



Appeal Decision

Hearing held on 25 February 2025

Site visits made on 24 and 26 February 2025

by J Burston BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/V3500/W/24/3354097

Land at Copland Way, Ellough, Beccles, Suffolk, NR34 7TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Privilege Finance Service Limited against the decision of Suffolk County Council.
 - The application Ref is SCC/0124/22W.
 - The development proposed is the construction and operation of anaerobic digestion plant and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I undertook an 'access required' site visit on 24 February 2025. Following the discussions held at the Hearing I undertook a further unaccompanied site visit on 26 February 2025, primarily to view the appeal site from locations in North Cove and Barnby.
3. Following the discussions held at the Hearing the appellant submitted, in consultation with the Council, a revised suite of revised planning conditions, which was agreed by both parties. A revised site layout plan (Drawing No. 27682/300 Rev K) was also provided which increased the emergency landing strip to 20 metres and amended the on-plan earthworks. The Council provided comments on the layout plan, and these are considered within my reasoning below. Given that these amendments were discussed at the Hearing and would not significantly change the proposed scheme, my acceptance of this evidence would not prejudice other parties' interests.

Main Issues

4. The main issues are:
 - whether the proposed development would accord with the development plan in relation to the strategy for the location of waste management and employment facilities;
 - whether the appeal site is a suitable location for the operation of an anaerobic digestion plant having regard to aviation safety; and

- the effect of the proposed development on the landscape character and visual amenities of the site and surrounding area.

Reasons

5. The appeal site is located broadly north of Benacre Road and to the southeast of the B1127. It occupies a corner plot of agricultural land, bounded by hedgerows and scrubby vegetation. To the north of the site is the existing Ellough Anaerobic Digestion (AD) plant, to the east is the Beccles Aerodrome and to the south is a solar farm. The surrounding area is a mix of industrial units and agricultural land.
6. The site is located approximately 1.5km south-east of Worlingham and 3.5km south-east of Beccles. The site is located within three parishes, namely Ellough, Worlingham and North Cove.
7. The southeast corner of the site is bordered by the Ellough Airfield County Wildlife Site (CWS). Sotterley Park Site of Special Scientific Interest (SSSI) is approximately 2km to the south-east of the site. The Barnby Broad and Marshes SSSI is approximately 2.7km north-east of the site, which also forms part of the Broadland Special Protection Area (SPA) and Ramsar site and the Broads Special Area for Conservation (SAC).
8. The proposed development is a food waste supplied direct-to-grid anaerobic digester to be operated on the basis of 1,000 Nm³ (cubic meters) of biomethane per hour, with an operational capacity of up to 10MW (on the basis of 10kW per Nm³). It is stated by the appellant that the plant will handle 100,000 tonnes of food waste per annum.

The Development Plan

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
10. As set out in the Statement of Common Ground, the development plan for the area includes the Suffolk Minerals & Waste Local Plan (July 2020) (the MWLP), the Waveney Local Plan (March 2019) (the LP), the Worlingham Neighbourhood Plan Made Version (December 2022) (WNP) and the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan (June 2023) (SSWENP).
11. Relevant national policy includes the National Planning Policy Framework (NPPF), National Planning Policy for Waste, October 2014 (NPPW), and the National Planning Practice Guidance (NPPG).

Whether the proposed development would accord with the development plan in relation to the strategy for the location of waste management and employment facilities

12. The distribution of growth in Waveney is detailed in LP Policy WLP1.1. This allocates growth to Lowestoft, followed by market towns and then by villages. This

approach is consistent with the NPPF which states at paragraph 9 that “*Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*”

