

Appeal Decision

Site visit made on 6 September 2016

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 October 2016

Appeal Ref: APP/D0515/W/16/3151277

Hook Lane, Wimblington, Cambridgeshire PE15 0QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Randle of Fengrain Ltd against the decision of Fenland District Council.
 - The application Ref F/YR15/0489/F, dated 1 June 2015, was refused by notice dated 9 December 2015.
 - The development proposed is an anaerobic digestion facility to generate gas through the treatment of energy crops.
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Decision

1. The appeal is allowed and planning permission is granted for an anaerobic digestion facility to generate gas through the treatment of energy crops at Hook Lane, Wimblington, Cambridgeshire PE15 0QJ in accordance with the terms of the application, Ref F/YR15/0489/F, dated 1 June 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have used the description of the proposed development as given on the application form in my decision as there is no confirmation that the amended description used by the Council on its decision was agreed between the parties.
3. The Council refused permission for three reasons, the first concerning highway safety, the second concerning the living conditions of nearby residents and the third concerning the character and appearance of the area. The Council has subsequently stated that it does not wish to defend the first reason or the part of the second reason that concerns effects from noise and odour. On this basis I shall not consider those matters as forming main issues between the parties although I shall take into account the public representations on those matters.
4. The appellant submitted an amended plan with the appeal in respect of the extent of the proposed acoustic fencing. That plan was not before the Council when it made its decision and interested parties have not had a reasonable chance to comment on it. However it is submitted as a suggestion rather than an amendment to the proposed development and I shall take it into account on that basis.

Main Issues

5. Having regard to the Council's representations the main issues in the appeal are the effect of the proposed development on:
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- i) the character and appearance of the area; and
- ii) the living conditions of nearby residents in terms of outlook.

Reasons

Character and Appearance

6. The appeal site is adjacent to a large grain storage complex which is in the open countryside but close to the village of Wimblington. The site comprises partly agricultural land and partly open land adjacent to the complex and adjoins Hook Lane on two sides. This is a byway which is open to all traffic but which is unsurfaced past the grain storage complex. There are two residential properties adjacent to the site and on the opposite side of Hook Lane.
7. Following a previous appeal¹ which I dismissed the various components of the proposed anaerobic digestion (AD) facility have been re-sited on the plans now before me. Two tanks and other plant would be positioned to the north of the grain storage buildings and away from the adjacent dwellings. The proposed silage clamps would remain close to Hook Lane but some distance to the north of the dwellings. Two tanks would be on the part of the site next to the dwellings but would be sited well back from Hook Lane.
8. In total the proposal would comprise three storage tanks, a digester tank, three silage clamps surrounded by bunding, a surface water storage lagoon and other items of plant and equipment which would include a Combined Heat and Power (CHP) unit, a flare stack and a sugar beet cleaning unit. Access would be via an existing access road from an adjacent industrial estate which serves the grain storage facility. Acoustic fencing 3 metres in height would be erected along the inside of the existing trees in the southern part of the site and to the inside of new landscape planting to be provided along the adjacent byway.
9. The AD facility would process crops including sugar beet, rye, barley, grass and maize grown by farmers who are members of a co-operative that owns the appellant company which operates the grain store. The biogas generated would be fed into the grid or converted to heat and power via the CHP unit for use in the grain store.
10. The landscape is flat and generally open and the existing complex is widely visible for some distance. However there are tree belts and existing farm buildings which screen some views notably from the east of the site. The proposed development would extend the area occupied by the existing complex and it would be visible across the landscape from a number of directions. However from viewpoints to the north and east it would be seen against the backdrop of the existing buildings and silos. The storage tanks would be 14 metres in height but would be lower than the existing buildings. When seen from Lambs Hill Drove to the north there are poultry buildings in the foreground and the proposal would be seen in association with those buildings. The proposed planting along the northern boundary would partially screen the development from view from that direction.
11. In the southern part of the site there is an existing belt of trees and this continues around the corner opposite Ivy House. Additional tree and hedgerow planting would take place to strengthen that group and new planting would also

¹ APP/D0515/W/15/3131913

be provided along the eastern boundary of the site. I saw on my visit that the existing trees and hedges both within the site and along Hook Lane provide screening however the screening effect would be less in the winter months when the trees are not in leaf. The upper parts of the proposed tanks may also remain visible above the trees. The proposed new landscape planting would take time to mature and to be effective in terms of screening.

12. The nearest dwellings on Eastwood End and Hook Road are some distance away from the site and it is unlikely that the development would be visible from those properties to any significant extent given that it would be sited largely to the rear of the existing buildings and taking into account the screening effect of the existing and proposed planting. The open western boundary would enable views of the proposal from that direction but those views would be in the context of the adjacent industrial estate.
13. The proposed development would be seen at closer quarters from Hook Lane. In the previous appeal I found that the industrial character of the plant would change the character of Hook Lane which is used for recreational purposes. However the scheme now before me would maintain the openness along that route. The storage tanks would be set well back and the sugar beet cleaning unit would be behind those tanks. When seen in the foreground from Hook Lane the tanks would appear higher than the existing buildings due to perspective but they would not be unacceptable in terms of their bulk or height in relation to the existing complex.
14. Part of the bunding surrounding the clamps would be in close proximity to the byway but for only a short distance. It would be 3 metres in height and would be supplemented by new planting although the material stored in the clamps would give a total height of about 7 metres. The clamps and surrounding bunding would block views across the open countryside from the byway, including the distant view of St Wendreda's church. However for the reasons given those works would not unduly enclose the byway or unacceptably alter its character. For these reasons the development would not be harmful to the value of Hook lane as a recreational route.
15. In coming to this conclusion I have taken into account the concerns expressed by interested parties that the operation of plant including the possibility of tractors on top of the clamps used to compress plant material may frighten horses. The appellant says that the use of tractors in this way would be limited to certain crops. I am satisfied that the proposal would not be harmful in this respect. Neither would the proposal prejudice the use of 'The Woodmans Way', a public right of way which follows the route of a dismantled railway to the west of the site.
16. The flare would have the potential to be intrusive in the night-time landscape. However on the basis that it would only normally burn gas that is unsuitable for use, it would only be alight for limited periods. The flare would be located on the northern side of the development away from the nearby dwellings.
17. The proposal would extend the area covered by the existing complex and there would be a cumulative effect on the landscape taking into account the existing buildings, the industrial estate and other nearby buildings including those at the poultry farm. However for the reasons given I conclude on this issue that the proposed development would not unacceptably harm the character and appearance of the area. Policy LP2 of the Fenland Local Plan (LP) (2014) and

policy LP16 of the LP require that adverse impacts are avoided and that development contributes positively to local distinctiveness and character. The proposed landscaping would contribute positively in terms of strengthening existing landscape features and providing additional visual screening of the existing buildings. For the reasons given the proposal would accord with those policies.

Living Conditions

18. In the previous appeal I found that the close proximity of the proposal to Hook Lane and to Ivy House would result in harm to the outlook of its occupant. Because the tanks would now be set back from Hook Lane and significant distances away from that dwelling they would not be overbearing or unacceptably affect the outlook from that property. The proposed 3 metre high fence would also be set back behind the existing trees and the proposed new planting and as such would not be unduly prominent or intrusive.
19. The adjacent property, Greengates Farm has what appeared on my visit to be a temporary unit of accommodation which is set well back from Hook Lane. The distance by which that unit is set back from the lane would additionally ensure that there would be no harmful effect on its occupant in terms of outlook.
20. The Council states that it does not oppose the proposal on grounds of impacts from noise or odour. The appellant has provided comprehensive assessments on these matters and the Council's Environmental Health Officer accepts those assessments. Nonetheless, conditions are required in order to ensure that the development operates within acceptable limits. Interested parties have stated their strong opposition on these grounds but on the basis of the clear evidence before me I see no reason to disagree with the Council on these matters.
21. A condition may be imposed to control external lighting. The proposal would have no other detrimental effect upon the adjacent residents including in terms of sunlight and daylight.
22. For these reasons I conclude that the living conditions of nearby residents would not be harmed. The proposal would accord with policies LP2 and LP16 of the LP which seek to safeguard residential amenity.

Other Considerations

23. Interested parties have questioned the need for the proposal, stating that there are already a number of AD plants in the area. However there is no requirement in national policy for applicants to demonstrate a need for proposed development that would generate renewable energy². The National Planning Policy Framework (the Framework) states that applications for such developments should be approved provided that their impacts would be acceptable.
24. The generation of gas whether this is converted to electricity or heat for use in the grain store or fed into the grid would be of clear benefit in terms of providing energy from a renewable source. This would reduce reliance on fossil fuels thereby reducing carbon emissions and would provide increased energy security. The appellant indicates that it is the intention to source crops from within a 10 mile radius. Although this cannot be guaranteed and transport

² National Planning Policy Framework paragraph 98

- over greater distances may be necessary it would become increasingly uneconomic with distance. The alternative of transporting beet to British Sugar at Wissington would involve greater road miles for local farmers.
25. The necessary gas pipeline for connection to the grid is not included in the application on the basis that this would be permitted development. Illustrative routes for this have been provided, both of which would follow part of the footpath/bridleway route along the dismantled railway. The pipeline may be secured by means of a planning condition.
26. The facility would be of economic benefit to members of the farming co-operative by providing an additional source of income and providing digestate for use as fertiliser. The number of jobs to be created at the proposed plant would be very limited but in general terms the support for farming and the employment it creates would be beneficial.
27. A number of interested parties have pointed out that food crops should be grown instead of energy crops but diversification in farming is not necessarily harmful and indeed is often necessary. There is no evidence before me to indicate that food production would be threatened.
28. The proposed renewable energy facility would accord with policy LP14 of the LP which supports such development. That policy requires that there is no adverse effect in terms of landscape and residential and visual amenity. The proposal would accord with those requirements for the reasons given above.
29. Paragraph 28 of the Framework supports economic growth in rural areas including the sustainable growth and expansion of all types of business and the development and diversification of agriculture. The proposal would be of clear benefit economically and in terms of renewable energy production and those considerations carry significant weight in favour of the proposal.

Other Matters

Highway Safety

30. Interested parties have clear concerns about highway safety and in particular the capacity of the local road network to accommodate the extra traffic that would be generated. Eastwood End in particular is of limited width and its verges have already been damaged by lorries visiting the grain complex. It forms part of a route used by pedestrians, cyclists and horse riders. The assessments have taken into account the use of Eastwood End and other local roads by other commercial traffic as well as that arising from the proposal. The appellant's submitted Transport Statement demonstrates that the additional traffic generated would not be harmful to highway safety and the Highway Authority accepts this position but requires localised improvement to Eastwood End and to the access road serving the site. The appellant has provided illustrations of the tracked movements of HGVs and has proposed widening works which would be carried out within highway land and with the agreement of the owner of the site access road.
31. The widening works on Eastwood End would allow for two-way HGV movements. Although there would be little or no remaining space for pedestrians, cyclists or horse riders at times when HGVs pass this relates to a small part of the road and this occurs at the present time. There is good visibility to allow drivers and other road users to stop momentarily in order to

avoid conflict. I take into account the increased volume of HGV traffic in association with the proposal but for these reasons this would not result in a severe highway safety hazard.

32. I saw on my visit that there are three sub-stations adjacent to the proposed road widening works at the junction of the industrial estate access road with Eastwood End. An interested party submitted a plan showing that one of those sub-stations would appear to encroach slightly into the extent of the necessary widening works although full details of those works would need to be submitted for approval. The presence of the sub-station would not preclude the achievement of the necessary works as the land owner has agreed to the necessary works and there is no indication that movement of the sub-station would be impractical.
33. The maximum number of two-way traffic movements during harvest periods has been calculated at 78 and the appellant would accept a restriction on this number to be imposed by a condition. The appellant would be able to control the routeing and timings of deliveries and collections through a Traffic Management Plan. Conditions can be imposed to secure this as well as a limitation on the maximum annual tonnage of feedstock to be processed. Such conditions would be enforceable through keeping records of movements. Although I note that HGV traffic to and from the grain complex travels along Hook Lane past its junction with the industrial estate there would be no need for traffic to and from the AD plant to do so.
34. For all of these reasons I see no reason to disagree with the Council's and the Highway Authority's conclusions that the proposal would not adversely affect highway safety.

Noise

35. The Framework recognises that development will often create some noise but requires that new development does not result in noise giving rise to significant adverse impacts on health and quality of life. The appellant's noise assessment includes consideration of noise from the proposed plant and from vehicle movements to and from the site. There is existing fan noise from the grain complex during the day time. The Council's Environmental Health Officer is investigating that noise and discussing improvements in noise mitigation measures. The submitted noise assessment demonstrates that day time noise levels would be within acceptable limits and that existing levels would not be exceeded. The assessment also demonstrates that night time levels would be within acceptable limits.

Odour

36. The appellant's odour assessment demonstrates that there would be no unacceptable impacts. The assessment considers odour arising from the opening of the clamps to deposit and remove material and the handling of digestate. Impacts from odour on the nearest residents on Hook Lane have been assessed as 'slight' and on other nearby residents as 'negligible'. Odour levels at the nearest part of the adjacent plant nursery would be similar to those experienced at Ivy House. The Council's Environmental Health Officer has no objection to the proposal subject to the imposition of conditions to control odour emissions. The proposed lagoon would be used as a balancing

pond for clean surface water and is not intended to accommodate contaminated water or sludge.

Risk of Combustion

37. The appellant has provided an assessment of the risk of combustion or explosion of the ammonium nitrate stored at the nearby fertiliser plant. The assessment states that most blends produced by the fertiliser company are not an explosive threat and that there are already other potential flammable sources such as plastics, grain, fuel tanks, gas tanks and shredded paper in closer proximity. The methane produced by the proposal would be fully contained within sealed systems. Concern has been expressed about airborne fertiliser particles coming into contact with the gas flare but there is no evidence before me that this would pose an unacceptable safety risk. Fire safety is in any case a matter that is covered by other legislation and control.

Ecology

38. The submitted Ecology Assessment concludes that the development would not harm protected species. Great Crested Newts have been recorded at a pond in close proximity on the other side of Hook Lane but the site is unlikely to be a suitable habitat for this species. Amphibian-proof fencing can be used to prevent access by newts during construction. A further survey for water voles is necessary in respect of the ditch along the western boundary of the site which would be crossed by the site access. A further walk-over survey of the pipeline route would also be required. Those measures can be secured by conditions. Nesting birds may use the site but they are protected under other legislation.

Other Matters

39. Part of the site would be on agricultural land. The appellant's soil classification report notes that the site is of moderate to high fertility but that it is slightly acid and with impeded drainage. The analysis would indicate that it is not land of the best and most versatile quality.
40. Although an existing balancing pond would be infilled the proposal would provide a new balancing facility. It has been demonstrated that the development would not increase flood risk and that acceptable surface water drainage which would avoid pollution can be provided subject to a suitable condition.
41. A wheel cleaning facility could be secured by condition which would prevent mud being deposited on roads. Beet crops would be washed in an enclosed facility. There is no evidence that unacceptable levels of dust would be generated. Vermin would be controlled by a Rodent Control operator who is already employed by the appellant company at the grain store.
42. An interested party has pointed out that an adjoining field is likely to have archaeological interest but the County Council Archaeologist had no objections or requirements in relation to the proposal.
43. Because the AD facility would process crop material it would not be a waste facility. If it were proposed to process food waste or any other waste material including waste grain from the adjacent facility it would be necessary to first obtain an Environmental Permit which if granted would impose controls over

the process. Interested parties have referred to minimum recommended distances between waste facilities and residential properties but for these reasons those recommendations do not apply to the proposal before me.

44. Policy LP3 of the LP restricts development in the countryside in general but policy LP14 of the LP is supportive of renewable energy development as is the Framework. Policy LP12 requires local community support for projects within or on the edge of villages but that policy does not apply because the site is some distance from the village and is not therefore on the edge of it.
45. Other matters raised include the financial viability of the proposal, the potential for digestate to cause pollution and soil erosion caused by growing maize as feed stock. I have taken these matters and all other matters expressed into account in my decision. The community has the support of its Member of Parliament in objecting to the proposal. However for the reasons given above, the other matters raised do not alter my conclusions on the main issues.

Conditions

46. I have imposed the conditions suggested by the Council but have made some revisions to better reflect the tests as set out in paragraph 206 of the Framework. I have also imposed a condition which was not suggested but which the parties have no objection to. This would secure the gas pipeline connection and would be necessary to ensure that the benefits of the development are realised. I have also imposed an additional condition requiring the approval of details of external lighting in order to control light pollution and glare. A condition to this effect was suggested by the appellant.
47. Conditions requiring wheel cleaning facilities, improvements to the highway and the access road to the site, restricting the number of vehicle movements, requiring a Traffic Management Plan and provision of parking are necessary in the interest of highway safety. A Construction Management Plan is also necessary in the interest of highway safety.
48. A landscaping scheme is necessary to ensure that the visual impact of the development is mitigated. Details of drainage measures are required to be approved to ensure that there is no pollution and that the risk of flooding is not increased. Further ecological survey works and measures are required to safeguard biodiversity.
49. I have imposed conditions as suggested by the Council in order to control noise and odour emissions. Other conditions require the erection of acoustic fencing as originally proposed and set a limit to the hours of vehicular movements to and from the site. Those conditions are necessary to protect the living conditions of nearby residents.
50. I have imposed a condition limiting the maximum volume of feedstock to be processed and limiting the feed stock to plant material only because the assessments provided with the application have been undertaken on this basis and any increase or use of different material may have the potential to result in different impacts.
51. The conditions that I have imposed would control noise and odour and there is no need to impose a further condition preventing the release of biogas to the atmosphere and limiting use of flares as part of emergency procedures only. A

condition in these respects would be unlikely to meet the tests of precision and enforceability.

52. The appellant has suggested that a section of the proposed acoustic fencing along the byway need not be provided in order to ensure acceptable noise levels at nearby properties. The submitted information indicates that without that section of fencing noise levels at dwellings on Hook Lane would be 0.3 dB higher than with the fencing in place. The Council's Environmental Health Officer considers that this difference is negligible but points out that the fencing would have other advantages including in screening light sources and protecting privacy as well as providing site security. For these reasons I consider that the full length of fencing should be provided in accordance with the originally submitted plans.
53. The above conditions would be enforceable and would meet the other tests set out in the Framework. Interested parties have commented about the appellant's previous compliance with other conditions but this is a matter between the Council and the appellants to resolve and does not mean that conditions applied to the appeal proposal would not be enforceable.

Conclusions

54. Paragraph 14 of the Framework states a presumption in favour of sustainable development. I have concluded that the development would not result in any unacceptable harm. The benefits would however be significant. The generation of renewable energy would accord with the environmental dimension of sustainable development. The support for farmers and employment would accord with the economic and social dimensions. For these reasons considered as a whole the proposal would be a sustainable form of development.
55. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19000/004 Rev C, 19000/005 Rev D, 19000/010 Rev J, 19000/011 Rev B, 19000/012 Rev O and 19000/200 Rev E.
- 3) No development shall take place until details of wheel cleaning facilities have been submitted to and approved in writing by the local planning authority. The facilities shall ensure that the wheels of all vehicles exiting the site are cleaned to ensure that mud or debris is not deposited in the road and shall be installed in accordance with the approved details before commencement of development and thereafter retained and maintained for the lifetime of the operation of the anaerobic digester plant.
- 4) No development shall take place until full details of the following have been submitted to and approved in writing by the local planning authority:
 - i) details of access widening works including road widths, kerb radii and construction details;
 - ii) details of the improvements of the junction of the access road with Eastwood End including details of levels, methods of construction, surface water drainage and kerbing; and
 - iii) details of the widening of Eastwood End to enable two-way HGV movements to be accommodated at the junction with the site access road including details of kerbing, drainage, methods of construction and full geometric details.

The approved works shall be completed before any other development takes place on the site with the exception of works to provide wheel washing facilities.

- 5) No development shall take place until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Traffic Management Plan shall cover both the construction and operational phases of the development and shall be carried out and adhered to in accordance with the approved details.
- 6) The maximum number of two-way vehicle movements to and from the site between 07:00 and 19:00 hours on any day shall not exceed 78. A daily record of all vehicle movements shall be maintained at the site and made available to the local planning authority within 1 week of any written request being made.
- 7) The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.
- 8) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i) parking of vehicles of site operatives and visitors;
 - ii) routes for construction traffic;

- iii) hours of deliveries and construction;
 - iv) pedestrian and cyclist protection; and
 - v) any proposed temporary traffic restrictions and proposals for associated safety signage.
- 9) No development shall commence until details of landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) details of existing trees or hedges to be retained;
 - ii) planting plans, including specifications of species, sizes, planting centres, number and percentage mix;
 - iii) details of wild flower seed mix, grassland field margins and/or wild bird seed mixes to enhance biodiversity on the site; and
 - iv) management and maintenance details.

The landscaping works shall be carried out in accordance with the approved details and the completed scheme shall be managed and maintained in accordance with the approved scheme.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) No development shall take place until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The details shall include:
- i) information about the design storm period and intensity, discharge rates and volumes (both before and after development), temporary storage facilities, means of access for maintenance, control of surface water discharged from the site and measures including any off-site works to prevent flooding and pollution of the receiving ground and/or surface waters;
 - ii) flood water routes both on and off-site;
 - iii) a timetable for implementation of the works; and
 - iv) a management and maintenance plan for the lifetime of the development including arrangements for adoption of the drainage system.

The works shall be carried out before the existing balancing pond is removed/infilled and shall be retained, managed and maintained in accordance with the approved details.

- 12) No development shall take place until a water vole survey has been carried out which shall cover the ditch along the western boundary of the site. The survey shall be carried out by a suitably qualified ecologist and shall identify any necessary mitigation measures. The development shall be carried out and retained in accordance with the approved measures.
- 13) Amphibian-proof barrier fencing shall be installed on site before any works commence which shall be in accordance with a detailed scheme which shall have been submitted to and approved in writing by the local

- planning authority. The fencing shall be retained for the duration of construction works.
- 14) No development shall take place until a walk-over survey of the gas pipeline route has been carried out by a suitably qualified ecologist and the results of the survey together with details of any necessary mitigation measures have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved measures.
 - 15) No development shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. The lighting scheme shall be carried out in accordance with the approved details.
 - 16) No development shall take place until a Noise Management Plan has been submitted to and approved in writing by the local planning authority. The Noise Management Plan shall be adhered to in accordance with the approved details.
 - 17) No development shall take place until a scheme for noise control has been submitted to and approved in writing by the local planning authority, along with a timetable for its implementation and a procedure for verification. The scheme shall ensure that the noise impact from any plant associated with the development will not exceed the existing background noise level as recorded in the Noise Assessment by LF Acoustics dated May 2015 as measured at the nearest sensitive receptor. The approved verification procedure shall be carried out within 3 months of the first production of gas. The development hereby permitted shall be operated thereafter only in accordance with the approved scheme.
 - 18) At any time upon request by the local planning authority the level of noise emissions from the development shall be measured and assessed in accordance with BS4142 and the results shall be submitted to the local planning authority for its verification.
 - 19) No development shall take place until an Odour Management Plan has been submitted to and approved in writing by the local planning authority. The Odour Management Plan shall be adhered to in accordance with the approved details.
 - 20) Odour levels shall not exceed a 98th percentile hourly mean concentration of 1.5 ouE/m³ at Ivy House and 0.5 ouE/m³ at any other receptors. The odour level shall be measured and/or calculated in accordance with the IAQM Guidance on the Assessment of Odour for Planning. An Odour Validation Report to demonstrate that those levels are not exceeded shall be submitted to the local planning authority within 3 months of the first production of gas.
 - 21) At any time upon request by the local planning authority the level of odour emissions from the development shall be measured and assessed in accordance with the Environment Agency's Horizontal Guidance Note H4 or equivalent and the results shall be submitted to the local planning authority for its verification.
 - 22) The 3 metre high acoustic fence shown on drawing ref. 19000/200 Rev E shall be provided in accordance with full details which shall have been

submitted to and approved in writing by the local planning authority before the development is brought into use.

- 23) Deliveries to, and collections from the site shall only take place between 07:00 and 19:00 hours on Mondays to Saturdays. There shall be no deliveries or collections on Sundays or Bank Holidays.
- 24) The development shall process no more than 45,000 tonnes of feed stock per annum. Nothing other than plant material shall be accepted as feed stock.
- 25) The development shall not be brought into operation until a gas pipeline connection to the grid network has been provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority.