



Appeal Decision

Accompanied site visit made on 2 July 2019

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 30 July 2019

Appeal Ref: APP/P2745/W/19/3225559

Land at Sowerton Farm Yard, Sykes Lane, Tollerton, YO61 1RE

- 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 Galtres Energy Ltd against the decision of North Yorkshire County Council.
 - The application Ref C2/18/01876/CCC, dated 4 May 2018, was refused by notice dated 26 February 2019.
 - The development proposed is the erection of an AD plant, including: reception building; offices-including mess and toilet facilities-and a control room, all extending to 818 m²; a 22,000 m³ lagoon for the storage of digestate; a 1,500 m³ lagoon for the storage of water; a gas to grid compound; testing facilities; erection of 7 no. 2.4 metre high 30-watt led lighting posts; a weighbridge; car parking facilities; a bio-filter box of 50 m²; and, the creation of 3,057 m² of hardstanding and soft landscaping works.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I carried out accompanied site visits to the appeal site and the Hemswell Cliff anaerobic digester facility (HCF), associated with the appellant, on 2 July 2019. In addition, I undertook unaccompanied site visits to the areas around the appeal site and the HCF the day before.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal on: the character and appearance of the local landscape; the living conditions of occupants of residential and commercial properties in the local area, with particular reference to odour as well as dust and dirt on the highway; the safety and convenience of highway users, and whether the scheme would accord with the Council's spatial development strategy.

Reasons

Character and appearance

4. The largest part of the appeal site comprises an area of agricultural land to the south of structures that are situated within Sowerby Farm Yard. The vehicular access to that area would be from Sykes Lane along an existing stone surfaced track, which leads to the farm yard, and then across the yard, between existing structures, to the main appeal site area.
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5. The appeal proposal involves the erection of an anaerobic digester plant, which would comprise a processing area in the northwestern section of the main area of the site and a large digestate lagoon in its southeastern section. The processing area would include, amongst other things: a reception building around 13.5 metres high; 3 large process tanks and a gas holder, the tallest of which would extend above the roof level of the reception building; an office building; a bio-filter with stack, which would extend above the height of the reception building; a gas to grid compound; and, a flare stack. The proposals include the retention of the limited existing hedgerows and tree planting along the boundaries of the site, as well as supplementary landscaping comprising some earthworks and planting.
6. Whilst the application plans include a topographical survey of the site, the plans illustrating the proposed development do not include any reference back to the pre-existing ground levels, to benchmark the proposed development. Therefore, the final level of the structures and the site more generally has not been defined. The drawings indicate that there would be a difference in level between the base of the proposed digestate lagoon and the general ground level within the processing area of around 3.5 metres. I have no reason to believe it is the appellant's intention that the general ground level within the processing area would be materially lowered. It appears to me that there would be two other options. The general level of the processing area may: (a) remain broadly as shown on the topographical survey; or, (b) be significantly higher, if it were the appellant's intention to dispose of material arising from the formation of the lagoons and bunded pits by raising the ground level within the rest of the processing area. I will consider the proposed development in the first instance on the basis of (a). By comparison, if option (b) were to be pursued, the visual impact of the scheme would be likely to be greater. Elevational details of the flare stack have also been omitted from the application plans. I have no reason to believe that it would be significantly different in scale from the flare stack which I saw at the HCF and I have considered it on that basis.
7. The *National Planning Policy for Waste* (NPPW) seeks to ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located. The *National Planning Policy Framework* (the Framework) seeks to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting. Furthermore, it indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan); and, recognising the intrinsic character and beauty of the countryside.
8. The area of countryside within which the appeal site is located is not the subject of any statutory landscape designations, which attract the highest levels of protection. Nonetheless, Policy DP30 of the *Hambleton Development Policies Development Plan Document, 2008* (HDP) indicates that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Policy 4/3 of the *North Yorkshire Waste Local Plan, 2006* (NYWLP), indicates that proposals for waste management facilities will only be permitted where, amongst other things, there would be no unacceptable effect on the character of the landscape. Policy CP1 of the

Hambleton Core Strategy Development Plan Document, 2007 (CS), consistent with Policy CP16, indicates development that would significantly harm the natural environment will not be permitted. CS Policy CP17 seeks to ensure that proposals respect and enhance the local context and its special qualities, including its landscape. In my judgement, these Policies are consistent with the aims of the Framework identified above.

