide power, again via the national grid, to homes and businesses. Both these processes take place at the Site, and the AD facility therefore comprises a significant renewable energy generation facility for East Devon, Exeter and the surrounding area.

Having successfully operated the AD plant for six years, Gorst has established that it can improve the efficiency and capacity of gas production at the facility through the introduction of additional and more varied waste feedstock inputs with only internal adjustments to the plant. The proposed volumes represent an increase in the waste proportion of the total mix from circa 27% to circa 52%.

The proposed changes will increase the production of renewable energy in the form of both gas and electricity, by 48% for gas supply and 68% for electricity as set out in **Table 3-1**.

Table 3-1: Summary of proposed additional renewable energy generation

	Existing AD plant	With proposed development (cumulative)	% increase
Annual gas output kW/year¹	32,488,650	48,120,870	
Average no. of homes supplied	2,389	3,538	48%
Annual electricity output kW/year	3,363,840	5,650,200	
Average no. of homes supplied	934	1,570	68%

The additional biogas produced by the proposed increase in tonnage would directly supply local homes and businesses with renewable energy. The increased tonnage and feedstock types would provide a total output from the AD plant of renewable energy equivalent to fully powering 3,538 homes with gas and 1,570 homes with electricity.

To provide context for the significance of this renewable energy generating plant and the potential impact of the proposed development in terms of energy supply, there are approximately 55,000 homes in Exeter of which 85% are heated by gas. The proposed changes in feedstock would result in the generation of sufficient energy to supply approximately 6.5% of all homes in Exeter with gas and 3% of all homes in Exeter with electricity.

Unlike some other forms of renewable energy, energy generated by AD facilities such as this is not dependent on weather conditions or the seasons, and therefore contributes to base load energy supply. This form of energy

¹ Kilowatts per year

generation is particularly valuable to the national grid and network operators, allowing them to plan their operations and providing energy all through the year irrespective of weather and daylight conditions.

The increased production of organic fertiliser as a further output of the anaerobic digestion process would be used by local farmers in place of other fertilisers including artificial fertiliser. Artificial fertiliser produces a large CO₂ footprint and UK supplies are heavily dependent on both fossil fuels for production and imports from Russia, which has led to massive increases in costs to farmers in recent months².

Currently, under the existing planning permissions, the plant is permitted to import approximately 26,537 tonnes of feedstock consisting of:

- pig slurry – 6,000 tonnes;
- farm manure – 1,000 tonnes;
- maize silage - 16,537 tonnes; and
- wheat – 3,000 tonnes.

Other than pig slurry which comes from the neighbouring farm, feedstock is brought from various local farms on the local highway network.

The proposed development would increase the imported tonnage from 26,537 tonnes to approximately 66,000 tonnes per annum. The proposed increase in feedstock streams which is the subject of this application is as follows:

- pig slurry - 12,000 tonnes (provided by adjacent pig farm);
- farm manure – 18,822 tonnes;
- crops - 32,064 tonnes; and
- various agricultural and dairy industry by-products (e.g. lactose, whey) 3,285 tonnes.

This would result in a total annual tonnage of 66,171 of which 54,171 tonnes would be brought in on the highway network (pig slurry is brought in directly by a pipeline from the adjacent farm). The imported tonnage represents feedstock that is already being transported on local roads or through the area on the highway network as this material already requires transport from where it is generated to where it is processed / disposed of. Therefore, whilst there would be incremental traffic movements onto the Site, there would be little incremental movements on local roads. This was recognised by the highway authority in their response to the previous application 18/2173/VAR.

The increased input of feedstock would result in an increase in the annual tonnage of digestate exported from the Site from 21,354 tonnes per annum to approximately 56,000 tonnes per annum. Winter storage of digestate during the 'closed' spreading season, as required by the Environment Agency, is provided on-site and through lagoon storage at Denbow Farm, Exmouth and Rixenford Lane, Upton Pine.

The implications for traffic movements on the highway network were deemed satisfactory by the Inspector in his consideration of the appeal, and were also not listed as a reason for refusal in EDDC's decision on planning application 18/2173/VAR. This aspect of the proposed development is therefore considered to be satisfactory and is not considered further in this Planning Statement.

² <https://www.bbc.co.uk/news/uk-politics-60917719>

The potential noise impact of higher levels of vehicle movements on the site access road is addressed in Section 6.1 Noise.

Whilst the proposed increase in throughput would not require any additional plant to be installed at the site, there would be a need for existing plant to operate at a higher rating. The potential for an increase in noise has been recognised by the applicant and will be mitigated through the implementation of noise attenuation (reduction) measures. These proposed attenuation measures are set out in an independent report undertaken by Industrial Noise & Vibration Centre Limited (INVC) which is attached at **Appendix 09**. The recommendations set out in the report have been accepted in full by Gorst, and are being implemented accordingly.

Noise issues in respect of the operation of the AD plant are addressed in Section 6.1 Noise.

The site operates under an approved odour management plan (OMP) referenced in condition 3 of planning consent 15/1512/FUL (Appeal Decision APP/U1105/W/17/3167903) (**Appendix 03**). At the time that the original planning permission was granted, the OMP dated October 2015 was the current plan prepared to satisfy the requirements of the Environmental Permit, which is concerned with the operation of energy and waste facilities and is regulated by the Environment Agency (EA).

The Environmental Permitting regime allows for updates to management measures such as the OMP in order to ensure that management controls at the Site reflect current good practice. This is what has happened at the Enfield Farm AD facility, with the result that the current OMP approved under the Environmental Permit by the EA has evolved to reflect good practice and is now different to the OMP dated October 2015.

The wording of Condition 3 as currently drafted does not allow for such improvements to the OMP. A variation to condition 3 of permission reference 15/1512/FUL to allow for upgrade of the OMP in line with the Environmental Permit is therefore proposed as part of this application.

Odour management issues are addressed in Section 6.2 Odour.

4.0 Proposed Variation to Conditions

The following provides proposed wording for the three conditions that require variation for the reasons described in Section 3.0.

Condition 5 (15/1512/FUL) Feedstock & Digestate:

“The feedstock and feedstock delivery for the anaerobic digester shall be as set out in the supporting information submitted with application number xxxx [to be allocated] and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions below. For the avoidance of doubt the proportions per calendar year are:

- *Pig slurry - 12,000 tonnes (provided by adjacent pig farm).*
- *Farm manure – 18,822 tonnes*
- *Crops - 32,064 tonnes; and*
- *Various agricultural and dairy industry by-products (e.g. lactose, whey) 3,285 tonnes;*

The principal use of the site shall thereafter be restricted to:

- a) The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;*
- b) Generation of electricity and heat and other ancillary operations associated with the above activities.”*

Condition 3 (15/1512/FUL) Odour Management Plan:

“The development hereby permitted shall be carried out in full accordance with the current Odour Management Plan approved by the Environment Agency from time to time.”

Condition 8 (15/1512/FUL) Noise:

“A noise mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

<i>Location</i>	<i>Day-time (07:00 until 23:00)</i>	<i>Night-time (23:00 until 07:00)</i>
<i>A</i>	<i>48</i>	<i>37</i>
<i>B</i>	<i>47</i>	<i>36</i>
<i>C</i>	<i>42</i>	<i>34</i>
<i>D</i>	<i>48</i>	<i>37</i>

when measured or determined at the at the boundary of any noise sensitive property (other than the Bungalow on the site access road which shall not exceed 10dB(A) above the pre-existing night-time and day-time background noise levels for as long as it is in use by staff working at the AD site). Any measurements and calculations shall be carried out in accordance with ‘BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound’.

5.0 Planning Policy Review

5.1 Introduction

This section reviews relevant planning policy guidance at national and local levels and considers the degree to which the proposals comply with guidance and policy in respect of energy, waste and climate change.

5.2 National Planning Policy Framework

The National Planning Policy Framework (NPPF) (updated July 2021) states, in paragraph 2, that planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for the Site is considered in section 4.3.

Achieving sustainable development

Paragraph 7 details that *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*

Paragraph 8 continues by detailing that *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

The presumption in favour of sustainable development is detailed in paragraph 10, which states: *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)”*.

Paragraph 11 goes on to say that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF also seeks to control the environmental impact of new development and paragraph 185a states that planning decisions should ensure that new development is appropriate for its location. Planning decisions should seek to mitigate and reduce to a minimum potential adverse impacts resulting from new development and avoid giving rise to significant adverse impacts on health and the quality of life.

The application will increase the feedstock throughput and thus increase and maximise, the renewable energy output of the site. In additional contractual arrangements with local farm providers of feedstock ensure best practice within their operations and this contributes to good land stewardship and protection of the natural environment - meeting the Environmental Objective of the NPPF.

Further benefits to the sustainability of the agricultural sector in the area such as supporting jobs and decarbonising operations contribute to the Economic and Social Objectives of the framework.

Any adverse impacts of the AD plant itself on the natural and built environment, and on the local residents and communities in the area, have been assessed as part of the original consent and subsequent amendments. These approvals deemed the balance between the plant's impacts and the benefits of renewable energy production were acceptable in favour of the development. The noise report associated with the application addresses the impact of the noise related to additional deliveries and as the proposal has no built development there will not be any significant adverse impacts on health and quality of life and therefore it is considered to be in accordance with the NPPF.

Decision making

Paragraph 38 identifies that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

The proposed development would contribute to the economy through increasing the generation of renewable energy, the provision of digestate as a fertiliser for local farms, and the direct and indirect spend in the local economy; thereby supporting local employment and local businesses to the benefit of local communities. The existing AD plant currently benefits the local economy through expenditure on employment of staff, goods and services to the value of approximately £3 million a year; the proposed development would increase this to around £4 million a year.

The proposed development also contributes to environmental conditions by managing wastes through a process that reduces methane generation, methane being one of the main contributors to global warming. Wastes that previously were spread on the land releasing CO₂ into the atmosphere, under this proposal, will be processed by the plant. As such, the development proposals fully accord with the requirement for sustainable development which is the overarching principle of NPPF.

Building a strong, competitive economy

Paragraph 80 notes identifies that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future...”*

Paragraph 83 continues by stating that *“Planning... decisions should recognise and address the specific locational requirements of different sectors...”*

Supporting a prosperous rural economy

Paragraph 84 identifies that *“Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*

The proposed development seeks to enable sustainable growth of a rural business in a way that will support local farms through acceptance of crops and agricultural by-products, and the provision of digestate as a substitute fertiliser, contributing to development of a circular economy within East Devon with regard to the key objectives

of keeping products and materials in use; regenerating natural systems and eliminating waste and pollution³. The existing contribution of the site to the local economy, amounting to approximately £3 million a year, will be increased by a further 33% as a result of the proposed development to around £4 million. In the context of paragraph 84, such a contribution to the rural economy should be encouraged through the planning process.

Planning for climate change

Paragraph 158 states: “When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable...”

The contribution of the proposed development to climate change is at the core of the application. The significant increase in production of renewable energy associated with the increased throughput of the AD plant makes a substantial contribution to climate change and cutting greenhouse gas emissions.

As regards the acceptability of the potential impacts, the only potential concern raised by the Inspector in his appeal decision on the earlier application was impact on amenity of nearby residents through increased traffic noise; this matter has been addressed in full in this application and is considered to meet the relevant British Standard for noise (*BS4142:2014+A1:2019 Methods for rating industrial and commercial sound*).

On the basis of Paragraph 158, there is clear and unequivocal support in National policy that planning permission should be granted.

5.3 Climate Change

5.3.1 Government advice⁴ for local authorities

As regards local authorities’ statutory duty towards climate change, Government advice on the Ministry of Housing, Communities and Local Government states that ‘In addition to supporting the delivery of appropriately sited [green energy](#), effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases’.

5.3.2 Climate Change Act 2008

The Climate Change Act established a legally binding target to reduce the UK’s greenhouse gas emissions by at least 80% in 2050 from 1990 levels. This was amended in 2019 to require reduction of emissions by at least 100% in 2050.

Two of the four opportunities highlighted by Government to mitigate climate change by reducing greenhouse gas emissions are relevant to the proposed development:

‘Providing opportunities for [renewable and low carbon energy technologies](#).

Providing opportunities for decentralised energy and heating’.

The proposed development provides a significant opportunity for contributing to climate change within East Devon. This is clearly demonstrated in the Carbon Assessment Report that has been undertaken in accordance

³ Key objectives definition as set out by the Ellen Macarthur Foundation www.ellenmacarthurfoundation.org

⁴ <https://www.gov.uk/guidance/climate-change#statutory-duty-on-climate-change>

with the Government's Renewable Heat Initiative (RHI) sustainability reporting requirements (full report provided in **Appendix 06**, summary of key findings at section 5.3).

5.4 National Planning Policy for Waste

The NPPW sets out the Government's policies for working towards a more sustainable and efficient approach to resource use and provides a framework for businesses and communities to take more responsibility for their waste, including by enabling it to be disposed of without endangering human health or harming the environment.

The NPPW recognises the need to drive waste management up the waste hierarchy, with other recovery such as Anaerobic Digestion which produces energy preferred over disposal without energy recovery. In the absence of a local AD facility that is able to accept agricultural by-products, the proposed additional waste feedstock would likely be spread on fields releasing CO₂, i.e. at the lowest level in the waste hierarchy. The proposed development therefore supports National waste policy in moving the management of such wastes up the waste hierarchy.

5.5 The Development Plan

The Development Plan against which the development proposals will be considered comprises the following relevant documents:

- East Devon District Council, Local Plan 2013-2031, adopted 2016
- Devon Waste Plan 2011 – 2031, adopted 2014.

5.5.1 East Devon District Local Plan 2013-2031

The East Devon District Council Local Plan sets out the Council's planning policy objectives for the period to 2031. Key Plan Objectives include Objective 1):

- *'Rural Policies protect and encourage land use for food, and energy production, which with water management and tourism uses have priority over other forms of development'.*

It is therefore clear that the proposed development, which will contribute to both food and energy production, comprises one of the priority objectives for East Devon.

Relevant policies in relation to the proposed development are set out below.

Strategy 3- Sustainable Development

The sustainable development policy within the East Devon District Local Plan reflects that of the NPPF, whereby there is a presumption in favour of sustainable development. The policy sets out five issues which will be taken into account when development proposals are considered:

"a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems. Developers should maximise the proportion of their developments that take place on previously developed land

b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged

c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.

d) Encouraging sustainable economic development - which includes securing jobs.

e) Taking a long term view of our actions - Ensuring that future generations live in a high quality environment where jobs, facilities, education and training are readily available."

The proposed development will make a positive contribution to all five elements of this Strategy, as demonstrated below:

- a) the proposed development will improve the efficiency and productivity of an existing renewable energy facility, thereby giving rise to significant benefits without any impact on biodiversity and the quality and character of the landscape, or flooding. The proposed development would be contained entirely within the existing operational boundary of the Enfield farm AD facility;
- b) renewable energy production will be increased by over 50% without the need for any further use of natural resources for plant development, as it is possible to achieve the proposed increase in production through the existing plant and grid connections;
- c) by contributing to the local economy through employment of local people and spending on local goods and services, there will be a direct positive contribution to the health and wellbeing of the local community; in particular, the proposed development would contribute to the agricultural sector of the local economy;
- d) the economic contribution of the existing AD facility amounts to in the order of £3 million a year that is spent on local goods and services; the proposed development by increasing throughput and outputs is estimated to give rise to an additional £1 million (a 33% increase) that will further benefit the local economy; and
- e) the benefit to future generations arises both through the contribution of the proposed development to the local economy and also in helping to reduce the impact of climate change by contributing to transition to a low carbon economy; the energy output (both gas and electricity) from the proposed facility will be fed directly into the national grid on site and be used to provide heat and power for local homes and businesses as part of the urgent need to move away from fossil fuel sources of energy.

Agricultural and Other Rural Enterprises

Chapter 15 is concerned with ensuring a vibrant countryside in East Devon. The following paragraphs are particularly relevant to the proposed development:

15.9 to minimise commuting and help maintain the village vitality, *'the Council is keen to promote employment opportunities in rural areas'*.

15.26 *'Farming and allied trades and businesses remain integral to the present and future of East Devon. Furthermore with an increasing onus on food security, local produce and reducing 'food-miles', it is important to establish policy for a productive countryside. The Council will seek to work with partners to secure a viable agricultural sector and promote development that will help retain and enhance farming, including cases where development, diversification and business activity would add value to agricultural, forestry or other rural practices'*.

The proposed development would contribute to securing local jobs, including not only for employees based on the site but also for hauliers, agricultural jobs, and through the supply of goods and services including plant maintenance and engineering.

Thriving Communities

Chapter 16 also emphasises the Council's objective of seeking to improve job opportunities and business performance generally throughout the East Devon, recognising that *'local agriculture and land based enterprise is enabled to respond successfully to changing market and environmental conditions and to sustain its pivotal role in the maintenance of the District's outstanding natural landscapes'*.

The proposed development would expand the capacity of the existing AD plant allowing more agricultural crops and by-products to be processed on site, and resulting in the production of increased amounts of digestate that would be returned for use on local farms often in place of expensive artificial fertilisers and raw animal wastes -

both of which are high producers of CO₂ and methane. The proposed development would therefore contribute to a circular local economy by keeping products in use as well as eliminating waste and pollution.

Climate Change and Renewable Energy

Chapter 17 of the Local Plan is devoted to Climate Change and Renewable Energy. Paragraph 17.5 states *'In addressing climate change and energy security the planning process can not only mitigate against the risks but can help to turn them into opportunities for local businesses, giving East Devon a competitive advantage and helping it to prosper in the future.....The scope of policy can cover the appropriate location and layout of new development, and provide active support for energy efficiency improvements to existing buildings and the delivery of renewable and low-carbon energy infrastructure'*.

Renewable and Low Carbon Energy Projects

Policy 39 is in relation to renewable and low carbon energy projects and states that:

"Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

- 1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
- 2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit."*

The existing AD facility already makes a significant contribution to the production of renewable energy and by its nature is considered a low carbon energy project. The proposed development will improve the efficiency and capacity of both gas and electricity production that will be fed directly into the national grid to power local homes and businesses without any new infrastructure capacity being required, thereby minimising adverse impacts on features of environmental and heritage sensitivity.

Indeed, the only potential concern raised by the Inspector in his appeal decision on the earlier application was impact on amenity of nearby residents through increased traffic noise; this matter has been addressed in full in this application and is considered to meet the relevant British Standard for noise (*BS4142:2014+A1:2019 Methods for rating industrial and commercial sound*).

Policy D7- Agricultural Buildings and Development

Policy D7 is in relation to agricultural buildings and related development. The Policy states that permission will be granted where *"...there is a genuine need for the development and the following criteria are met..."* Criterion 2 states *"2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance..."*

Although there is no built development proposed, the development proposals will intensify the Site's operations. However, with the proposed noise mitigation measures and variation of the existing noise condition, this will ensure that the condition is fit for purpose and the operation of the AD plant is measured against BS4142, which is not only a preferable standard for this type of development but its use would allow better integration with assessment of traffic noise.

Policy E14- Control of Pollution

Policy E14 relates to the control of pollution and states *"permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:*

- 1. Pollution of the atmosphere by gas or particulates, including. smell, fumes, dust, grit, smoke and soot.*

2. *Pollution of surface or underground waters including:*

a) *Rivers, other watercourses, water bodies and wetlands.*

b) *Water gathering grounds including water catchment areas, aquifers and groundwater protection areas.*

c) *Harbours, estuaries or the sea.*

3. *Noise and/or vibration.*

4. *Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value.*

5. *Fly nuisance.*

6. *Pollution of sites of wildlife value, especially European designated sites or species.*

7. *Odour.”*

The proposed variation of the existing noise and odour conditions will ensure that they are fit for purpose and includes a requirement for noise mitigation measures where appropriate.

5.6 The Devon Waste Plan 2014

The Devon Waste Plan forms part of the Development Plan for the site. It was adopted in December 2014 and sets out the overarching principles and policy for waste management in Devon. Although the proposed development is considered an energy application rather than a waste matter, it is important to set out the strong link between energy and waste, a matter which is also confirmed in the Waste Plan (see Policy W2 below). Relevant policies and commentary from the Devon Waste Plan are set out below.

Policy W2: Sustainable Waste Management

This policy sets out how sustainable waste management in Devon will be achieved and highlights one of the ways of achieving this will be to *‘maximise the efficiency of low-carbon energy derived from recovered waste, including bio-methane, electricity and heat, by encouraging the use of the best technology with the highest levels of efficiency in the most appropriate locations’*.

The existing anaerobic digestion facility already makes a significant contribution to generating low-carbon energy in line with Policy W2. The proposed changes will increase the efficiency of the existing plant without the need for any extension to the built development and as a result, energy production will be increased by over 50%, thereby achieving significantly greater efficiency.

Policy W6: Energy Recovery

This policy is in relation to energy recovery from waste including agricultural waste such as manures this application directly contributes to this policy through the significantly increased volumes of agricultural wastes and by-products contained within the proposal.

Part 5. (b) and (c) of Policy W6 states that *‘All proposals for energy recovery facilities must demonstrate how they will achieve the maximum feasible level of (b) efficiency in the use of the energy resource, including heat, consistent with the scale and type of facility; and (c) reuse or recycling of the residual materials remaining after energy recovery’*.

By increasing the efficiency of energy generation within the existing plant, and ensuring that the residual materials (digestate) will be used as a fertiliser on nearby agricultural land, the proposed development is entirely consistent with this policy.

Policy W18: Quality of Life

This policy is in relation to people's quality of life and amenity and the aim for it to be protected from the adverse effects of waste management development and transportation. The policy states:

“Development proposals should demonstrate that the following adverse impacts will be strictly controlled to avoid any significant nuisance being caused to dwellings and other sensitive properties close to the site or its transportation routes:

- (a) vermin, insects and birds;*
- (b) litter and windblown materials;*
- (c) loss of privacy or natural light;*
- (d) light pollution and visual intrusion;*
- (e) noise and vibration, including effects on areas of tranquility;*
- (f) dust and other reduction in air quality; and*
- (g) odours.”*

The proposed variation of the existing noise and odour conditions will ensure that they are fit for purpose and includes a requirement for noise mitigation measures where appropriate.

5.7 Local Climate Change Policy

Since adopting its Local Plan in 2016, East Devon District Council along with other Councils and public bodies in Devon has committed to the Devon Climate Change Declaration (July 2019). The Declaration sets out an ambition to tackle climate change that covers all of Devon, including those people who live, work in and visit our county, and those businesses who are based or operate in Devon.

5.7.1 East Devon Council Climate Change Strategy 2020

The Climate Change Strategy sets out the Council's vision to become a carbon neutral council by 2040, working within a low carbon economy and lifestyle. This will be reflected in travel, homes, businesses, visitor experiences and communities.

The Priorities for the Strategy are as follows:

- *‘Increase resilience to climate change to maintain East Devon as a safe and healthy place to live, work and visit.*
- *Enable reductions in greenhouse gas emissions from energy consumption in homes, transport and businesses in East Devon.*
- *Enable the development of secure supplies of renewable and low carbon energy for individuals, communities, business and industry.*
- *Support new development which seeks to minimise additional associated greenhouse gas emissions.*
- *Contribute towards developing the low carbon economy’.*

The proposed development will support the Strategy in achieving its priorities, in particular through securing supplies of renewable and low carbon energy for individuals, communities, business and industry. It will reduce additional greenhouse gas emissions and make a significant contribution to developing the low carbon economy.

The Climate Change Strategy seeks to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to net zero. Paragraph 6 sets out the transformational change that will be required to achieve this, of which the following are particularly relevant to the proposed development:

- deploying more renewable, decentralised and smart energy systems;

- changing our consumption to use less, re-use more and choose low-carbon options;
- divesting from fossil fuels; and
- changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon.

The proposed development will assist the Council and local communities in achieving the stated aim to ‘accelerate the transition to a low-carbon and resilient economy and society’.

5.8 How the proposal contributes to policy

Table 5-1 provides a summary of how the proposed development contributes to national and local policy.

Table 5-1: Summary of the proposal’s contribution to policy

Policy	Policy Headlines	Contributions of Proposal
NPPF - para 7	Sustainable Development	<ul style="list-style-type: none"> • Increased production of renewable energy • Increased efficiency of an existing facility • Supporting local farming sector jobs and local supply chain businesses, thereby contributing to health and wellbeing • Decarbonising the farming operations in the area through, for example, the use of digestate • Moving management of agricultural wastes up the waste hierarchy • Benefit to future generations in managing climate change and transition to low carbon economy
NPPF – para 38	Positive decision-making	<ul style="list-style-type: none"> • The proposed development would increase the value to the local economy from £3 million a year to £4 million a year. • It would also contribute to reducing global warming through reducing methane generation and substituting renewable energy for natural gas (a fossil fuel) and the reduced use of artificial fertilisers
NPPF – para 84	Building a prosperous rural economy	<ul style="list-style-type: none"> • Developing a circular economy in support of local farmers • Direct and indirect contribution to the rural economy through the supply chain
NPPF – para 158	Climate change	<ul style="list-style-type: none"> • This is at the core of the proposed development, as renewable energy production will be increased by over 50% • AD’s contribution to climate change is particularly valuable as not weather or daylight dependent
Climate Change Act 2008, amended 2019	Climate change	<ul style="list-style-type: none"> • Significant contribution to reducing greenhouse gas emissions by substituting for fossil fuels • Provides decentralised energy
National Planning Policy for Waste	Driving waste management up	<ul style="list-style-type: none"> • Achieves recovery of energy and recycling of digestate • Avoids on-farm disposal

Policy	Policy Headlines	Contributions of Proposal
	the waste hierarchy	<ul style="list-style-type: none"> Recovers energy including efficient use of gas for heating in homes and businesses
East Devon District Local Plan 2016 – Objective 1	Priority for food and energy production	<ul style="list-style-type: none"> Directly contributes to energy generation in East Devon Supports food production on local farms
East Devon District Local Plan 2016 – Strategy 3	Sustainable development	<ul style="list-style-type: none"> See response to NPPF, para 7, above
East Devon District Local Plan 2016 – Chapter 15	Agricultural and other Rural Enterprises	<ul style="list-style-type: none"> The proposed development will help and enhance farming businesses Secures local jobs in the agricultural and related sectors
East Devon District Local Plan 2016 – Chapter 16	Thriving communities	<ul style="list-style-type: none"> Land-based enterprise is supported Develops a circular economy in which farms that supply waste and crops benefit from organic fertiliser
East Devon District Local Plan 2016 – Chapter 17	Climate Change and Renewable Energy	<ul style="list-style-type: none"> Delivers renewable and low-carbon energy infrastructure direct to the grid
East Devon District Local Plan 2016 – Policy 39	Renewable and Low Carbon Energy Projects	<ul style="list-style-type: none"> The proposed development would not cause any significant adverse harm In the absence of adverse impacts, the development is supported by Plan policy
Devon Waste Plan 2014 – Policy W2	Sustainable Waste Management	<ul style="list-style-type: none"> Increased waste feedstock input (from 27% to 52%) Reducing the transportation of waste The highest level of efficiency at the existing plant can only be achieved by increasing throughput
Devon Waste Plan 2014 – Policy W6	Energy Recovery	<ul style="list-style-type: none"> Energy generation efficiency will be maximised within the existing plant Recycling of residual materials (digestate) will be maximised for use on local farms
East Devon Council Climate Change Strategy 2020		<p>The proposed development will contribute to transformational change through:</p> <ul style="list-style-type: none"> deploying more renewable, decentralised and smart energy systems; changing consumption to use less, re-use more and choose low-carbon options; divesting from fossil fuels; and

Policy	Policy Headlines	Contributions of Proposal
		<ul style="list-style-type: none">changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon.

6.0 Review of Potential Environmental Effects

As identified in section 1.0, this application seeks to address the issues raised by the Inspector in his appeal decision reference APP/U1105/W/19/3234261 as being the outstanding matters of concern.

His concern regarding the overlapping planning permissions has been addressed by the submission of two parallel planning applications in respect of existing permissions 15/1512/FUL and 17/0650/VAR.

The Inspector's second concern relates to the potential impact on the 'living conditions' of nearby residents arising from increased traffic movements. The key issue identified in this respect was noise. As a consequence of the Inspector's comments, the Applicant commissioned an independent noise report to identify the level of noise that might result from the additional traffic movements. This report is provided in full in **Appendix 05** and the key findings are provided in section 6.1 below.

This chapter also considers, at section 6.2, the proposed amendment to the requirement for an Odour Management Plan.

A Carbon Assessment has been prepared that assesses the existing carbon savings that are accrued by the AD facility and provides a calculation of the further savings that would be realised if the proposed additional throughput is implemented. A full copy of the Carbon Assessment Report is provided in **Appendix 06** and a summary of the key findings is provided at section 6.3.

A Sustainability Review of the proposed development is provided at section 6.4.

6.1 Noise

Noise issues are addressed in turn in respect of Condition 5 (noise from traffic) and Condition 8 (noise from the AD plant).

Condition 7 – Noise from traffic

The Applicant appointed SLR to prepare a Traffic Management Noise Assessment to support its proposed variation of existing planning permissions relating to the AD facility at Enfield Farm. The variations are required to increase renewable energy generation at the Site through the importation of increased volumes of feedstock. The increased throughput would also result in an increase in output of digestate that needs to be removed by road.

The variations, if permitted, would allow for an additional three HGV movements per hour during the day on the Access Road from Oil Mill Lane to the Digester. The Inspector's appeal decision into a previous application for similar development⁵ identified impact on the amenity of local residents due to noise from the increase in traffic as a matter of concern. The noise impact of these additional movements is presented in full in the Traffic Management Noise Assessment Report in **Appendix 05**.

As noted in section 1.4 of this Planning Statement, prior to completing the noise assessment a Pre-Application Advice Request was submitted to EDDC, in which the proposed methodology was set out, as follows:

- the appropriate guidance to apply to this assessment is that presented in British Standard (BS) 4142:2014+A1:2019 *Methods for rating industrial and commercial sound*;
- the additional traffic on the access road would be assessed against a 2021 measured baseline background survey;
- in accordance with BS 4142:2014+A1:2019 a character correction of 6dB will be applied to account for "other sound characteristics" and "intermittency" of movements; and

⁵ Appeal Ref: APP/U1105/W/19/3234261

- a rating level of 5dB(A) above the baseline background sound level would be considered acceptable.

This methodology was confirmed as being appropriate in the Council's response to the Pre-Application Advice issued on 20 August 2021. The Noise Assessment has accordingly been undertaken using the proposed methodology.

To inform the Noise Assessment, a series of background sound measurements was undertaken at locations representative of the nearest Noise Sensitive Receptors to the Site; these included the Bungalow on the Access Road that was the main focus of concern noted by the Inspector.

The British Standard advises that a rating level (i.e. increase in noise as a result of the proposed development) of up to 5dB(A) above the baseline background sound level would be considered acceptable.

The increase in noise as a result of the proposed additional traffic movements has been calculated and is presented in detail in the Noise Assessment Report. Based on the advice in BS4142:2014+A1:2009, the Assessment has concluded that the noise impact of the additional HGV movements should be considered at worst 'low', with the most affected Receptor being the Bungalow adjacent to the Site Access. However, even at this Receptor, the difference between the Rating Level and the baseline background sound level is a negative value, which is considerably lower than the plus 5dB(A) allowed for in the British Standard.

It is therefore concluded that the impact would not be significant, and the proposed increase in HGV movements would not have a detrimental noise impact upon the noise environment at this location. Other Receptors would experience a lesser level of impact. It is also worth noting that the Bungalow is now being used by the Applicant in support of the AD facility as a welfare facility for its staff.

Condition 8

Noise associated with the operation of the AD plant is controlled by Condition 8 of permission 15/1512/FUL which uses BS8233:2014 to measure noise emissions. This is agreed by the Applicant, the EHO and the EA to be inappropriate for this type of facility and so is not fit for purpose. In addition, the use of BS8233 for plant noise and the proposed use of BS4142 for traffic noise would give rise to potential for confusion and a lack of a comprehensive approach. It is therefore proposed to vary Condition 8 to require that the operation of the plant should be measured and assessed in accordance with BS4142.

Since meeting with the EHO and EA in October 2021 to discuss this issue, the Applicant has undertaken measurement and assessment in accordance with BS4142. The Applicant has also discussed with the EHO revised wording for Condition 8, who recommended the following noise condition:

"A noise mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

- *The night-time (23:00 until 07:00) pre-existing background noise level of 38dB(A)*
- *The day-time (07:00 until 23:00) pre-existing background noise level of 42dB(A)*

When measured or determined at the at the boundary of any noise sensitive property (other than the Bungalow on the site access road which shall not exceed 10dB(A) above the pre-existing night-time and day-time background noise levels for as long as it is in use by staff working at the AD site). Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'".

The proposed Condition 8 set out in full in Section 4 above is similar in every respect to the EHO's proposed condition except that specific background noise levels have been inserted for the nearest residential properties. This has been possible following the completion of an independent noise survey undertaken by INVC in

December 2021 at a time when operations at the AD plant were shut down. Weather conditions were good and suitable for noise survey. The INVC survey provides better quality data than the previous background records dated 2015 which did not provide a complete set of data. The full report is provided in **Appendix 10**: Background Noise Report and forms a robust data set for management of future operations at the AD plant.

Following the background noise survey and assessment of predicted noise levels in accordance with BS4142, INVC indicated that operating the plant at a higher level of throughput would result in increased noise emissions. Therefore, INVC has recommended noise attenuation measures to ensure that local residents do not experience any increase in noise from the plant relative to background levels. Note that the background levels adopted are those set out in **Appendix 10** and relate to noise levels measured without the AD plant operating.

The INVC report titled Noise Control Measures Ref R10047C.1 (provided in **Appendix 09**) sets out the recommended mitigation measures to achieve the proposed new noise levels, i.e. no increase above baseline, for all properties other than the Bungalow on the access road. As noted above, the Bungalow on the access road is now in use by staff working at the AD site, and therefore does not need require the same high level of protection.

The noise control measures recommended by INVC are being implemented in full by the Applicant. Work on installing the additional measures has already commenced and is due to be completed in May 2022. Therefore, whilst the proposed variation to Condition 8 includes for the submission of a noise mitigation scheme to ensure that the proposed noise levels are achieved, it is confirmed that the scheme provided in **Appendix 09** is considered to address this requirement in full and that implementation is expected to be secured prior to determination of this application.

6.2 Odour

The approved odour management plan (OMP) referenced in condition 3 of the planning consent 15/1512/FUL (**Appendix 03**) refers to the OMP dated October 2015 which was the current plan prepared to satisfy the requirements of the Environmental Permitting Regulations at the time the application was submitted. The Environmental Permit is concerned with the operation of energy and waste facilities and is regulated by the Environment Agency (EA).

The Environmental Permitting regime allows for updates to management measures such as the OMP in order to ensure that management controls at the Site reflect current good practice. This is what has happened at the Enfield Farm AD facility, with the result that the current OMP approved under the Environmental Permit by the EA has evolved to reflect good practice and is now different to the OMP dated October 2015.

The wording of Condition 3 as currently drafted does not allow for such improvements to the OMP. A variation to condition 3 of permission reference 15/1512/FUL to allow for upgrade of the OMP in line with the Environmental Permit is proposed in Section 4.0. Such a variation would avoid the situation whereby the regulation of the site by the Local Planning Authority is potentially in conflict with the regulation of the Environmental Permit by the EA.

Planning permission (18/2437/MFUL) was granted on 19 June 2019 for plant improvements to upgrade the odour management of the Site following variation to the operating conditions that are the subject of this application and the parallel application in respect of permission 17/0650/VAR. The permission allows for the installation of a roof and roller shutter door to the existing storage clamp, installation of a dome to collect residual gas and installation of a digestate processor unit. This permission has not yet been implemented but provides the necessary consent to undertake a plant upgrade to improve odour management at the site for the new and increased volume of waste streams. We propose that a condition could be attached to the proposed development consent which would ensure the covering of the digestate tank prior to any increase in throughput.

6.3 Carbon Assessment

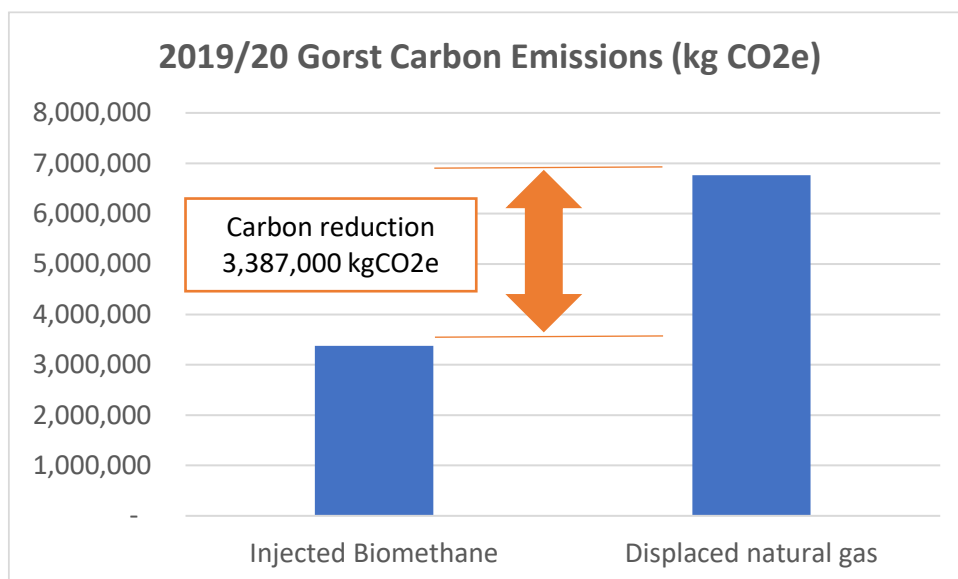
A detailed Carbon Assessment has been undertaken using the Biomethane AD and Heat Calculator Tool (Carbon Tool) which has been developed by Ricardo Energy & Environment to assist biogas facilities, like Enfield Farm AD, to satisfy the Government’s Renewable Heat Initiative (RHI) sustainability reporting requirements. The Assessment establishes the carbon footprint of the existing AD facility and the proposed development.

A carbon footprint represents the total quantity of greenhouse gases emitted to atmosphere associated with an economic activity.

Greenhouse gas refers to those gaseous compounds that are known to contribute to the warming of the atmosphere, the so called ‘global warming’ effect. The most common greenhouse gas is carbon dioxide (CO₂) however other species, primarily methane (CH₄) and nitrous oxide (N₂O), can be equally significant in waste management⁶.

Methane is formed by the biological reaction of carbon under anaerobic conditions and is most commonly associated with landfill gas emissions. Nitrous oxide (N₂O) is formed by the biological breakdown of nitrogen containing material and is therefore closely associated with composting processes. To a lesser extent nitrous oxide may also be formed in combustion processes. Nitrous oxide is distinct from other oxides of nitrogen such as nitric oxide (NO) and nitrogen dioxide (NO₂) which are formed in combustion processes but do not contribute to global warming.

Between October 2019 and September 2020, Gorst Energy injected 10.26 million MJ of biomethane into the gas network which would have displaced an equal quantity of natural gas as well as nearly 3 million MJ of electricity exported from the site. The carbon benefit associated with this displacement is illustrated below:



Through operation of the AD plant and injection of biomethane to grid to displace natural gas, Gorst Energy has contributed to a carbon saving of 3,387 tonnes CO₂e for the year 2019/20. In 2021/22, assuming the proposed feedstock increase is permitted, annual carbon savings will increase to 6,774 tonnes CO₂e per year.

Accounting for a typical 20 year operational life of the AD plant, overall carbon savings of 135,500 tonnes CO₂e will be delivered by the AD plant.

⁶ The latter species should not be confused with nitric oxide and nitrogen dioxide, both commonly referred to as NO_x, and which play no part in global warming but, instead, are powerful contributors to acid rain.

A full copy of the Assessment is provided in **Appendix 06**.

6.4 Sustainability Review

This sustainability review draws on the conclusions of Section 5.0, which comprises a comprehensive overview of relevant policy including the overarching requirement of national and local planning policy to support sustainable development.

Section 5.0 identifies how the proposed development would contribute to sustainable development policy with regards to renewable energy generation, energy resilience, climate change, waste management and support for the rural economy. These matters are summarised below:

- The proposed development would increase the volume of feedstock to an existing AD facility which will enable a greater output of renewable energy from the existing operation; in other words, maximising the contribution of the AD facility to sustainable energy production from the existing facility. The proposed development would increase existing energy generation at the site by approximately over 50% without the need for any further built development.
- The proposed development would contribute to climate change objectives through annual carbon savings (compared with energy from the grid) of 6,774 tonnes CO₂e per year.
- The increased generation of energy from local renewable sources increases resilience in terms of energy supply, reducing dependence on imported raw materials and embedding generation within the national grid networks close to communities where the energy is required.
- The proposed variation will enable an increase in the volume of agricultural wastes to be processed which allow more waste to be managed higher up the waste hierarchy.
- The spreading of digestate, by the local farms providing crops to the AD plant, as an organic fertiliser is a significantly more sustainable process than the use of artificial fertiliser which creates high levels CO₂ in their production and transportation.
- Anaerobic digestion reduces the volatile organic content of organic material, such as raw manure, and stabilises it. This reduces the potential for odorous greenhouse gas release during spreading.
- Digestate is easier to spread than raw slurries and animal wastes, owing to the decomposition of solids and reduction in viscosity within the controlled environment of the digester, reducing cost, energy and impact on the environment and providing cost savings to agricultural businesses.

In summary, the proposed development would increase the production of renewable energy from an existing AD facility, thereby making a significant positive contribution to sustainable energy generation, climate change, sustainable waste management and the rural economy in line with national and local policy regarding sustainability.

7.0 Summary and Conclusions

7.1 Summary

This Planning Statement has been prepared on behalf of Gorst Energy (the Applicant) in support of a Section 73 planning application to vary three conditions of an existing planning permission at the Enfield Farm Anaerobic Digestion (AD) facility located in Clyst St Mary. A previous proposal to vary the two of the three conditions was refused on appeal. This application has addressed the Inspector's concerns head on. This includes the submission, in parallel, of a second application to vary planning permission 17/0650/VAR. Both planning permissions (15/1512/FUL and 17/0650/VAR) contain similar conditions that control matters relating to the operation of the Site, but the permissions relate to slightly different site footprints.

The objective of the applications is to increase production of renewable energy through efficiency improvements to the existing AD facility at Enfield Farm. The facility currently generates 3 megawatts (MW) of renewable energy that is injected directly into both the gas grid and electricity grid to supply homes and businesses in the Exeter area. The proposed changes would increase this to 4MW without the need to construct any additional plant.

The primary variation proposed is to increase the annual tonnage, and extend the range of materials, that make up the feedstock supplying the AD plant from the local farming community. As a consequence, the annual tonnage of digestate exported from the site would also increase. There is no change proposed to the source of crop feedstock, and the digestate would continue to be used on local farms where it would increasingly replace artificial fertilisers.

In the Inspector's appeal decision on the earlier application, the only environmental concern raised by the Inspector was in relation to increased traffic noise and the potential impact this might have on local residents. In particular, the amenity of residents living at the bungalow on the site access road was a concern. In order to directly respond to this issue, the Applicant commissioned an independent noise report to identify the level of noise that might result from the additional traffic movements. The detailed noise assessment undertaken has demonstrated that there will be no significant increase in noise for any local residents.

Furthermore, the proposed development includes the variation of the existing noise condition that regulates noise emissions associated with operation of the plant. The existing noise condition is not fit for purpose as it refers to an inappropriate noise standard for this type of development and uses a different standard to the assessment of traffic noise, creating further confusion. Further, in respect of the proposed increase in throughput, there is acceptance that additional noise mitigation measures are required. In order to obtain a solution to all these issues, it is proposed that the operation of the AD plant should be assessed and controlled in accordance with BS4142 (which is considered by the Council's Environmental Health Officer and the Environment Agency to be the correct standard for such facilities) and that new noise limits should be set with regard to sensitive (residential) receptors. The proposed new condition would set a new limit for noise emissions that would ensure that local residents do not experience any increase in noise arising from the AD plant relative to background noise levels; the background noise levels being those measured when the plant is not operating. The Applicant has employed independent consultants to advise on the required mitigation measures to achieve the new noise limits, and implementation of the recommended mitigation measures is expected to be in place secured prior to determination of this application.

In addition, a variation is proposed to the odour management condition to bring it into line with current good practice and, specifically, to avoid potential conflict with the Environmental Permit that is regulated by the Environment Agency and is regularly updated as good practice evolves.

The proposed variations to feedstock types and volumes to allow additional renewable energy generation would make a significant positive contribution to sustainable development, including fuel poverty, transition to a low carbon economy, management of climate change, sustainable waste management, farming and food production, and support for the rural economy in line with national and local policy.

7.2 Planning Balance

There are no material considerations that weigh against the proposed variation of conditions. As such, the planning balance clearly lies in favour of the development proposals and planning permission being granted.

7.3 Conclusion

Consequently, and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposals are in conformity with the development plan and the presumption is clearly in favour of planning permission being granted.

APPENDIX 01

Application Forms and Certificates

APPENDIX 02

Application Drawings

APPENDIX 03

15/1512/FUL- Appeal Decision Notice

APPENDIX 04

Appeal Decision 26 Nov 2020 (Inspector's Report)

APPENDIX 05

Noise Report

APPENDIX 06

Carbon Assessment

APPENDIX 07

Pre-Application Response

APPENDIX 08

Email from LPA- Dated 10th November 2021

APPENDIX 09

INVC Report- R10047C1

APPENDIX 10

INVC Report- R10047D1

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