13. The vision of the MWLP establishes, amongst other matters, that minerals and waste management sites will only be permitted in appropriate locations. Policy GP3 of the MWLP establishes a spatial strategy for waste management. It states that the growth of Suffolk’s sustainable waste management network will be delivered by primarily focusing on the main centres of population, such as Ipswich, Lowestoft and Bury St Edmunds and areas well related to the Suffolk Lorry Route Network.
14. The proposal would be located on land outside of a settlement boundary and therefore designated as countryside as set out in LP Policy WLP1.2. Furthermore, the appeal site is not allocated for waste development in the MWLP, and it does not form part of a site in existing lawful waste management use. Indeed, it is common ground that the appeal site is not subject to any development plan allocation. Policy WP3 of the MWLP supports waste development and Policy WP7 supports anaerobic digestion. Both policies apply a criteria-based approach, none of which relate to the appeal site. LP Policy WLP8.28 also establishes that the Council will support Neighbourhood Plans in identifying suitable areas for renewable and low carbon energy development. In this respect neither the WNP (paragraph 4.3) nor the SSWENP (Policy HP2) allocate any suitable sites and support the approach that development outside the settlement boundary will only be supported in exceptional circumstances.
15. Accordingly, based on the evidence before me, the appeal site would not conform with these locational requirements, and consequently, the location would not accord with the spatial strategy. Furthermore, even if pre-application advice was provided which was supportive of the principle of the development at this location, such advice would not bind the Council to approve the application.
16. Despite this, the appellant states that the proposal should be considered as an employment site, as Anaerobic Digestion (AD) plants are akin to an industrial use. Waste management operations are a *sui generis* use, nevertheless, Policy WLP8.13 of the LP confirms that “*new employment development falling into use classes B1, B2 and B8 will be permitted adjacent to existing employment areas and outside settlement boundaries*”, subject to two criteria. The first of these requires the additional need for employment land to be demonstrated and the second, that there is no land available within employment areas, allocations and settlement boundaries.
17. The supporting text to Policy WLP8.1 states that to demonstrate additional need applicants should provide “*information on latest economic forecasts or bespoke forecasts for the relevant sector. The evidence of need should also justify the locational requirements for the development. In demonstrating there is no suitable land within Existing Employment Areas, allocations or within the settlement boundary, a review of land and premises available will be required together with evidence of the specific locational requirements of the proposed development.*”
18. There is limited information before me to demonstrate that new employment land is required or that there is no land available at existing sites. The evidence

presented is related primarily to the locational needs of the proposal, which I understand are complex. Nonetheless, without the additional 'step' of evidence to confirm that no sites are suitable/available which meet these locational needs it cannot be confirmed that the need for new employment land has been demonstrated to comply with Policy WLP8.1.

19. Whilst the appellant has criticised the MWLP and the LP for not allocating either waste management or renewable energy facilities, both Plans have been through an examination process and been found sound. Whether or not there is a demonstrated need for a facility such as this, including the benefits of renewable energy, will be a consideration to be taken into account in the final balance and are matters considered later in this decision.
20. Looking at these policies as a whole, the focus of development is Lowestoft, followed by the market towns. The aforementioned policies further address development outside of these areas, including the countryside and I have found that the proposal would not accord with these policies. In my judgement, the shortcomings within the evidence before me, lead me to conclude that the proposal would not satisfy the locational and functional requirements for either waste management facilities or employment development. It would therefore fail to comply with: MWLP Policies WP3 and WP7; LP Policies WLP8.13; SSWENP Policy 14; and paragraph 4.3 of the WNP which seek to control these matters.

Whether the appeal site is a suitable location for the operation of an anaerobic digestion plant having regard to aviation safety

21. Beccles Aerodrome (ICAO code: EGSM) has been active for some 80 years and is situated to the east of the appeal site. The Aerodrome hosts 5 professional training schools and support base agreements are also in place with the National Police Air Services (NPAS), Air Ambulance, Coastguard (SARS) and the military. As an approved 'Port of Entry', visitors flying to and from the continent are able to land at Beccles to clear Immigration. The Aerodrome comprises a number of large hangars, fuel storage and a café.
22. The Aerodrome includes businesses that train for the National Private Pilots' Licence (NPPL) flying fixed wing / Light Sport Microlights (LSM), parachuting school and helicopter / gyrocopter training. Subject to weather conditions the Aerodrome operates all year and has approximately 21,900 movements per annum.
23. Historically the Aerodrome had access to two runways, however this is now limited to a single runway identified as 27 (left hand circuit take-off) and 09 (right hand circuit landing). The runway is made of tarmac and grass and would have historically extended to the west to meet Church Road.
24. The Aerodrome is currently unlicensed given that it does not serve flights that require a licensed aerodrome, such as public transport. Nevertheless, whilst the licensing of an aerodrome is not a reflection on the necessity for operational safety, an unlicensed site is not safeguarded in the Development Plan. Any proposed development within a 'safeguarded' area requires the planning authority to consult The Civil Aviation Authority (CAA), the owner or operator of the aerodrome or in relation to a safeguarding map certified by the Secretary of State

for Defence, the Secretary of State for Defence (as set out in the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (updated 22 December 2016).

25. In any event, the NPPF sets out at paragraph 111 f) that planning policies should *“recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the General Aviation Strategy”*.
26. The appeal proposal is located some 200 metres from the end of the runway and slightly to the north of its centre line. Given its proximity, it is necessary to assess the potential effects of the proposed development’s location on aviation safety.

Engine Failure After Take-off (‘EFATO’)

27. I heard at the Hearing that the standard procedure in the event of EFATO is to land straight ahead, because any degree of turning increases the risk of stalling. This is not possible on take-off from Runway 27 due to the existing solar farm. The location of the AD Plant would further erode an already constrained area for a forced / emergency landing. In an environment where flying training is taking place with inexperienced pilots, that significantly increases the risk of an aircraft carrying out a forced landing colliding with the proposal, causing serious injury or a fatal accident.
28. Notwithstanding all the circumstances brought to my attention, and the objections made to the data provided by the appellant, based on the evidence before me, placing a waste management facility where there is currently an agricultural field would increase the obstacle environment when taking off from runway 27 in the event of an EFATO. This is to such an extent that if there was an EFATO, however infrequent that may be, there would be an increased adverse risk that aircraft would collide with the proposed development.
29. In terms of frequency, the appellant identifies that there would be only a few seconds, when the aircraft reaches a certain altitude, in any take-off when engine failure would result in an aircraft colliding with the proposed development. At other times the aircraft would either settle back on the runway or be able to glide over the proposed development. Moreover, the AD plant represents only 3% of the EFATO zone and the incremental EFATO risk created by the proposal can be considered as negligible.
30. However, aircraft are at their most critical phases of flight after departure and prior to landing and this is a regular activity during pilot training and low hour pilots using this airfield. These circumstances were not disputed. To my mind, Beccles Aerodrome operates under a dynamic training situation, with a variety of aircraft, where the departure path has already been limited. Furthermore, the CAA (Aerodrome Advisory Team) stated at the Hearing that there is no defined safeguarding area (zone) for an EFATO, and any such area should be considered reasonably and pragmatically. In this respect the CAA (Aerodrome Advisory Team) state in paragraph 98 of their consultation response that *“...an engine failure after take-off (EFATO), or other in-flight emergency for which a pilot is compelled to make a forced landing, is likely to be more survivable when there are no obstructions in the area on which the aircraft lands.”*

31. Furthermore, an incident such as EFATO in an area incorporating an AD Plant could lead to increased risk of explosion. Anaerobic digestion is a process in which bacteria break down organic matter such as food waste, without oxygen. As the bacteria consume the food waste, they produce a flammable mixture of gases known as “biogas”, which is mainly methane and carbon dioxide. The biogas can be purified or ‘scrubbed’ to remove the non-flammable gases and sold to the grid. In the short term the gas is usually accommodated in the domed roof of the digester. The domed roof is constructed of a plastic membrane and was described by the appellant as similar to a bouncy castle. Longer term storage is within separate storage tanks. Other chemicals are also stored on site, including propane, ferric chloride and oil.
32. Pilot training at Beccles Aerodrome involves a significant amount of circuit flying, which is repetitious take offs and landings. The increased obstacle environment may make such circuits more complicated and increase the risk of a collision either at take-off or landing, between an aircraft and flammable materials within the AD Plant.
33. The combination of these above factors would undoubtedly complicate the landing environment in the case of an EFATO. Whilst I accept that the frequency of such an event is rare, the proposed development would increase the collision risk and any resultant injuries in an EFATO situation.
34. In mitigation the appellant has provided a strip of land along the southern boundary of the appeal site, approximately 20 metres wide, to provide an ‘aviation clearance zone’ (as shown on the revised site layout plan Drawing No. 27682/300 Rev K). This strip of land would be made available for EFATO procedures, on as similar heading as possible to runway 27 to avoid any aircraft having to turn and risk stalling.
35. Whilst this would assist many pilots, I was told that the Aerodrome trains pilots who are inexperienced and would unlikely have the ability to control and manage the landing to use a limited space, particularly where the wingspan of a typical plane is 10 metres. Nevertheless, I acknowledge that pilots still under instruction would be accompanied by an instructor. In the event of an EFATO, the instructor would take over control of the aircraft, which would increase the chances of avoiding structures on the ground. Based on the evidence I heard, the real issue is with ‘low hours’ pilots, those who hold a licence but do not have much experience. A low hours’ pilot would struggle to land in such a limited space.
36. The CAA painted a picture where in the nose down altitude following EFATO an aircraft will be on the ground in around 7 seconds. Within this time the pilot must configure the aircraft for an emergency landing having been in a take-off configuration. This will involve controlling the aircraft, rapidly picking a landing site, switching off fuel supply and alerting the aerodrome of the situation. The proposed landing strip would be akin to landing through a letterbox.
37. I have some sympathy with the appellant’s argument that there are other areas of undeveloped land that would be more suitable for landing in a EFATO situation, as their evidence points to aircraft being able to glide beyond the appeal site. However, I note that the businesses currently operating from the Aerodrome use differing aircraft to that cited in the appellant’s evidence and the objectors stated that the climb rate of their aircraft would be steeper, and the descent rate would

also be steeper. There are also a number of variables in play, including the weight of the aircraft, where the pilot started the take-off roll from and the strength of the wind.

38. Furthermore, given the increase in development hereabouts there are very few spaces to land an aircraft safely, without encountering an obstacle and the proposed development would further erode the opportunities.
39. Accordingly, whilst I accept that the potential to glide over the development and land further afield is an option available to a pilot. The variables at play here paint a complex picture and I remain unconvinced that a pilot would have the opportunity to glide and land safely further afield.
40. Thus, having regard to these matters, and the lack of site-specific evidence from the appellant, I find it reasonable to err on the side of caution and agree with the Council, particularly owing to the severity of the consequences of a forced landing.

Gas venting and flaring

41. AD Plants incorporate gas flaring systems so that, in case of excess production or a storage malfunction, excess gas can be safely burned off, so it does not build up and create the risk of explosion. Venting is a last resort, and the release pressure is less than 10 millibars above atmospheric pressure. The flare is triggered at a lower pressure than emergency venting, but neither procedures should be used under normal operating conditions.
42. Objectors are concerned that such operations can change atmospheric conditions creating thermal plumes, leading to explosive conditions and distract pilots on landing/take-off. It was put to me that such issues are particularly worrying for parachute operations and helicopter pilot training.
43. The appellant undertook test flights over an operational AD Plant. For this assessment the Plant carried out a flaring process. The conclusion of the assessment was that the flaring process is not visible from an aircraft and does not disrupt its flightpath. The conclusion of the test flight was that the process therefore does not present a risk to aircraft in flight.
44. The flaring/venting system would be very limited in its use and the flare stack itself is located adjacent to the northern boundary of the appeal site, as far away from the runway and flight paths as possible. No evidence was presented to me that the existing AD Plant presented any concerns in terms of distracting pilots and given the existing activities in the area the distraction risk posed by the proposal would be limited.
45. Therefore, based upon the evidence presented, the venting and flaring operations arising from the proposal would not result in an adverse risk to aircraft movements at Beccles Aerodrome.

Turbulence

46. The Council and the CAA explained their concerns relating to turbulence from both the proposed buildings and landscaping. It is clear that changes to wind speed can affect aircraft flight. In simple terms speed declines with the roughness of the terrain it passes over, which can include buildings and trees, these produce a wake which decreases wind speeds and increases turbulence.

47. The appellant considers that it is highly unlikely that any turbulence generated by the facility would be any greater than is commonly encountered at many airfields and that any turbulence generated is generally manageable and within the accepted safety tolerance threshold of light aircraft operations. These conclusions are based on the existing proximity of structures both on and off the Aerodrome and that the proposed digestors are a curved structure which are less likely to disrupt wind patterns.
48. In terms of Runway 09 and aircraft landings, any turbulence effects will only occur when the wind is northerly or north easterly. The wind rose produced by the appellant, and not objected to by the parties, indicates that the northerly and north easterly winds are most often lighter than the westerly winds. Such light winds would not be conducive to generating turbulence on the approach to landing.
49. Turning to Runway 27 and aircraft take-off, I agree with the appellant that any turbulence impacts would be minimal given the prevailing wind direction.
50. Based upon the accounts from both main parties' experts; and the relatively low height of the proposal, I do not believe that turbulence arising from the location of the buildings and any proposed landscaping would result in a substantially adverse effect to aircraft.

Tall structures

51. Tall structures, such as chimneys, lightening masts and buildings, can obstruct flying and affect aviation safety when in the vicinity of an aerodrome and penetrate the obstacle limitation surfaces (OLS). The OLS is a 3D zone around an aerodrome which must not be encroached on to avoid collision. The dimensions and geometry of the surfaces are constructed based on detailed rules defined in the UK Civil Aviation Authority's Civil Aviation Publication 168. The size of the surfaces is dependent on the number of runways, their dimensions and the procedures carried out at the airfield.
52. The appellant has assessed the OLS for Beccles Aerodrome, as set out in the 'Aviation Safeguarding Assessment' dated November 2023. It concludes on OLS that, locations within the current layout of the proposed development are beneath the Transitional and Inner Horizontal Surfaces and are vertically clear by at least 2.08m. This document concludes that the proposed development should be acceptable with regard to the physical safeguarding of Beccles Aerodrome.
53. Nonetheless, there could be construction machinery, such as cranes, that would breach the OLS and other permanent tall structures, particularly lightning masts, that would be classified as a special hazard within 1200m of the Parachute Landing Area (PLA) of the Aerodrome.
54. I accept that cranes could be accommodated with consultation with the Aerodrome operators and that aviation lights could be used which would provide mitigation. However, I remain concerned that the proposal would add to the hazards that already exist within the parachute landing area in and around the Aerodrome, as explained above. Whilst such hazards (if considered in isolation) could be easily avoided, if they are struck by a parachutist it may result in injury and as such should ideally be bordered by suitable overshoot/undershoot areas. I accept that agricultural areas exist to the north which could be used for landing, nonetheless, the proposal would add to the already complex obstacle environment, both on and

off Beccles Aerodrome and the associated increased risk of an accident occurring. Furthermore, given the nature of the hazards, restrictions on operating procedures would also be put in place. These could limit the type of parachutist (in terms of level of ability) being able to use the site, with the potential impact on commercial viability.

55. Accordingly, I find insufficient demonstration that the proposal would not harm the safe functioning of parachuting operations.

Bird Strike

56. The proposal includes soft landscaping in the form of hedging to the south-east, south and south-west of the appeal site. The type of landscaping proposed would be found locally and I do not consider that the planting of additional trees and hedging would necessarily result in a significant increase in risk to bird strike and as birds could roost in the bushes and trees already surrounding the airfield.
57. Furthermore, the submitted 'Bird strike analysis report', dated September 2022, includes mitigation to ensure birds do not congregate within the appeal site. Such mitigation measures include: deliveries in covered vehicles, storage of waste in a Reception Building and any external water lagoons would be netted to prevent birds settling.
58. I was also informed at the Hearing that the risk to propellor driven aircraft such as those used at Beccles is low and that in any event any aircraft would not be travelling at a high speed when near the appeal site as it would have just taken off or be coming into land.
59. Accordingly, it is reasonable to conclude that the operation of the AD Plant and the proposed landscaping would not result in such a significant increased risk of bird strike with aircraft as to be considered adverse.

Conclusions on the main issue

60. Overall, I find insufficient demonstration that the proposal would not harm the safe functioning of aircraft and parachuting operations in respect of EFATO and the proximity of tall structures. As such, this would conflict with the MWLP Policy GP4 (h and o) which relate to adverse impacts from development proposals on both neighbouring uses and airfield safeguarding. In reaching this conclusion I have taken into account the revised suite of conditions, but I find that the relevant conditions would not provide the mitigation to make the development acceptable in planning terms.
61. The proposal would also conflict with the NPPF at: paragraph 135 identifies that new development should create places that are safe and have a high standard of amenity for existing and future users; paragraph 111(f) refers to the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time; and paragraph 200 identifies that planning decisions should ensure that new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

The effect of the proposed development on the landscape character and visual amenities of the site and surrounding area

62. The Council are concerned that insufficient information has been provided to address the landscape and visual impact of the proposal. Their key concern is that the appellant's landscape scheme is insufficient, and more planting, including substantial tree planting, is required to mitigate the landscape and visual effects of the proposed development and to make it acceptable in landscape and visual terms.
63. The site is located within the Suffolk Landscape Character Assessment's landscape type '*Ancient Plateau Claylands*', and part of a plateau within a very gently undulating landscape. The site is within an arable field, however to the west the old airfield has been developed as an industrial area, utilising the routes of runways. To the south are extensive solar arrays and small storage facilities and to the east is an existing AD facility. Nevertheless, the appeal site provides a visual break to the urbanisation of the landscape and some appreciation of the textured mosaic character.
64. The MWLP Policy GP4 (c) requires proposals to assess and address any potentially significant adverse impacts on landscape character, visual impact, setting, and designated landscapes. The NPPF also requires planning decisions to ensure that developments are sympathetic to the landscape, and recognise the intrinsic character and beauty of the countryside.
65. The Council has also brought to my attention the 'National Planning Policy for Waste' 2014, which establishes at Appendix B a set of locational criteria to assess the suitability of waste management facilities. Bullet point 'c' states: "*Landscape and visual impacts: Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.*"
66. The appellant submitted a Landscape and Visual Impact Assessment (LVIA) to support the appeal. The LVIA concludes, in essence, that with the proposed mitigation in place the appeal scheme would not have an impact on the wider rural landscape.
67. The proposed mitigation planting would include extending the southern hedgerow to the southwestern and eastern boundaries and a new tree belt along the southern edge of the site. The planting scheme recognises that an aviation clearance zone is required to be maintained and therefore careful maintenance of the trees and hedgerow will be required for them to remain below any OLS restriction.
68. The proposed development is of an industrial character in terms of land use and operational elements, taking into account the design and size of the digesters, the hard surface areas for storage and circulation, and equipment facilitating the process. The developed area for the proposed AD plant extends over a large site of around 6.2ha, which would introduce a significant degree of industrial growth. I accept that the development would be adjacent to the existing AD plant and close to other industrial yards and buildings. Also, some elements of the design would help blend the proposal into the landscape, albeit that its visual effect would be

greater until planting matures. Nevertheless, the proposal would increase visual clutter against the skyline and undermine the historic character and fabric of the landscape. Accordingly, the effect of the proposed development on the surrounding landscape would, to my mind, be significantly adverse.

69. The people likely to be affected by changes in views and visual amenity are walkers and cyclists on the local public rights of way and using the highway network. Their susceptibility is likely to be high because they will be in the area for recreation and leisure, where enjoyment of the countryside will be important to their visit. Local residents with views towards the appeal site are also likely to have a high susceptibility. The viewpoints selected by the appellant and the Council to inform the LVIA were representative of views of the development sites by these receptor groups, although the LVIA did not include viewpoints from residential properties.
70. The Council's case is that the proposed vegetation cover does not provide any screening of the large proposed built structures from views to the north-east of the site (Viewpoint A). It is therefore considered that the scheme is currently not designed in a way that would minimise adverse effects on visual receptors.
71. The main elements of the proposed AD plant would be apparent from Brock Road (Viewpoint A) and the nearby footpath (footpath 1 at LVIA Figure 5), with views of the domes, lightning conductors and associated plant. The height of the domes would be emphasised when seen alongside the existing aircraft hangers. The structures would break the skyline and neither the existing or proposed vegetation (even at maturity) would break up or filter the expanse of these structures. Accordingly, given the high sensitivity to change of the receptors identified and the landscape context, the visual effect would be, to my mind, moderate.
72. In longer distance views, from North Cove and Barnby (Viewpoint K) also towards the northeast, visibility of the development would be negligible and for these landscape receptors the effect would be slight.
73. The Council's Landscape Officer identified that it is not an intention that the proposed AD Plant would be completely screened. However, in my judgement, further tall tree screening would allow the existing tree belt to continue, reinforce the landscape character and address the adverse impacts of the appeal scheme on sensitive receptors. Nevertheless, given the constraints placed on the appeal site by the neighbouring Aerodrome it would be irresponsible to allow trees to grow high enough to completely screen or filter the buildings and masts as they would become a safety hazard. Accordingly, from all that I have seen and heard and having regard to the landscaping set out on the revised site layout plan, it has not been demonstrated that suitable landscaping mitigation can be delivered on the site. As such the proposed conditions to require landscaping and maintenance schemes would place an unreasonable burden in the appellant.
74. Therefore, the development would cause significant adverse harm to the landscape character, particularly when viewed from the northeast, and whilst landscape mitigation is proposed, given the local constraints, it would do little to mitigate this harm or reduce the impact on visual receptors. Accordingly, there is conflict with MWLP Policy GP4(c), the NPPF and the National Planning Policy for Waste, the considerations of which are set out in my findings above.

Other Matters

Need for the proposed waste management facility

75. The proposed development is for a food waste-supplied direct-to-grid AD with a proposed feedstock limit of 100,000 tonnes of food waste per annum. At the Hearing I heard that local authority collected food waste was managed at the Suffolk Energy from Waste facility. Furthermore, the MWLP, adopted July 2020, provides, amongst other things, the framework for waste management over the plan period until 2036 and it states at paragraph 1.6 that there is no immediate shortfall in waste management capacity for Local Authority Collected Waste, Commercial and Industrial Waste, Construction, Demolition and Excavation Waste, and Hazardous waste streams. Nevertheless, I acknowledge that the appellant would be collecting waste from a wider area, approximately within a 2-hour drivetime which would include authorities outside of Suffolk.
76. The appellant rightly states that the Environment Act 2021 introduced changes to waste collection so that recyclable waste, including food waste from all households, businesses and organisations must be collected separately from other waste. Whilst I have no evidence as to the current waste collection regimes in the relevant local authorities, it is incumbent on all local authorities to comply with the legislation.
77. The 'Suffolk Food Waste Market Assessment', dated February 2023, submitted by the appellant indicates that a large capacity gap exists within a 1 hour and a 2-hour drivetime radius / catchment area from the proposed facility and that this is projected to increase into the future through to 2035. The analysis undertaken shows that there is currently an oversupply of waste, with sufficient feedstocks within the catchment area to supply additional food waste processing capacity.
78. Whilst this may be the case, I have no evidence of existing contracts to understand whether such demand is already catered for in the short to medium term. Moreover, I have little confidence in the assessment of competing infrastructure, as the waste market is not constrained by a defined catchment area. Therefore, there could be additional facilities available that have been excluded from the assessment.
79. The MWLP and the Government prioritise sustainable waste management and, in this respect, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The 'Food and drink waste hierarchy: deal with surplus and waste guidance' (Updated 1 January 2024), establishes that recycling, by anaerobic digestion and composting is higher up the hierarchy's list of options than recovering waste by energy from waste. Whilst it is a benefit that waste can be treated further up the hierarchy than it presently is, I have no evidence that food waste is currently going to landfill and the guidance also recognises that sustainable waste management is also dependant on cost and facilities available.
80. Given the limitations in the evidence before me I can only attach limited weight to the need for the development in terms of waste management facilities.

Renewable energy generation

81. The AD facility would produce renewable energy of 1,000 m³ (cubic metres) of biomethane per hour and capture over 8,000 tonnes per annum of carbon dioxide. The appellant states that the renewable energy generation is sufficient to heat more than 7,400 homes, more than the 4,789 households in the closest town of Beccles.
82. In this respect the Climate Change Act 2008 sets a requirement to reduce greenhouse gas emissions, most of which originate from the energy sector, to net zero by 2050. The Net Zero Strategy published in October 2021 set out the vision for transitioning to a net zero economy and the policies and proposals for decarbonising all sectors of the economy to meet the net zero target by 2050. The Overarching National Policy Statement for Energy 2023 states that a step change in the decarbonisation of our energy system is required to meet objectives. Similarly, the NPPF is clear that the planning system should support the transition to a low carbon future and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
83. Therefore, as the appellant states, there is strong Government support for renewable energy and the role of biomass and biomethane in optimising the path to net zero, mitigating climate change and increasing energy security. In reaching these findings I note the appeal decisions brought to my attention relating to the Government's 'direction of travel' in terms of energy security and, whilst those decisions relate to differing developments than the one before me, I generally agree to the approach taken in this respect.
84. In the development plan, mitigating the effect of climate change within the Waveney area is a cornerstone of the LP in achieving sustainable development. The LP's objective 4 is to reduce contributions to climate change and mitigate the effects and conserve natural resources. The supporting text to Policy WLP8.27 also provides a position statement on the Council's encouragement of renewable energy development, whilst recognising that these developments can have significant negative effects on the environment, including design, heritage, biodiversity and landscape.
85. The MWLP, at Policy GP2, also establishes that proposed minerals and/or waste development should take into account climate change issues and that waste development can for example contribute to reducing methane. Moreover, Suffolk County Council have declared a climate emergency, on 21 March 2019, and have set a goal of being the "greenest county" as well as 'working to be Net Zero Carbon by 2030.
86. The development would produce 1,000 m³ of biomethane per hour direct to grid, sufficient to heat more than 7,400 homes per annum. This would be a positive contribution to reducing reliance on fossil fuels, increasing domestic energy security and delivering on national strategies for decarbonisation of the gas grid. Furthermore, the development would remove in excess of 8,000 tonnes of carbon dioxide from the atmosphere each year. This would be consistent with national objectives to reduce greenhouse gas emissions and achieve the UK's carbon budget. Accordingly, such benefits would attract significant weight in the final balance.

Economic benefits

87. At the Hearing, mention was made of the weight to be given to the additional employment associated with the proposed AD facility. In this respect the NPPF says in paragraph 85 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking account of both local business needs and wider opportunities for development.
88. The appellant confirmed that between 8 – 10 direct jobs would be created on site, plus additional indirect jobs created by construction operations. However, any weight attached to these benefits should be tempered as the evidence on the employment that may be created directly and indirectly as a result of the proposal would be minimal and would not be related to employment needs or opportunities within the development plan to grow the local economy in a sustainable way. Therefore, I attach minor weight to job creation. I acknowledge that the scheme would also result in some local economic benefits during construction and its ongoing operation, to which I give moderate weight.

Biodiversity and The Conservation of Habitats and Species Regulations 2017 (as amended)

89. The Council has stated that the National Site Network or European Sites with the potential to be affected by the proposal include: Benacre to Easton Bavents SAC, Benacre to Easton Bavents SPA, Broadland SPA and The Broads SAC.
90. The Suffolk County Council Ecologist has concluded (Habitat Regulations Assessment February 2024) that there will be no Likely Significant Negative Effects upon the integrity of the aforementioned sites, given that the works are within an area of unsuitable habitat for the qualifying features, with no possibility of causing disturbance. Accordingly, this proposal, either on its own or in combination with any other plan, project or proposal of which Suffolk County Council's Ecologists are aware will not result in Likely Significant Effects upon any features of Conservation Interest on the European Designated Sites listed above.
91. Whilst I have no evidence before me to disagree with these conclusions, the Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.
92. I note the objections made on additional matters not identified above, including noise, odours, impact on wildlife and watercourses from pollution and highway safety. The Council did not deem these to be issues sufficient to warrant a reason for refusal and in any case, the proposed planning conditions would ensure that any adverse impacts on the amenity of nearby residents, biodiversity and highway safety would be adequately managed.
93. The proposed landscaping would result in some biodiversity enhancements to limit the impacts of the appeal scheme. Nevertheless, I have limited evidence to understand the current value of the appeal site to local biodiversity and what

difference the proposals would make to this, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species. Therefore, I can only attach minimal weight to this benefit.

Planning Balance and Conclusion

94. The proposal would help to secure national energy supply and mitigate against climate change. These are public benefits which hold significant weight. There would also be local employment, economic and biodiversity benefits at the local level.
95. However, I found significant harm would be caused to the landscape character, and insufficient demonstration that the proposal would cause no harm to the safe functioning of aircraft or the airfield, both matters which attract significant weight.
96. I find the significance and level of this combined harm, would not be outweighed by the public benefits. The proposal would therefore conflict with the Development Plan, including: MWLP Policies GP4, WP3 and WP7; LP Policy WLP8.1314; SSWENP Policy HP2; and paragraph 4.3 of the WNP. There would also be an overall conflict with the NPPF and the National Planning Policy for Waste.
97. For the reasons given above, the proposal would therefore conflict with the development plan taken as a whole. With no other material considerations indicating otherwise, I conclude that the appeal should be dismissed.

J Burston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr J Rankin Agent, DKR Rural Planning

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Mr R Norrington, Privilege Finance Limited

Mr I Slater, Privilege Finance Limited

Mr A Williams, Consultant, Pager Power

Captain C Turner, Consultant, Axten Aviation

FOR THE LOCAL PLANNING AUTHORITY:

Ms H Sargent, Barrister, Landmark Chambers

Mr A Rutter Development Management Suffolk County Council

Mr J Head, Airfield Advisory Team Principal, Civil Aviation Authority

Ms I Cutting, Senior Landscape Advisor, Suffolk County Council

INTERESTED PARTIES:

Cllr Chris Greenhill	Beccles Town Councillor
Andrew Kendall	Landowner
Pat Fenn	Interested Party
Tim Gallop	Interested Party
Michael Thornton MRTPI	Interested Party
Cllr I. Bond	Chairman Barnby Parish Council
Cllr Sarah Plummer	District Councillor for Beccles and Worlingham Ward
Ava Gallop	Interested Party
Clive Watson	Interested Party

DOCUMENTS

Submitted at and after the Hearing:

- Video of an aircraft runway excursion towards the development site
- Proposed Site Layout (Planning 2025): Drawing No. 27682/300 Rev K
- Suffolk County Council - The Conservation of Habitats and Species Regulations 2010: Regulation 61 Assessment, dated 15 February 2024
- Suffolk County Council Draft Conditions for APP/V3500/W/24/3354097