9. Policy D06 of the emerging *Minerals and Waste Joint Plan, Publication Draft, November 2016 (MWJP)* indicates that all landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. I understand that this Policy has been subject to public consultation as a result of which no significant modifications are proposed and I consider that it is consistent with the aims of the Framework. However, given its draft status, I give it limited weight.
10. The *Enzygo Environmental Consultants Landscape and Visual Impact Assessment (LVIA)*, submitted in support of the application, indicates that the site lies within the '*National Character Area profile 28 Vale of York*', the key characteristics of which include: a largely open, flat and low-lying landscape; predominantly agricultural land use, with medium to large-scale fields defined by hedgerows and fences; and, large dispersed farmsteads and small villages. It also lies within an area described by the *Hambleton Landscape Character Assessment and Sensitivity Study 2016* as Tolthorpe Moors Landscape Character Area [25], key characteristics of which include: flat or gently undulating topography, mainly intensive arable cultivation; and, influence of major roads and railway through the area. These are all characteristics of the area local to the appeal site. The local landscape is generally characterised by relatively flat agricultural land punctuated by small pockets of development, including: large farmsteads; small groups of residential properties; and, some commercial premises, including Tollerton Ponds, which comprises fishing ponds and caravan/camping facilities, and Tollerton Caravan Park. Low profile infrastructure situated nearby includes the A19 highway, to the east, and the East Coast Main Railway line, to the west, beyond which lies Tollerton village.
11. The most prominent feature of Sowerton Farm Yard is a cluster of substantial pitch-roofed buildings that have the appearance of agricultural sheds, giving the existing development there the appearance of an isolated farmstead, reasonably characteristic of the area. Another example, similar in form and scale in my view, is Oak Tree Farmstead, situated on the opposite side of Sykes Lane. In contrast, the proposed development would introduce a cluster of structures unusual in form, including the flare and bio-filter stacks and gas to grid compound, as well as a number of more substantial structures, such as the process tanks and domed gas bag. The plant would be more industrial in character, than agricultural. Furthermore, the proposal would significantly increase the projection of substantial built forms to the southeast of Sykes Lane. Together, the existing buildings and the proposed development would comprise an uncommonly large complex of structures, out of keeping with the patterns of development that characterise the local landscape and detrimental to its openness. Contrary to the finding of the LVIA, I consider that it would represent an incongruous feature of the rural landscape, causing significant harm to the character of local landscape.

12. Turning to visual impact, the appeal site is visible from a number of public vantage points. Views of the proposed development when passing by on the A19 would be likely to be limited to brief glimpses, due to intervening roadside planting. Furthermore, the visual impact when viewed from Tollerton would be negligible, due to the distance involved, some intervening planting and the presence of railway infrastructure, including overhead power lines, in the foreground.
13. However, the visual impact would be greater when viewed from vantage points along: Sykes Lane to the north, for example at VP6; and, public rights of way to the south and west, for example at VP4. From those locations it is likely that passers-by would appreciate the unusual extent and form of development, which, while softened over time by the proposed planting, would be likely to remain prominent due to its scale. From the footpath, longer distance views across the open countryside would be curtailed by the proposed structures and also by the proposed tree planting around the digestate lagoon. In my judgement, sensitivity of receptors using the footpath is likely to be high, as views are available along a significant proportion of the footpath between the A19 and Angram Lane, the magnitude of impact would be moderate and the significance of visual impact substantial. Views from Sykes Lane would be more restricted by intervening planting, such that passers-by may be regarded as of medium sensitivity, the noticeable deterioration of the view from there would amount to a medium magnitude of impact and the significance moderate. Contrary to the finding of the LVIA, I consider overall, that the visual effect of the scheme would be likely to be moderate adverse.
14. For the avoidance of doubt, irrespective of the visual impact of the flare stack and whether the existing building and silo within Sowerton Farm Yard, for which retrospective planning permissions have been sought¹, remain in place or are removed at some point in the future; my findings regarding the landscape and visual impacts of the scheme would remain the same.
15. I conclude on balance, that the proposal, which would have a moderate adverse effect, would cause significant harm to the character and appearance of the local landscape and it would conflict with HDP Policy DP30, NYWLP Policy 4/3, CS Policies CP1, CP16 and CP17, MWJP Policy D06 and the aims of the Framework and NPPW.

