
Appeal Decision

Site visit made on 7 July 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2020

Appeal Ref: APP/R2520/W/20/3250750

**Heath Farm AD Plant, land at Heath Farm, Metheringham Heath,
Lincolnshire LN4 2AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr G McMurray on behalf of Heath Farm Energy Ltd against the decision of North Kesteven District Council.
 - The application Ref 19/1140/VARCON, dated 13 August 2019, was refused by notice dated 14 October 2019.
 - The application sought planning permission for Erection of biomass anaerobic digestion renewable energy facility, incorporating digester and storage tanks, below ground leachate tanks, Combined Heat and Power (CHP) unit, flare stacks, gas upgrade units, feed hoppers, site office, weighbridge, silage clamps, 5.57m gallon above ground digestate storage reservoir, liquid/solid digestate removal station and associated works. without complying with condition 17 attached to planning permission Ref 17/0434/VARCON, dated 2 June 2017.
 - The condition in dispute is No 11 which states that: Material shall be stored no higher than 7m within the storage clamps and shall be sheeted with dark grey/dark green sheeting unless otherwise agreed in writing with the local planning authority.
 - The reason given for the condition is: In the interests of visual amenity to accord with policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017.
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Decision

1. The appeal is dismissed

Preliminary Matter

2. The original application for an anaerobic digestion (AD) plant on this site was granted permission in 2014. This has been the subject of a series of applications to vary conditions covering various elements of the development. When the AD plant was first approved under ref 13/1426/FUL it was of a significantly greater size and covered approximately twice the site area of the current operation. In the event this was varied by 15/0151/VARCON which reduced the scale of the development and it was this which forms the basis of the development currently on the site. The height at which the silage clamps which store the material to be processed on site has been varied previously, progressively increasing the height of the storage up to the current limit of 7m. The latest application is this appeal which seeks to increase the height of the silage clamps from 7m to 9m.

Main Issues

3. Whether the increased height of the silage clamps would have an adverse impact on the local landscape.

Reasons

4. The existing plant is already a noticeable development in an otherwise rural landscape, being a large industrial plant with a series of silos and structures set in undulating fields interspersed with hedgerows and trees and occasional agricultural buildings.
5. The current silage clamps are located to the front of the site and cover an area of around 9,450 m² set behind bunds, peripheral planting and a small woodland. They are currently reasonably assimilated in their location, but noticeable particularly from the south, east and south-east, in part as the landscaping to these sides has yet to become established. Even had the planting in this area been in place, it is not clear from the evidence presented that the screening would be fully effective for a storage area of this size and to the height proposed.
6. I could see from my site visit that the silage clamps can be seen from close up on the roadside at the south eastern corner of the site, and from further afield to the east and south east. While the lack of mature planting exposes the silage clamps to views, the colour of the sheeting over the stored materials and the rounded form of the deposited material does assist in assimilating it into this location from these more distant views. Nevertheless, as a single largely horizontal mass, it is distinguishable from the softer smaller areas made up of the trees in the woodland beyond.
7. When you are closer to the site, the scale of the clamps is more apparent and the effect on the landscape more marked. Where the road drops as it does in places, following the natural undulations of the landscape the relative position of the proposed clamps to the skyline and trees beyond changes. By increasing the height and mass of the clamps the effect on the landscape would be increased.
8. While the appellant has offered the prospect of additional planting this is only on the eastern side of the site, and this would need to be the subject of an additional condition. As such the degree of additional screening it might achieve cannot at this stage be fully assessed, nor is there any indication this would fill the gap on the frontage that would remain, leaving clear views into the site, all be it from a more modest area than currently available.
9. I note the visualisation prepared by the landscape consultant, but the imagery is not based on an agreed scheme taking into account the type, depth or density of planting or the future mature heights of species yet to be agreed. As such I only give these moderate weight in coming to my conclusions.
10. The appellant in addressing the concerns raised by the Council advises that the storage capacity sought is in effect the worst-case scenario, as the material that gets used over the year would reduce the stockpile over time. It would also be at a capacity which would accommodate a good harvest, thus in some years the storage may be less. While I accept that this may be the case, in considering this proposal if I were minded to allow the appeal, the storage of materials at 9m could still be in place for considerable periods of time.

11. As such I consider the increase in height of the silage clamps, being such large features to the front of the site, would result in an incongruous feature that would adversely affect the landscape and as a consequence would be contrary to the provisions of Policies LP17, LP19, and LP26 (part (c)) and LP55 (part E) of the Central Lincolnshire Local Plan (2017) which amongst other things aim to ensure the local landscape character is protected from unsuitable development and of a scale commensurate with that use in a rural location.

Other Matters

12. The appellant refers to the original proposal which was granted permission in 2014 and which covered approximately twice the area of the current operation. This though is not a fallback position and the silage clamps while greater in number would not have been as high as the ones proposed here, and I therefore give it little weight in my considerations.
13. The appellant also argues that there is significant support for renewable energy schemes within the National Planning Policy Framework and by allowing the proposal it would bring additional benefits to the rural economy. I would agree that there is significant support within the Framework for renewable energy schemes, however this is a proposal to vary a condition which would allow for increased storage in the countryside. The AD plant has already been authorised and benefits from a permission and is providing renewable energy. The Framework is a material consideration in coming to a decision, but it does not outweigh up to date development plan policy which is the starting point for determining applications and subsequent appeals.
14. Any additional benefits to the rural economy by improving efficiency have not been clearly quantified. The AD plant would operate at the same capacity, employment may even be reduced by improving efficiency, as such I give this limited weight in coming to the conclusions in respect of the appeal before me.
15. While increased efficiency may well come through reduced journeys, taking double handling out of the supply chain and reducing lost capacity through waste occurring offsite. I am not persuaded that these benefits carry such weight that it would warrant the harm to the landscape that would arise should the silage clamps be increased in height as sought.

Conclusions

16. The appeal is dismissed.

Edwin Maund

INSPECTOR