Living conditions

16. The *National Planning Policy for Waste* indicates that the factors to be considered in determining planning applications will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment. I have had regard to the *Odour Assessment* (OA) submitted in support of the application, which has been undertaken with reference to, amongst other things, the Institute of Air Quality Management's '*Guidance on the assessment of odour for planning*' (IAQM guidance) and the Environment Agency's '*H4 Odour Management*' (H4 guidance). It makes an assessment of potential odour effects from the proposed plant: firstly, on the basis of Odour Risk Assessment; and, secondly, on the basis of Odour Dispersion Modelling. I consider that it is flawed in a number of respects, as set out below.

¹ Planning application Refs. 19/00790/FUL and 19/00705/FUL.

17. I deal first with the Odour Risk Assessment. Based on source-pathway-receptor risk ratings, the OA indicates that the risk of odour impact at a specific receptor location would be low and the likely odour effect no greater than slight adverse. I draw particular attention to receptors 18 (residential property) and 19 (fishing lakes). With reference to OA Table 1, it appears to me that the pathway effectiveness between the proposal and those locations is likely to be 'highly effective', rather than 'moderately effective' as assumed by the OA. This is due to: the limited distance between the site and those broadly down-wind locations; odour releases from one of the two main sources of odour identified by the OA would be at ground level; and, intervening obstacles comprise only limited planting. Furthermore, I consider that receptor 19 is likely to be high sensitivity, rather than medium as classified by the OA. It represents the neighbouring fishing lake site, which has caravanning/camping facilities. Criteria identified by the IAQM guidance for high sensitivity receptors include where people would reasonably be expected to be present regularly for extended periods and would reasonably expect enjoyment of a high level of amenity. Furthermore, in addition to the examples of high sensitivity receptors cited by the OA, the IAQM guidance also identifies tourist facilities. To my mind, receptor 19 meets these criteria. With these factors in mind, the potential odour effect at receptors 18 and 19 would be appropriately described as moderate adverse, rather than slight adverse identified by Table 10 of the OA.
18. I turn now to the Odour Dispersion Modelling. The OA indicates that modelling has been carried out using the ADMS-5 dispersion model to predict 98th percentile of 1-hour mean odour concentrations. The predicted concentrations have then been compared to a benchmark outlined in the H4 guidance of 3 OU_E/m³ for moderately offensive odours. I understand that if it were determined that the character of the odour were more likely to be judged as 'most offensive', the benchmark would be 1.5 OU_E/m³.
19. The H4 guidance indicates any modelled results that project exposures above these benchmark levels, after taking uncertainty into account, indicates the likelihood of unacceptable odour pollution. Furthermore, it identifies that a sensitivity analysis should be provided, to allow the overall uncertainties to be understood and these uncertainties should be acknowledged in the consideration of isopleths. The IAQM guidance indicates that odour modelling inherently includes uncertainties and where an odour assessment is being made to determine acceptability of land use then IAQM confirms that it is very important to consider uncertainties before reaching a conclusion. It is recommended that a section on uncertainty assessment is provided, including consideration of model uncertainty, odour emission rates, meteorological data and user error.
20. The OA indicates that the main odour sources associated with the proposed facility would be the waste reception hall and the digestate lagoon, which although covered would be vented to air. The modelling is based on estimates of odour emissions levels from those areas and the view that they would be characterised as moderately offensive. The concentrations predicted by the model include 2.0 OU_E/m³ at receptor 18 and 2.2 OU_E/m³ at receptor 19. These levels fall below the identified benchmark for moderately offensive odours. The OA indicates that the likely effect at receptor 18 would be slight adverse. Based on my view that receptor 19 is also a high sensitivity receptor, the same would apply there.

21. However, the OA contour plot of maximum 98th percentile 1-hour mean odour concentrations indicates that levels of 3 OU_E/m³ could be expected a short distance from both those receptors. Furthermore, whilst some consideration is given to uncertainty associated with the assumed emission rates for the reception building and lagoon, the OA does not include a sensitivity analysis to allow the overall uncertainty associated with model uncertainty, odour emission rates, meteorological data and user error to be understood.
22. As to odour emission rates, the OA indicates that no account has been taken in the modelling of the proposed reception building air extraction system with biofilter, which it suggests has the potential to significantly reduce odour emissions arising from that source below the level assumed in the modelling. However, the likely reduction has not been quantified. Furthermore, based on my site visit to the HCF, it appears to me that other significant sources may exist that have not been accounted for. At HCF unpleasant fugitive odours were detectable in the vicinity of the gas holder and odours of a similar character were detectable downwind beyond the site boundary. I have no reason to believe that proposed plant would be any different in this respect. To my mind therefore, having regard to the potential for fugitive odours which have not been accounted for, it cannot be concluded with any confidence that, in practice, the overall odour source levels would not be higher than assumed in the modelling.
23. Under these circumstances, I consider it cannot be concluded with confidence that moderately offensive odours at levels at or above 3 OU_E/m³ could not be expected at receptors 18 and 19, resulting in unacceptable pollution levels. On the contrary, such levels may well occur.
24. In addition, I would characterise the fugitive odours experienced at the HCF as likely to fall within the 'most offensive' category to which a lower benchmark applies. My view in that regard is reinforced by the H4 guidance, which indicates that odours from processes likely to become anaerobic or septic are more offensive and the examples given of 'most offensive' include processes involving septic effluent. This adds to my concerns regarding the likely impact of the scheme.
25. I give little weight to the appellant's assertion that Lincolnshire County Council has never taken any formal action as a result of complaints from residents of Hemswell Cliff related to the HCF facility, as it is not directly comparable to the appeal scheme in all respects. Whilst I understand that the anaerobic digestion processes are likely to be comparable, unlike the proposed facility, digestate storage does not contribute to the odour emissions potential of the HCF site, as its digestate lagoons are remote from the site.
26. The appeal facility would require an environmental permit, which would seek to ensure that good working practices would be employed, so as to minimise odour releases. However, the IAQM guidance indicates that even with effective operational pollution regulation in place there can remain some residual odour and there may be some situations where such residual effects would make development an unsuitable use of land at its proposed location. There is no compelling evidence before me to show that the pollution control regime would be likely to ensure odour emission rates lower than assumed in the OA or that the impact of the scheme with respect to odour emissions would amount to a statutory nuisance against which action could be taken to safeguard neighbouring property under the *Environmental Protection Act 1990*.

27. I have had regard to the concern raised that appeal site traffic would be likely to increase the potential for dust pollution and dirt being carried onto the highway as a result of the use of the stone track leading to Sowerton Farm Yard from Sykes Lane. However, this is a matter which could be satisfactorily addressed through the imposition of a condition requiring the track to be re-surfaced.
28. Nonetheless, I conclude overall that there is a considerable degree of uncertainty concerning the odour impact of the scheme on occupants of residential and commercial properties in the local area and a significant risk that it would routinely release odours at levels which would have a notable detrimental effect on some. In my judgement, this would amount to an unacceptable impact on amenity, contrary to the aims of NYWLP Policy 5/3 as well as emerging MWJP Policy D02. These Policies are consistent with the aim of the Framework as regards securing a good standard of amenity for all existing and future occupants of land and buildings. Whilst I understand that MWJP Policy D02 has been subject to public consultation as a result of which no significant modifications are proposed, given its draft status, I give it limited weight.
29. Under the circumstances in this case, a precautionary approach would be justified and the uncertainty with respect to the overall detrimental impact of the proposal on living conditions of sensitive receptors in the local area, with particular reference to odour, weighs heavily against approval of the proposed scheme.

Safety and convenience of highway users

30. The appellant has indicated that at present around 30,000 tons per annum of digestate is received at Sowerton Farm Yard and is then re-distributed from there to farms in the area, and 35,000 tons per annum of food waste is received.
31. There is no compelling evidence before me to show that the Council either has or is likely to instigate action to prevent those activities, notwithstanding its view that there is no planning permission for 'any waste use' of Sowerton Farm Yard.
32. In its Appeal Statement the appellant has indicated that, contrary to the assumptions set out in its *Transport Statement* (TS), the food waste would continue to be received at the yard after the appeal scheme becomes operational. Under these circumstances, I consider that little weight is attributable to the findings of the TS as regards predicted vehicle movements. The appellant suggests that the traffic associated with the receipt at and distribution of digestate from Sowerton Farm Yard would cease once the proposed facility is operational. However, the appellant also indicates that current operations associated with Sowerton Farm Yard are 'in no way connected to the appellant'. Furthermore, there is no evidence of a formal agreement between the appellant and the operators of Sowerton Farm Yard to secure the cessation of those activities. Therefore, I give little weight to the suggestion that traffic associated with Sowerton Farm Yard would reduce as a result of the proposal. The appellant estimates that a total of 40 heavy goods vehicle (HGV) movements per day are associated with those activities. However, in the absence of any survey data to support this estimate, I consider that it can only be regarded as indicative and should be treated with caution.

33. The proposed facility would process up to 90,000 tons of imported waste per annum and the arising 80,000 tons of digestate per annum would be distributed around the area. In its Appeal Statement the appellant estimates that, on average, a total of around 44 HGV movements per day would be associated with those activities. This is based on the appellant's experience at its existing facilities in relation to which the smallest HGVs have a capacity of 26 tons and haulage takes place 6 days per week, 52 weeks per annum. In my view, this is a more reliable approach than the '*methodology of proportioning the increase in annual tonnage from the existing operation*' at Sowerton Farm Yard, not least as the accuracy of the 40 vehicle movements per day estimate is in doubt, as set out above. As the latter approach formed the basis of both the TS and the estimates provided in the Dynamic Transport Planning Ltd (DTP) Technical Note, submitted by the Tollerton Action Group, I give their findings relating to trip generation little weight.
34. The appellant has indicated that of the existing deliveries to Sowerton Farm Yard associated with the digestate operation, 95% arrive via the A19, with the remaining 5% travelling through Tollerton. Furthermore, 70% of the trips distributing digestate from the yard travel via the A19 and the remaining 30% are routed through Tollerton. There is no compelling evidence before me to suggest that the trip assignment associated with the proposal would be significantly different. It follows that around 8 of the 44 new daily trips associated with the proposal would travel through the village. In my judgement, the resulting increased frequency of HGV traffic would be sufficiently limited so as not to cause material harm to the safety and convenience of highway users either in Tollerton or around the wider road network.
35. Furthermore, I consider it unlikely that HGV traffic associated with the appeal site would cause congestion or otherwise disrupt the free flow of traffic using the railway overbridge between the appeal site entrance and Tollerton, not least as the volume of traffic would be likely to be low and traffic lights prevent conflicting vehicle movements.
36. Whilst I have had regard to the concern of a number of interested parties regarding the potential for damage to the carriageway caused by the passage of HGVs, highway maintenance is a matter for the Highway Authority.
37. The horizontal alignment of the section of Sykes Lane from which the site would be accessed is reasonably straight for some distance in either direction and the hedgerow either side of the entrance is set back from the carriageway. I consider that intervisibility between drivers emerging from the site and those approaching along the carriageway would be sufficient, without removing hedgerow, to ensure that conflicting vehicle movements could be avoided.
38. I understand that, in the recent past, there have been a small number of road traffic accidents in the vicinity of the junction of Sykes Lane with the A19, all of which were classified as slight. I saw that for a car driver emerging from Sykes Lane, visibility along the A19 was somewhat restricted to the north by hedging. To my mind, conditions experienced by HGV drivers are less likely to be problematic, as their elevated driving position would improve visibility. In my judgement, the proposal would be unlikely to materially increase the risk of accidents at that junction.

39. I conclude that the proposal would be unlikely to have a material adverse effect on the safety or convenience of highway users, either on its own or cumulatively with the activity associated with Sowerton Farm Yard identified above. In this regard it would not conflict with HDP Policy DP30, NYWLP Policy 5/3, emerging Policy D03 of the draft MWJP insofar as they seek to ensure, in keeping with the aims of the Framework and the NPPW, that the highway network and site access can satisfactorily accommodate the traffic generated by the proposal and would not have an unacceptable impact on local communities. I understand that MWJP Policy D03 has been subject to public consultation as a result of which no significant modifications are proposed. The Highway Authority did not raise an objection to the scheme and this adds further weight to my finding.

Flood risk

40. The appellant has explained that surface water run-off from the site would be captured for use in the anaerobic digestion process. I consider that it would be possible to ensure that this is the case and the scheme would not increase flood risk in the local area through the imposition of a condition requiring an approved drainage scheme to be installed.
41. As to the concerns raised with regard to water pollution, the storage/process tanks would be bunded and the lagoons would be lined, so as to prevent spillage which may affect the water environment.
42. I conclude that the proposal would be unlikely to materially increase the risk of flooding in the area or of water pollution, in accordance with MWJP Policy D09.

Spatial development

43. NYWLP Policy 5/3 identifies the nature of sites where proposals for facilities for recycling commercial and household wastes will be permitted. They include, a site suitably located: within an existing, former or proposed industrial area of a character appropriate to the development; a redundant site or building; or, within or adjacent to active or worked out quarries or landfill sites. The appeal site does not fall within any of these categories. Furthermore, the Policy requires that the proposal will not have an unacceptable impact on local amenity or the environment. In light of my findings in relation to the effect on the character and appearance of the local landscape and living conditions, this criterion would not be met either.
44. The appellant has indicated that since the adoption of the NYWLP in 2006, a significant number of anaerobic digester facilities have been constructed across the UK. I have no reason to dispute that. However, in my view, it does not automatically follow that, as a result, NYWLP Policy 5/3 is out of date. On the contrary, the NPPW gives encouragement to the use of industrial sites, previously-developed land and redundant buildings. Furthermore, it seeks to ensure that waste management facilities contribute positively to the character and quality of the area in which they are located.
45. As I have already found that the scheme would conflict with CS Policy CP1, it would not meet the conditions necessary to benefit from the support for small scale renewable energy projects otherwise provided by CS Policies CP4 and CP15, referred to by the appellant.

46. MWJP Policy W11 advocates the use of previously developed land, industrial and employment land, or existing waste management sites; it supports on-farm locations in circumstances where a facility is proposed to deal mainly with agricultural waste. The appeal site does not fall within any of these categories either. Whilst I understand that this Policy has been subject to public consultation as a result of which no significant modifications are proposed, I give it limited weight due to its draft status.
47. I conclude that the proposal would conflict with the Council's spatial development strategy, with particular reference to NYWLP Policy 5/3 and CS Policies CP4 and CP15.

Other matters

48. The Council acknowledges that the proposal would provide some economic benefits, with particular reference to: limited employment; and, the management of food waste higher up the Waste Hierarchy in keeping with the aims of MWJP Policy W01 and the NPPW, producing usable bio-gas for export to the national gas grid and digestate for use as fertiliser on arable land. I acknowledge that, as set out in the Framework, even small scale renewable energy projects can provide a valuable contribution to cutting greenhouse gas emissions. Furthermore, I understand that there is an established demand for digestate in the area, which is reflected in a number of letters submitted in support of the proposal, and the site is situated reasonably close to national gas grid infrastructure, thereby increasing the feasibility of gas export from the site. However, those benefits would be likely to be offset to a degree by the adverse impact of the scheme on the living conditions of occupants of receptor 19, which could conceivably threaten the associated existing business. I consider overall, that only moderate weight is attributable to the economic benefits of the scheme.
49. In my judgement, it is most likely that future employees of the appeal site would travel to and from the facility by car, not least as the nearest bus stops are in Tollerton and there are no footways along the section of Sykes Lane leading to the appeal site entrance. Nevertheless, given the low staffing levels proposed, this would not be fatal to the scheme.
50. The appellant has indicated that the Council has granted planning permission for food waste composting in the local area. However, I do not know the full circumstances of that case and have no reason to believe it is directly comparable to the proposal before me. The brief description given by the appellant suggests not. In any event, each case must be considered primarily on its own merits.
51. I have also had regard to the significant level of local opposition to the scheme, evidenced by letters of objection. However, neither these nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conclusions

52. I have found that in relation to the impact of the scheme on the safety and convenience of highway users, flood risk and water pollution as well as a number of 'other matters' the effects of the scheme would be acceptable. However, those factors would be significantly and demonstrably outweighed by

the adverse impact it would have in relation to each of the following factors, both individually and cumulatively: the effect on the character and appearance of the local landscape; the risk to the living conditions of the occupants of residential and commercial properties in the local area; and, the conflict with the Council's spatial development strategy. I conclude on balance, that the appeal proposal would conflict with the Development Plan taken as a whole. Furthermore, having regard to economic, social and environmental factors, it would not amount to sustainable development under the terms of the Framework.

53. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR