
F/YR18/1103/VOC

**Applicant: Mr Ripley
Pretoria Energy Company (Mepal) Ltd**

**Agent : Mr Richard Simmons
Plandescil Ltd**

Anaerobic Digester Plant, Iretons Way, Chatteris, Cambridgeshire

Variation of conditions 2, 4, 6, 10, 14, 16, 25, 26, 30, 32, 33, 40 and 43 of planning permission F/YR14/0163/F (Erection of an anaerobic digester plant with maize clamps involving the construction of a new access, and the formation of a reservoir)

Reason for Committee: This is a major application and in accordance with the Council's Scheme of Delegation if an objection is received from a Town/ Parish Council the application has to be presented to committee if the officer recommendation is contrary to the Town/Parish Council. An objection has been received from Chatteris Town Council

1 EXECUTIVE SUMMARY

This application seeks to vary some of the conditions attached to planning permission F/YR14/0163/F (Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir).

The AD plant is in full operation now and exporting gas direct to the grid. However following the construction phase it has become clear that there is some minor changes to the final layout of the site and these changes need regularising. Therefore amended plans have been received to reflect the actual layout and working of the site.

The approved feedstock for the AD plant is maize only and during the course of the last year sugar beet has been introduced as a feedstock. This application therefore also seeks to vary the maize only condition to introduce different feedstocks and the application has been accompanied by relevant odour assessment reports and management plans. This aspect of the proposal is discussed within the main body of the report.

The changes applied for seek to regularise the existing operation on the site and in issuing a new consent all the existing conditions attached to planning permission F/YR14/0163/F will be revisited accordingly. These are set out in the main body of the report.

The application is supported following consultation with the Council's Environmental Health Team and other relevant statutory consultees and amended conditions are imposed to reflect the current operation of the site and to protect the future operation of the site.

2 SITE DESCRIPTION

- 2.1 The application site is currently an operational Anaerobic Digester Plant covering an area of 13 ha and includes a surface water reservoir. The site is located adjacent to the Mepal Outdoor Centre (which is currently closed) with a range of residential properties to the west and east. There is a public byway running to the east of the site.
- 2.2 The site consists of a range of plant to aid the operation of the site with storage clamps to the south west of the site and a large surface water reservoir to the south. The site is presently partially screened by landscaping which is still maturing and over the course of several years the site should be well screened.
- 2.3 The site is located on the boundary between Fenland District Council and East Cambs District Council with the main plant located in Fenland and the surface water reservoir in East Cambs. A duplicate application has been submitted to East Cambs District Council for their consideration due to the cross boundary location and East Cambs will make their own determination in due course.

3 PROPOSAL

- 3.1 The application is to vary some of the conditions attached to the original planning consent F/YR14/0163/F. The variations have arisen following the actual on-site operation of the plant and seeks to amend variance with plant layout, parking, lighting etc. The application also seeks to amend the type of feedstock stored on the site for feeding the anaerobic digester.
- 3.2 The effect of granting a S73 permission is to effectively re-issue a planning permission and therefore any conditions and obligations that are relevant to the new permission having regard to the previous permission should be re-imposed and any new conditions or obligations imposed where appropriate to do so.
- 3.3 Condition Nos. 2, 4, 6, 10, 14, 16, 25, 26, 30, 32, 33, 40 and 43 are the relevant conditions that require varying as set out below.

Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

- 4.1 F/YR15/0058/F – variation of condition 2 of planning permission F/YR14/0163/F to vary timing of the implementation of the highway works – granted 17.4.15

F/YR14/3092/COND – Discharge of conditions – part approved 20.11.18

F/YR14/0163/F – Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir – granted 11.7.14

5 CONSULTATIONS

- 5.1 **Manea Parish/Town Council**
Noted

5.2 Chatteris Town Council

Makes the following comments/objections:

1. Original conditions should be adhered to.
2. Changes to working/delivery hours could have a detrimental effect on the A142 and neighbouring properties. The extended delivery period will mean more disruption during the year.
3. Smell from sugar beet is different to maize.
4. The removal of the wheel wash facilities is totally unacceptable.
5. The noise of beepers on reversing vehicles will carry for many miles and will effect residents in Chatteris and is unacceptable on noise grounds.

5.3 Witcham Parish Council

Raises no concerns.

5.4 Mepal Parish Council

Raise no concerns

5.5 East Cambs District Council

Confirms that a separate S73 application has been submitted to East Cambs DC due to the cross-boundary issues of the development and therefore do not wish to offer any formal comments on this application.

5.6 Environmental Protection (FDC)

Makes the following comments:

Having studied the information submitted, including the Odour Impact Assessment (AQ106442R1) and Noise Impact Assessment (AC106526-1R0) produced by REC Ltd, I am satisfied with their content and that this warrants Variation of Conditions 16 and 30 (Odour) and 14 (Delivery Times).

Information provided by the applicant is also satisfactory to allow variation of conditions 25 (Lighting) 26 (Acoustic fence).

I note the comments in the Discharge of Conditions Statement from Plandescil Consulting Engineers, report ref: 18033/DOC/Rev0/RPS dated November 2018 and acknowledge those that relate to other conditions for variation not already covered in this email. I have no adverse comments to make on those from an environmental health standpoint as they do not have relevance to this service.

5.7 Natural England

Makes the following comments:

Natural England currently has no comment to make on the variation of conditions 2, 4, 6, 10, 14, 16, 25, 26, 30, 32, 33, 40 and 43 pursuant to planning permission F/YR14/0163/F.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

5.8 Wildlife Officer PCC

Has no objection to the proposal however regarding condition 25 (external lighting) advises that drg. No. 18033/2007 is revised to ensure it clearly demonstrates the LUX levels across the site which are likely to support foraging bats and may be adversely affected by such lighting. The scheme should be designed to achieve LUX levels of 2LUX or below at the site boundaries.

5.9 Environment Agency

Recommends the discharge of condition 32 as the swales have been lined as per our previous recommendation. This information was included within document statement November 2018.

Cannot recommend the discharge of condition 33 as some of the details requested have not been provided.

Raises no objection to the discharge of condition 40.

The applicant has provided a Reservoir Act Certificate detailing that the works have been subject to Panel Engineer Approval by Mott Macdonald dated 3 March 2017 and therefore make no further comments in respect of the protection of controlled waters.

5.10 Lead Local Flood Authority

Based on the submitted information the LLFA confirm that they have no objection to the variation of conditions 32 and 33. The submitted information demonstrates the increased swale capacity can hold the required amount of water on site for the critical storm event. The documents also demonstrate that suitable measures have been put in place to reduce the risk of pollutant leakage from the site.

5.11 Cambs Constabulary

Having reviewed the updated documents and correspondence they raise no objection on the grounds of community safety and vulnerability to crime.

5.12 Cambridgeshire County Council Highways Authority

The drawings submitted are in accordance with the approved plans and the works have been completed on site. No highway objection to the variation of the conditions.

5.13 Local Residents/Interested Parties

No comments received.

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Section 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment.

Section 16: Conserving and enhancing the historic environment.

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP13: Supporting and Managing the Impact of a Growing District

LP14: Responding to climate change and managing the risk of flooding in Fenland

LP16: Delivering and protecting high quality environments across the District

LP18: The Historic Environment

LP19: The Natural Environment

8 KEY ISSUES

- **Principle of Development**
- **Resultant variation to original conditions attached to F/YR14/0163/F**
- **Unilateral Undertaking**
- **Other concerns**

9 BACKGROUND

- 9.1 Planning permission was granted in 2014 for the erection of an anaerobic digester plant with associated conditions. Over the course of the following 4 years, the plant became operational and it transpired that some of the conditions require amending, some of the overall layout of the plant has changed, and more significantly the feed stock has changed. These changes have occurred due to the evolution of technology and industry best practice. These changes have resulted in the submission of this application to regularise the final building out and operation of the plant.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of development was established through the original full planning consent F/YR14/0163/F and this application seeks to make minor material amendments to that permission through S73 of the Act.
- 10.2 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved details.
- 10.3 The PPG advises that where modifications are fundamental or substantial a new planning application will be required. Where less substantial changes are proposed a minor material amendment application under S73 of the Town and Country Planning Act 1990 can be submitted where there is a relevant condition that can be varied.
- 10.4 There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. As such it is for the LPA to determine whether the proposed amendments constitute minor material changes.
- 10.5 The changes proposed do not alter the scale or nature of the approved operation. The main consideration relates to feedstock and whilst this is materially different than the previously approved maize only condition, the LPA is content that a plant

of this size could encompass alternative feedstock provided the relevant odour impacts are assessed, together with the relevant highway changes. These issues are discussed below.

Resultant variation to the original planning permission F/YR14/0163/F.

10.6 Below is a complete list of conditions that it is intended to either re-impose, remove or alter relating to planning permission F/YR14/0163/F.

Condition 1

The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Development started on 28 July 2014.

This condition is no longer relevant.

Condition 2

No works shall commence on site until the off-site highway improvement works comprising the alterations to the A142/ Block Fen roundabout and byway No.27, Chatteris, shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by Local Planning Authority and such a scheme shall include layout, levels, forms of construction and surface water drainage.

This condition was subject to a variation of application to allow the highway works to be completed prior to the exportation of gas from the site.

Since this time a formal S278 highway agreement has been achieved with Cambridgeshire County Council and the new arm off the A142 roundabout is operational and takes traffic to and from the site.

This condition is no longer relevant.

Condition 3

No works shall commence on site until a Construction Method Statement for all traffic associated with the development during the period of construction has been submitted to and approved in writing by the Local Planning Authority, and such a scheme together with proposals to control and manage traffic using the agreed route, and to ensure that no other local roads are used by construction traffic unless otherwise agreed in writing by the LPA.

This condition relates only to works during the period of construction and therefore as the AD Plant is now complete this condition is no longer required.

This condition is no longer relevant.

Condition 4

Prior to the first occupation of the development the proposed on-site parking / loading, unloading / turning / traffic flow/protected pedestrian routes/ waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA, and thereafter retained for that specific use.

This condition needs re-wording to ensure the agreed on-site parking/loading, unloading/turning/traffic flow/ protected pedestrian routes and waiting areas are retained for that purpose.

The re-worded condition is as follows:

The on-site parking/loading/unloading, turning, traffic flow, protected pedestrian routes and waiting areas shall be retained on site in accordance with drawing Nos. 18033/2006 and 18033/2006.

This condition to be imposed.

Condition 5

Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction in accordance with a detailed scheme to be submitted to and approved in writing by the LPA prior to the commencement of development.

This condition relates only to works during the period of construction and therefore as the AD Plant is now complete this condition is no longer required.

This condition is no longer relevant.

Condition 6

Working hours for the AD plant are limited to:

07:00 - 19:00 each day Monday - Saturday

08:00 - 13:00 Sundays and bank holidays

Unless otherwise agreed in writing with the LPA. The only activities permitted on the site outside of these hours are for access by employees and contractors for purposes of security and undertaking emergency maintenance and repairs.

The application seeks to vary this condition to cover the 24/7 nature of working of the plant. The AD process requires constant supervision, testing and general maintenance. This work is generally limited to process supervisors, maintenance engineers, and laboratory technicians. Loading of the feed hoppers can also occur outside the previously approved working hours.

It is considered that the condition is not precise or relevant due to the nature of the works undertaken by the Plant. The need for additional vehicle movements over a 24 hour period negates the need for this condition.

The applicants have updated their noise impact assessment and management plan with the noise impact assessment taking into consideration HGV movements at night. The applicant has anticipated no more than two 2-way vehicle movements an hour during the night so the assessment is based on one vehicle movement every 15 minutes. Pretoria Energy have confirmed that on most occasions the deliveries have finished by 9pm and only extend through the night over busy harvest periods. The noise impact assessment is based on the worst case scenario of one vehicle every 15 minutes. The use of the feed hoppers over a 24 hour period have also been included in the revised reports.

When consulted, the Environmental Health Team have confirmed that the updated noise impact assessment and management plan are acceptable and there is no further need for this condition.

The condition is no longer relevant.

Condition 7

Prior to commencement of development a management plan shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the construction phase - these shall include, but not be limited to, a schedule of works, plant to be used, times of use etc, and shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

Condition has already been discharged under application F/YR14/3092/COND and relates to the construction phase only.

Condition is no longer required.

Condition 8

The use of plant and machinery during the construction phase shall be limited to 07:00 - 18:00 each day Monday - Friday and 08:00 - 13:00 on Saturdays unless prior written agreement with the LPA has been given.

This condition was imposed for works during the construction phase. The construction has been completed and the condition is no longer required.

Condition is no longer required.

Condition 9

Deliveries to the site during the construction phase shall be limited to 07:00 - 18:00 each day Monday - Friday and 08:00 - 13:00 on Saturdays unless prior written agreement with the LPA has been given.

This condition was imposed for works during the construction phase. The construction has been completed and the condition is no longer required.

Condition is no longer required.

Condition 10

All mobile mechanical handling equipment operated within the site that require the use of reversing alarms shall be fitted with broadband reversing alarms or similar.

The applicant has modified the vehicles they own and operate to have broadband reversing alarms. The noise management plan AC106526-2R1 includes assessment of visiting vehicles that may not be fitted with broadband reversing alarms or similar and the Council's Environmental Health Team are satisfied that the noise management plan includes vehicle movements during unsociable hours.

Condition needs re-imposing

Condition 11

Prior to commencement of development a noise management plan shall be submitted and agreed in writing with the LPA regarding mitigation measures for the operation of the site - these shall include but not be limited to, the selection of

suitable plant items with regards to the proposed use and the nature of the site, and the housing, where possible, of plant within enclosures or buildings. The management plan shall be implemented and adhered to at all times, unless otherwise agreed in writing with the LPA.

This condition has been discharged under F/YR14/3092/COND however it is necessary to impose a re-worded condition to ensure that the agreed noise management plan is implemented and adhered to at all time.

The Noise Management Plan AC106526-2R1 hereby approved, shall be implemented and adhered to at all times during the operation of the AD Plant.

Amended condition needs re-imposing

Condition 12

All doors to the CHP (Combined Heat & Power) generators shall remain closed, except to allow ingress and egress.

Condition needs re-imposing

Condition 13

The rating level of noise emitted from the site shall not exceed the background noise level existing at the time of approval or 35dB(A), whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of any nearby residential dwelling. The noise level shall be measured and/or calculated in accordance with BS4142.

Condition needs re-imposing

Condition 14

Delivery and collection times during the operational phase shall be limited to:

07:00 - 19:00 each day Monday - Saturday

08:00 - 13:00 Sundays and bank holidays

'unless otherwise agreed to in writing by the LPA following the submission of an appropriate noise assessment'.

The applicant has experienced difficulties in complying with these times during the harvest season due to growing conditions of the particular crop, the weather at the time of harvest and the transport network to the site.

The Noise Management Plan AC106526-2R1 deals with the delivery of vehicles on a 24/7 basis and, in agreement with the Council's Environmental Health Team, it is considered that this condition can now be removed.

Condition can be removed.

Condition 15

Prior to commencement of development an odour management plan shall be submitted to and agreed in writing with the LPA regarding mitigation measures for the operation of the site - these shall include but not be limited to methods of control for each likely odour source, including the location of any storage of

digestate (eg enclosed) etc, and shall be implemented and adhered to at all times during the operation of the site, unless otherwise agreed in writing with the LPA.

This condition has been discharged in accordance with F/YR14/3092/COND however due to the new feedstock for the AD Plant a revised Odour Management Plan has been received to include the provision of other plant related feedstock for the plan.

Therefore the following new condition is needed.

The Odour Management Plan AQ106442-1 hereby approved shall be implemented and adhered to at all times during the operation of the AD Plant.

New condition needed.

Condition 16

Within 3 months of the acceptance of the first load of materials to feed the digester an Odour Validation report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding a 98th percentile hourly mean concentration of 1.5 ouE m-3 at the nearest sensitive receptor locations.

Applicant has commissioned an odour validation report. An amended condition is required as follows to ensure control of any potential odour issues from the site.

Within 3 months of the date of this permission, an Odour Validation Report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding a 98th percentile hourly mean concentration of 1.5 ouE m-3 at the nearest sensitive receptor locations.

Amended condition to be imposed.

Condition 17

Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Local Authority, unless the operator has used appropriate measures, including, but not limited to, those specified in an approved odour management plan, to prevent or where that is not practicable to minimise the odour.

The underlined portion of the odour boundary condition ensures that operators will not be in breach of that condition provided they are using appropriate measures. However, even if the operator is using all appropriate measures, if the Local Authority consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations.

Re-impose condition

Condition 18

At the reasonable request of, and following a complaint to, the LPA, the operator of the development shall measure and assess at its own expense the level of noise or odour emissions from the development in accordance with methods approved in writing by the LPA prior to assessment.

Re-impose condition

Condition 19

The feeder to the AD plant shall be sealed when not being filled.

Re-impose condition

Condition 20

Liquid digestate shall be transferred by sealed pipes from the process area and stored in the reservoir where it will be passed to an irrigation main for direct application to agricultural fields. If required any surplus liquid digestate shall be stored in a sealed container and removed by tanker via a sealed pipe connection, to ensure the process is completely enclosed.

Re-impose condition

Condition 21

The application of any liquid digestate to the adjoining land shall be carried out in accordance with good agricultural practices.

Re-impose condition

Condition 22

The silage clamps shall remain closed at all times except when being filled/emptied.

Re-impose condition

Condition 23

Solid digestate shall be removed from the site daily.

Re-impose condition

Condition 24

A filter shall be used to remove excessive solids from the surface water, prior to it entering the reservoir. This filter shall be maintained in accordance with the manufacturers instructions and shall be cleaned daily.

Re-impose condition

Condition 25

Prior to the commencement of development, a scheme for the provision of external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

The condition needs re-wording as follows:

The details shown on drawing No. 18033/2007 for the provision of external lighting and CCTV shall be installed accordingly and retained thereafter for the duration of the operation of the site. The external lighting shall not exceed more than 2LUX at all site boundaries.

Amended condition needs re-imposing

Condition 26

Prior to commencement of development on site, an acoustic fence shall be erected on the northern edge of the Mepal Outdoor Centre between its boundary and the new road details of which shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be maintained and retained in perpetuity.

An acoustic fence has been erected on the site but not as shown on the original approved plans. The fence has been sited slightly further away from the vacant Mepal Outdoor Centre which still provides some protection to the Centre and the Environmental Health Team has raised no concerns over its existing position. A re-worded condition is needed as below:

The acoustic fence shown detailed on drawing No. 18033/2000 shall be retained and maintained during the operation of the AD Plant.

Amended condition needs re-imposing

Condition 27

No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;*
- (ii) An assessment of the potential risks to: human health property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;*
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).*

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.

This condition was discharged under F/YR14/3092/COND

The condition is no longer required.

Condition 28

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

This condition is no longer required as the development has been completed on site.

Condition no longer required.

Condition 29

Mineral shall not be removed from the site.

This condition is no longer required as the development has been completed on site.

Condition no longer required.

Condition 30

For the avoidance of doubt, nothing other than maize shall be accepted as feed stock for the digester unless a further Odour Impact Assessment has been submitted to and approved by the Local Planning Authority.

The applicant intends to use additional feedstock for the plant and is currently storing sugar beet on site for use. In the future it is intended to include rye as a feedstock also. The applicant has submitted an updated Odour Impact Assessment to cover the additional feedstock as outlined in REC Report AQ1064421R1.

For the avoidance of doubt, nothing other than crop based feedstock shall be accepted as feed stock for the digester unless a further Odour Impact Assessment has been submitted to and approved by the Local Planning Authority.

Amended condition to be imposed

Condition 31

At all times the best practicable means shall be employed to control and minimize any possible odour resulting from the storage of raw materials or the storage of liquid digestate. Measures shall be taken to suppress odour arising from the operations hereby approved. If control measures are found by the LPA to be inadequate, causal operations shall cease until additional measures are provided and demonstrated to be adequate to limit and control the cause(s) of concern.

Condition to be re-imposed

Condition 32

Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the LPA. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.

The condition needs re-wording following agreement to the surface water disposal scheme from the EA.

The surface water disposal scheme shown on drawing No. 18033/2002 and approved, shall be retained and maintained during the operation of the AD Plant.

Amended condition to be re-imposed

Condition 33

Prior to the commencement of any development, a scheme for the provision and implementation of (i) pollution control (including full details of leachate storage

tanks), (ii) surface water and (iii) foul water drainage shall be submitted and agreed in writing with the LPA. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme.

The condition needs re-wording following agreement to the details showing details of pollution control, surface water and foul water drainage from the EA.

The details shown on drawing Nos. 18033/2002 and 18033/2003 and approved relating to pollution control, surface water and foul water shall be retained and maintained during the operation of the AD Plant.

Amended condition to be re-imposed

Condition 34

Should development not commence before November 2014, then a new Extended Phase 1 Habitat Survey must be carried out and submitted to the Local Planning Authority prior to the commencement of any development on the site.

Compliance with the condition has been achieved.

Condition no longer required

Condition 35

Site clearance works at the site shall only take place outside the bird and hare breeding season of March to September inclusive.

If this is not possible a nesting bird survey must be undertaken by an experienced ecologist 24-48 hours prior to clearance. The report must demonstrate that no nesting birds will be affected by any clearance and this report shall be submitted to and acknowledged in writing by the Local Planning Authority prior to the works being undertaken.

Compliance with the condition has been achieved.

Condition no longer required

Condition 36

A check for leverets within hare forms should be undertaken prior to works commencing. If any are found they should be clearly marked and avoided until the leverets are independent of their mothers.

Compliance with the condition has been achieved.

Condition no longer required

Condition 37

A 10 m buffer zone should be maintained from the edge of the field drain on the south western boundary of the site to avoid disturbance to water voles.

This is a compliance condition and needs imposing on any new consent.

Condition to be re-imposed

Condition 38

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details of the precise colour finish, have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

This condition has been discharged under F/YR14/3092/COND and the development has been built out in accordance with the approved details.

Condition is not required

Condition 39

All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five 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, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

This condition is relevant and needs re-imposing.

Condition to be re-imposed.

Condition 40

Prior to the commencement of development, precise details of the reservoir construction shall be submitted to the Local Planning Authority and agreed in writing. These details shall include: cross sections of the reservoir indicating the maximum groundwater level, and the factor of safety applied, and details of the reservoir liner, including an impermeable liner with a permeability of no greater than 10⁻⁹ m/s and details of any abstraction equipment and location.

The applicant has submitted a Reservoir Act Certificate detailing that the works was subject to Panel Engineer Approval by Mott Macdonald dated 3 March 2017.

The Environment Agency considers this condition can be discharged and is therefore not required.

Condition no longer required.

Condition 41

Unless otherwise agreed by the Local Planning Authority no more than a maximum of 190 2-way vehicle movements shall enter and leave the site in any one day (07.00 - 19.00). A daily record of all vehicles movements, including details of internal and external road movements, shall be maintained at the site and made available within one week of a written request by the Local Planning Authority.

Condition to be re-imposed

Condition 42

Prior to commencement of development, a detailed landscape management and maintenance scheme shall be submitted and approved in writing by the LPA. This shall include a maintenance programme which reflects the duration of the plants operation up to and including decommissioning. The landscape maintenance and management plan shall be strictly adhered to in accordance with the specified schedule contained therein.

The detailed landscape management and maintenance scheme has been approved under reference F/YR14/3092/COND however the development should adhere to the agreement scheme and the condition will be re-imposed as follows:

The Landscape Management and Maintenance Plan dated July 2014 and approved under reference F/YR14/3092/COND shall be strictly adhered to in accordance with the specified schedule contained therein.

Amended condition to be re-imposed.

Condition 43

Before the use hereby permitted is commenced wheel washing facilities shall be provided on the site access road in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, and such facilities shall thereafter be maintained in perpetuity.

The approved S278 works to form a new arm off the A142 roundabout at Block Fen has been completed and access into and exit from the site is via this new road. Therefore there is no further need for a wheel washing facility due to the nature of the surfacing of the road being tarmac.

Condition no longer needed.

Unilateral Undertaking

- 10.7 Planning permission F/YR14/0163/F was approved following discussions relating to the visual impact of the site. To help assimilate the development into the landscape it was important to achieve a robust landscaping scheme that would be implemented and maintained for the life of the operations on the site.
- 10.8 A Unilateral Undertaking was submitted and approved in 2014 and covered both the implementation of the approved landscaping scheme and the on-going maintenance of the landscaping for the life of the development.
- 10.9 Part 1 of the Second Schedule has been complied with and Part 2 relates to the future maintenance of the landscaping. The Unilateral Undertaking as part of the original permission is still legally binding and this together with the recently submitted letter of undertaking will ensure that the on-going maintenance of the landscaping is achieved.

Other concerns

- 10.10 Concern has been expressed by Chatteris Town Council relating to a number of different issues as outlined above at point 5.2. The following comments are made to each point outlined:

1. **Original conditions should be adhered to:** as explained in Section 12 of this report, the reason for the variations to the approved scheme and conditions relates the actual working practices and constructed work of this now fully commissioned Plant. When the original application was submitted the final process design for the Plant was not complete and some variation was always inevitable.

2. **Changes to working/delivery hours could have a detrimental effect on the A142 and neighbouring properties. The extended delivery period will mean more disruption during the year:** The change to delivery times has been included and evidenced within the Noise Management Plan and due to the relatively small number of vehicles accessing and exiting the site at night, the Environmental Health Team consider that there should not be any significant noise issues over night. The overall number of vehicle movements to and from the site will not increase.

3. **Smell from sugar beet is different to maize:** An amended Odour Impact Assessment and Odour Management Plan has been submitted and approved and it is considered that there should be no significant odour issues arising from different feedstock.

4. **The removal of the wheel washing facilities is totally unacceptable:** the approved highway works to create a new arm off the A142 into the site has been completed and the road is completely tarmacked unlike the temporary access point using the Frimstone access which is an unmade access. Therefore there is no need to include a wheel wash facility from this made up roadway.

5. **The noise of beepers on reversing vehicles will carry for many miles and will effect residents in Chatteris and is unacceptable on noise grounds:** the original condition relating to the use of broadband reversing alarms will again be imposed on this application and does not raise any issues relating to noise.

11 CONCLUSIONS

- 11.1 This application has been submitted following the operational stage of the AD Plant being at variance to the originally approved scheme. It is accepted that a development of this scale has resulted in the need for such a variation and it can be seen from the submitted plans that only minor alterations on the site have taken place. This is due mainly to the siting of various plant and machinery which does not accord with the approved plans. Also parking and vehicle movements within the site have been marginally changed and these changes are reflected in the submitted plans.
- 11.2 Of more importance however are the changes to the approved feedstock which was originally maize only. Due to on-going technological advances in the production of gas from the AD process the applicant considers that alternative feedstocks will continue to make the Plant more viable and the submission seeks to demonstrate that the changes will not cause noise or odour issues to neighbouring properties.
- 11.3 Highway work to complete a new arm off the existing A142 roundabout has now been completed and therefore there will be no vehicle movements to and from the AD Plant from the temporary Frimstone access point further along the A142.

- 11.4 The agent has confirmed that *“the principle reason for the variations proposed herein, is to attempt to align the actual working practices and constructed works, with the planning permissions and associated conditions. At the time of making the original planning application the process design for the AD Plant was not complete and so some variation to the original plans was inevitable. The applicant has also found that to ensure sufficient economic robustness, a more diverse feedstock supply chain was required which was not envisaged during the initial application”*.
- 11.5 All original conditions have been revisited which has resulted in the removal, amendments or re-imposition of conditions relative to the existing operation of the AD Plant. The resultant conditions, in the future, will ultimately be dealt with by the Council’s Environmental Health Team. The application is supported.

12 RECOMMENDATION

Grant subject to:

i) suitable conditions;

ii) Unilateral Undertaking dated 9 July 2014 and the letter of undertaking received 1 May 2019

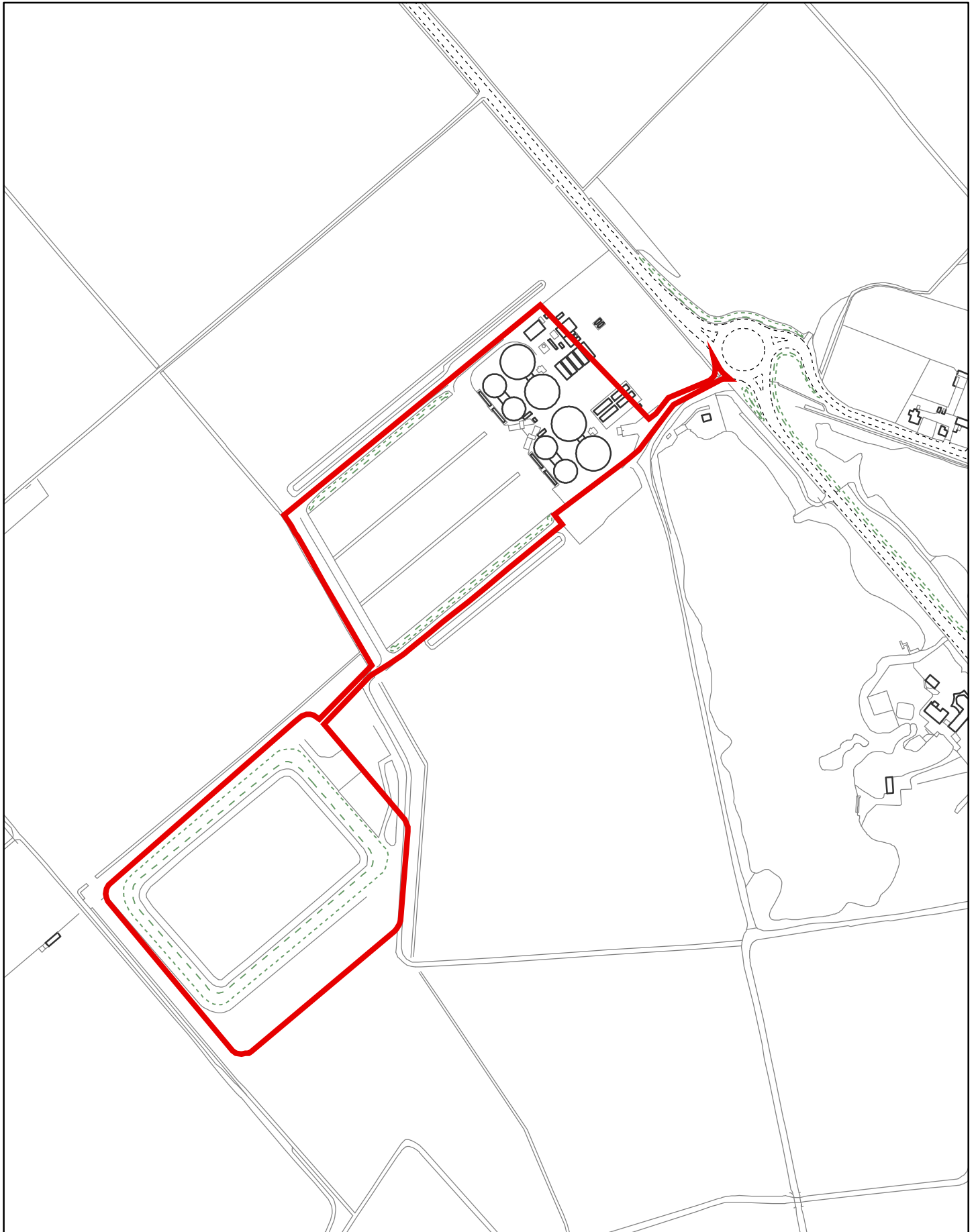
1.	<p>The on-site parking/loading/unloading, turning, traffic flow, protected pedestrian routes and waiting areas shall be retained on site in accordance with drawing Nos. 18033/2006 and 18033/2006.</p> <p>Reason: To ensure the permanent availability of the parking/manoeuvring/pedestrian routes and waiting areas in the interest of highway safety and in compliance with Policy LP15 of the Fenland Local Plan 2014.</p>
2.	<p>All mobile mechanical handling equipment operated within the site that require the use of reversing alarms shall be fitted with broadband reversing alarms or similar.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
3.	<p>The Noise Management Plan AC106526-2R1 hereby approved, shall be implemented and adhered to at all times during the operation of the AD Plant.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
4.	<p>All doors to the CHP (Combined Heat & Power) generators shall remain closed, except to allow ingress and egress.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
5.	<p>The rating level of noise emitted from the site shall not exceed the background noise level existing at the time of approval or 35dB(A), whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of any nearby residential dwelling. The noise level shall be measured and/or calculated in accordance with BS4142.</p>

	Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.
6.	<p>The Odour Management Plan AQ106442-1 hereby approved shall be implemented and adhered to at all times during the operation of the AD Plant.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
7.	<p>Within 3 months of the date of this permission, an Odour Validation Report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding a 98th percentile hourly mean concentration of 1.5 ouE m-3 at the nearest sensitive receptor locations.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
8.	<p>Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Local Authority, unless the operator has used appropriate measures, including, but not limited to, those specified in an approved odour management plan, to prevent or where that is not practicable to minimise the odour.</p> <p>The underlined portion of the odour boundary condition ensures that operators will not be in breach of that condition provided they are using appropriate measures. However, even if the operator is using all appropriate measures, if the Local Authority consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
9.	<p>At the reasonable request of, and following a complaint to, the LPA, the operator of the development shall measure and assess at its own expense the level of noise or odour emissions from the development in accordance with methods approved in writing by the LPA prior to assessment.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
10.	<p>The feeder to the AD plant shall be sealed when not being filled.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11.	<p>Liquid digestate shall be transferred by sealed pipes from the process area and stored in the reservoir where it will be passed to an irrigation main for direct application to agricultural fields. If required any surplus liquid digestate shall be stored in a sealed container and removed by tanker via a sealed pipe connection, to ensure the process is completely enclosed.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

12.	<p>The application of any liquid digestate to the adjoining land shall be carried out in accordance with good agricultural practices.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
13.	<p>The silage clamps shall remain closed at all times except when being filled/emptied.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
14.	<p>Solid digestate shall be removed from the site daily.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
15.	<p>A filter shall be used to remove excessive solids from the surface water, prior to it entering the reservoir. This filter shall be maintained in accordance with the manufacturers instructions and shall be cleaned daily.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
16.	<p>The details shown on drawing No. 18033/2007 for the provision of external lighting and CCTV shall be installed accordingly and retained thereafter for the duration of the operation of the site. The external lighting shall not exceed more than 2LUX at all site boundaries.</p> <p>Reason: In order to ensure adequate safety and security on site and to comply with Policy LP17 of the Fenland Local Plan 2014.</p>
17.	<p>The acoustic fence shown detailed on drawing No. 18033/2000 shall be retained and maintained during the operation of the AD Plant.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
18.	<p>For the avoidance of doubt, nothing other than crop based feedstock shall be accepted as feed stock for the digester unless a further Odour Impact Assessment has been submitted to and approved by the Local Planning Authority.</p> <p>Reason: The application has been assessed on the basis of crop transportation and digestion only and has been considered against policies on this basis, the use of alternative products may give rise to adverse impacts which would need to be assessed in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
19.	<p>At all times the best practicable means shall be employed to control and minimize any possible odour resulting from the storage of raw materials or the storage of liquid digestate. Measures shall be taken to suppress odour arising from the operations hereby approved. If control measures are found</p>

	<p>by the LPA to be inadequate, causal operations shall cease until additional measures are provided and demonstrated to be adequate to limit and control the cause(s) of concern.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
20.	<p>The surface water disposal scheme shown on drawing No. 18033/2002 and approved, shall be retained and maintained during the operation of the AD Plant.</p> <p>Reason: To protect and prevent the pollution of controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
21.	<p>The details shown on drawing Nos. 18033/2002 and 18033/2003 and approved relating to pollution control, surface water and foul water shall be retained and maintained during the operation of the AD Plant.</p> <p>Reason: To protect and prevent the pollution of controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
22.	<p>A 10 m buffer zone should be maintained from the edge of the field drain on the south western boundary of the site to avoid disturbance to water voles.</p> <p>Reason: To ensure compliance with the Habitats Regulations 2010 and in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
23.	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five 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, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper implementation of the agreed landscape details in the interests of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
24.	<p>Unless otherwise agreed by the Local Planning Authority no more than a maximum of 190 2-way vehicle movements shall enter and leave the site in any one day (07.00 - 19.00). A daily record of all vehicles movements, including details of internal and external road movements, shall be maintained at the site and made available within one week of a written request by the Local Planning Authority.</p> <p>Reason: In the interests of amenity and to comply with Policy LP16 of the Fenland Local Plan 2014.</p>

25.	<p>The Landscape Management and Maintenance Plan dated July 2014 and approved under reference F/YR14/3092/COND shall be strictly adhered to in accordance with the specified schedule contained therein.</p> <p>Reason: To protect the visual amenity value of the landscaping and the biodiversity value of the habitat within the site in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>



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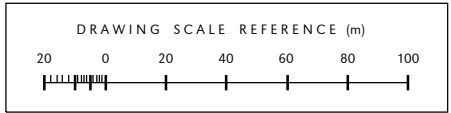
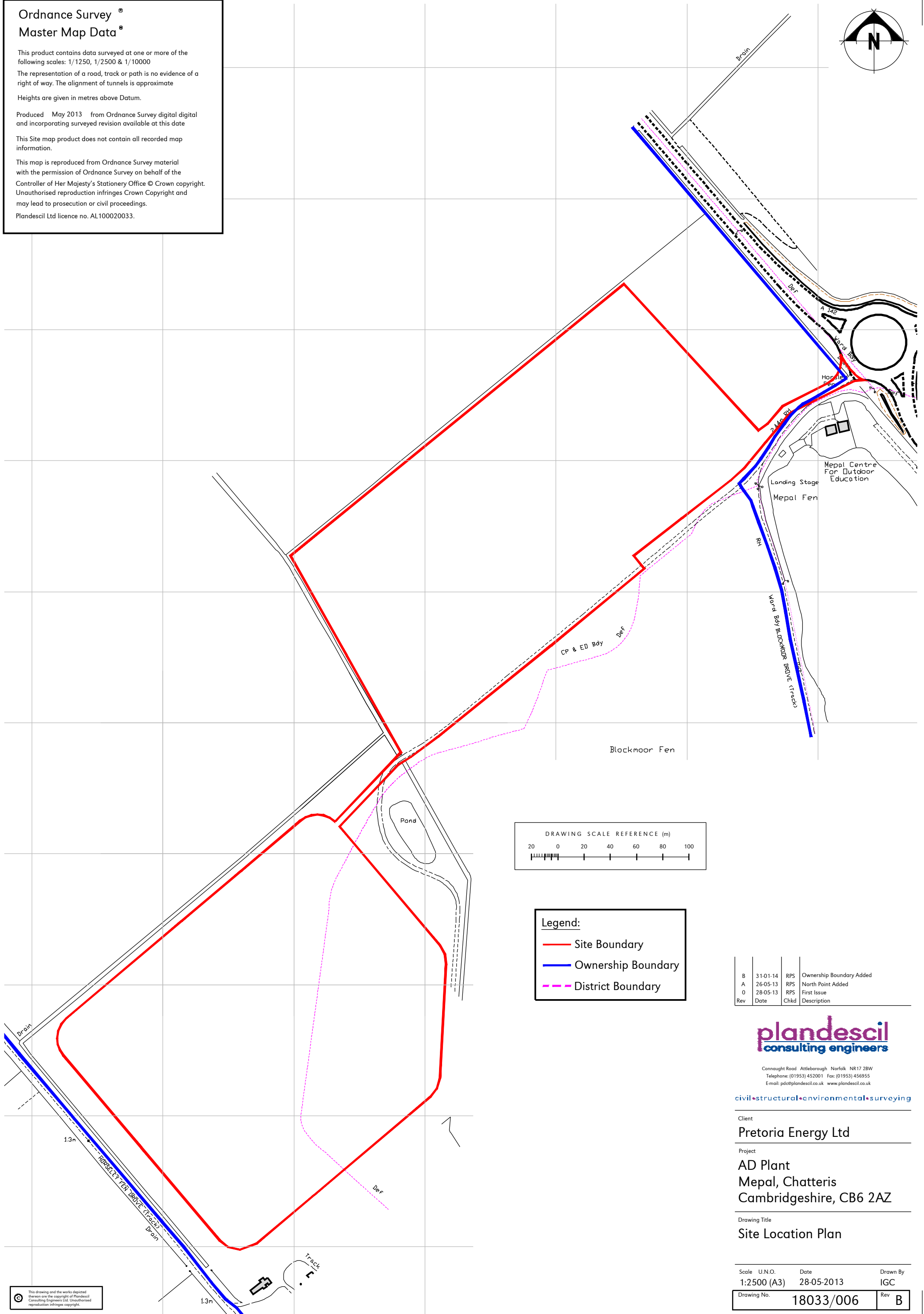
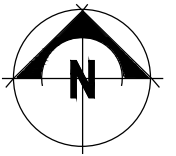
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Legend:

- Site Boundary
- Ownership Boundary
- - - District Boundary

B	31-01-14	RPS	Ownership Boundary Added
A	26-05-13	RPS	North Point Added
O	28-05-13	RPS	First Issue
Rev	Date	Chkd	Description



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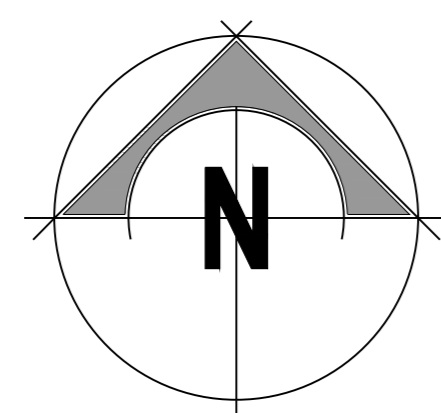
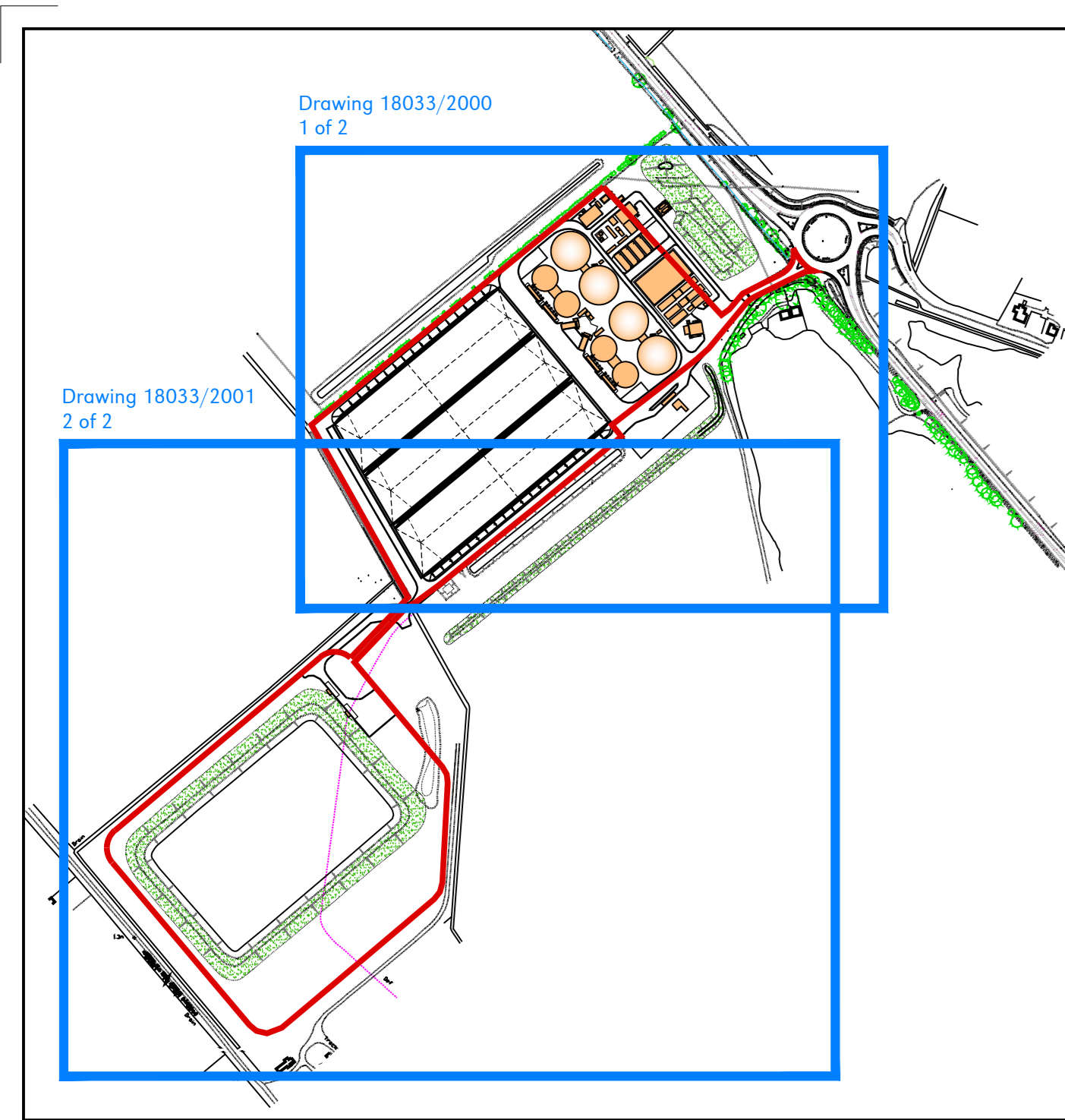
Client
Pretoria Energy Ltd

Project
**AD Plant
Mepal, Chatteris
Cambridgeshire, CB6 2AZ**

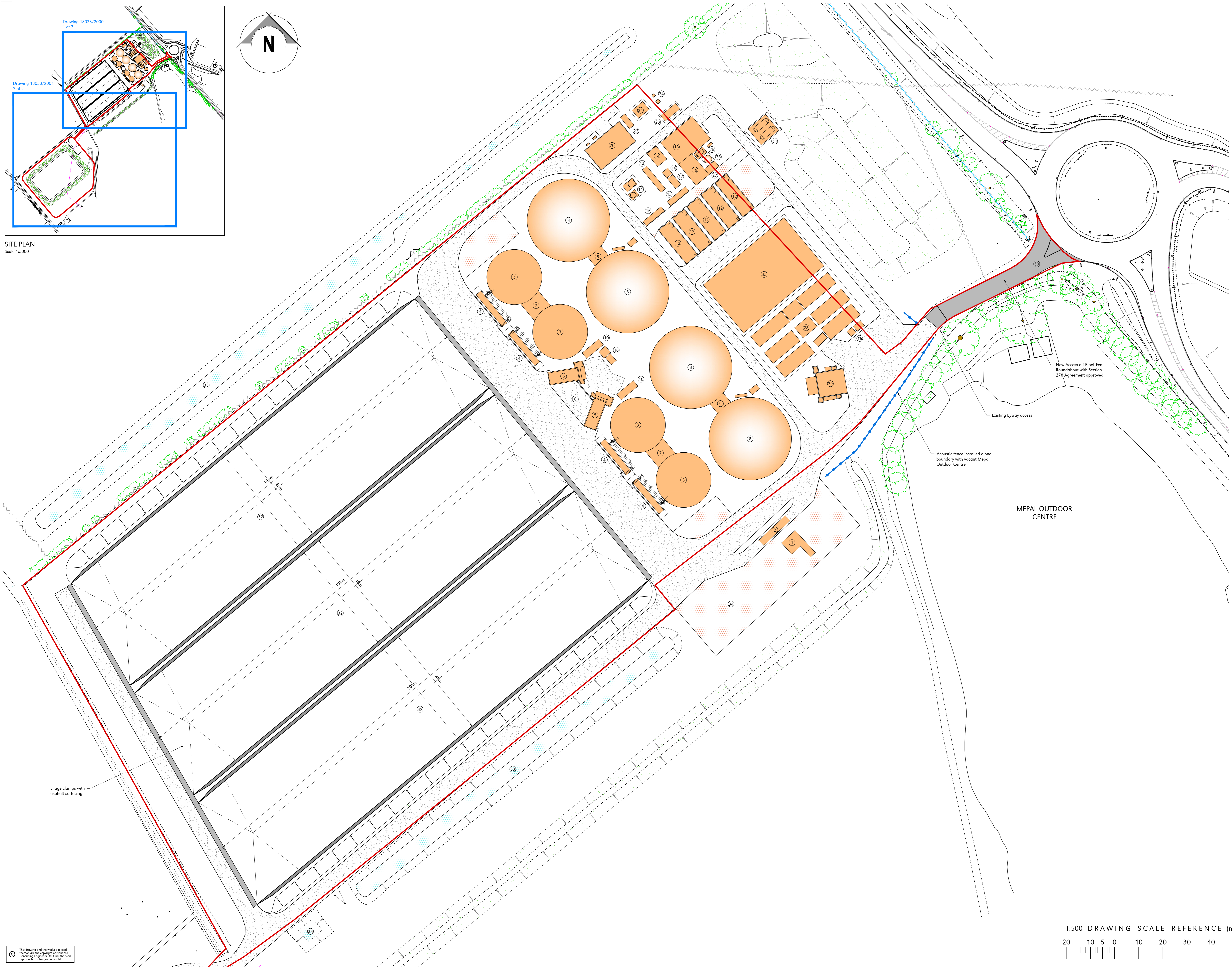
Drawing Title
Site Location Plan

Scale	U.N.O.	Date	Drawn By
1:2500 (A3)		28-05-2013	IGC
Drawing No.	18033/006		Rev
			B

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SITE PLAN
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- PLANT KEY**
- Site Office (inc. Welfare)
 - Weighbridge
 - Primary Digester Tank
 - Feed Hopper
 - Feed Hopper (Drive in)
 - Feedstock Store Area
 - Machine Building
 - Secondary Digester & Storage Tank
 - Pump Assembly Building
 - E-Box (Electrical System Building)
 - Flare (2No.)
 - CHP
 - LV Electrical Switchroom
 - Primary Site Transformer
 - Cooler Refrigeration Units
 - Electrical Transformer
 - LV Housing
 - ORC Building
 - Heat Management Building
 - Gas Upgrade Building
 - Site Electrical Switchroom
 - Gas Upgrade Cooler Unit
 - Elster 'Gas to Grid' Unit
 - National Grid Communication Bases
 - ORC Expansion Tank
 - Heat Storage Tank
 - E-MSR Building
 - Digestate Dryer Building
 - Digestate Removal Area
 - Site Access off Block Fen Roundabout (Inc S278)
 - LPG Storage Tanks
 - Silage Clamp
 - Drainage Swale
 - Vehicle Parking Area (20m x 80m)
 - Pelletising/Storage Building (26m x 43m)

- KEY**
- Building/Plant
 - Asphalt (Clamps omitted)
 - Concrete Apron/Road
 - Type 1
 - Earth bunds grass seeded
 - Acoustic Fenceline
 - Redline Planning Boundary (Fenland Ref: F/YR14/0163/F)

FOR PLANNING

Rev	Date	Chkd	Description
0	29-11-18	RFS	First Issue

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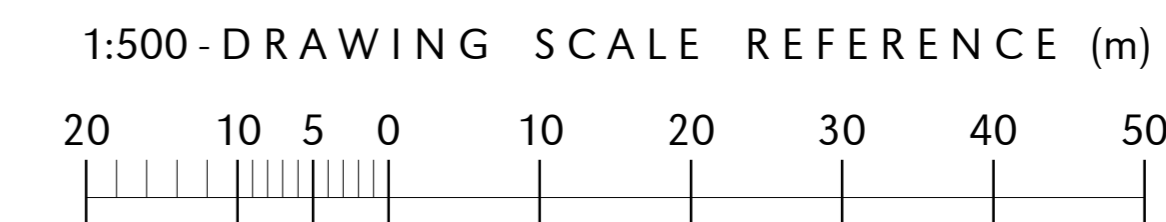
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Client
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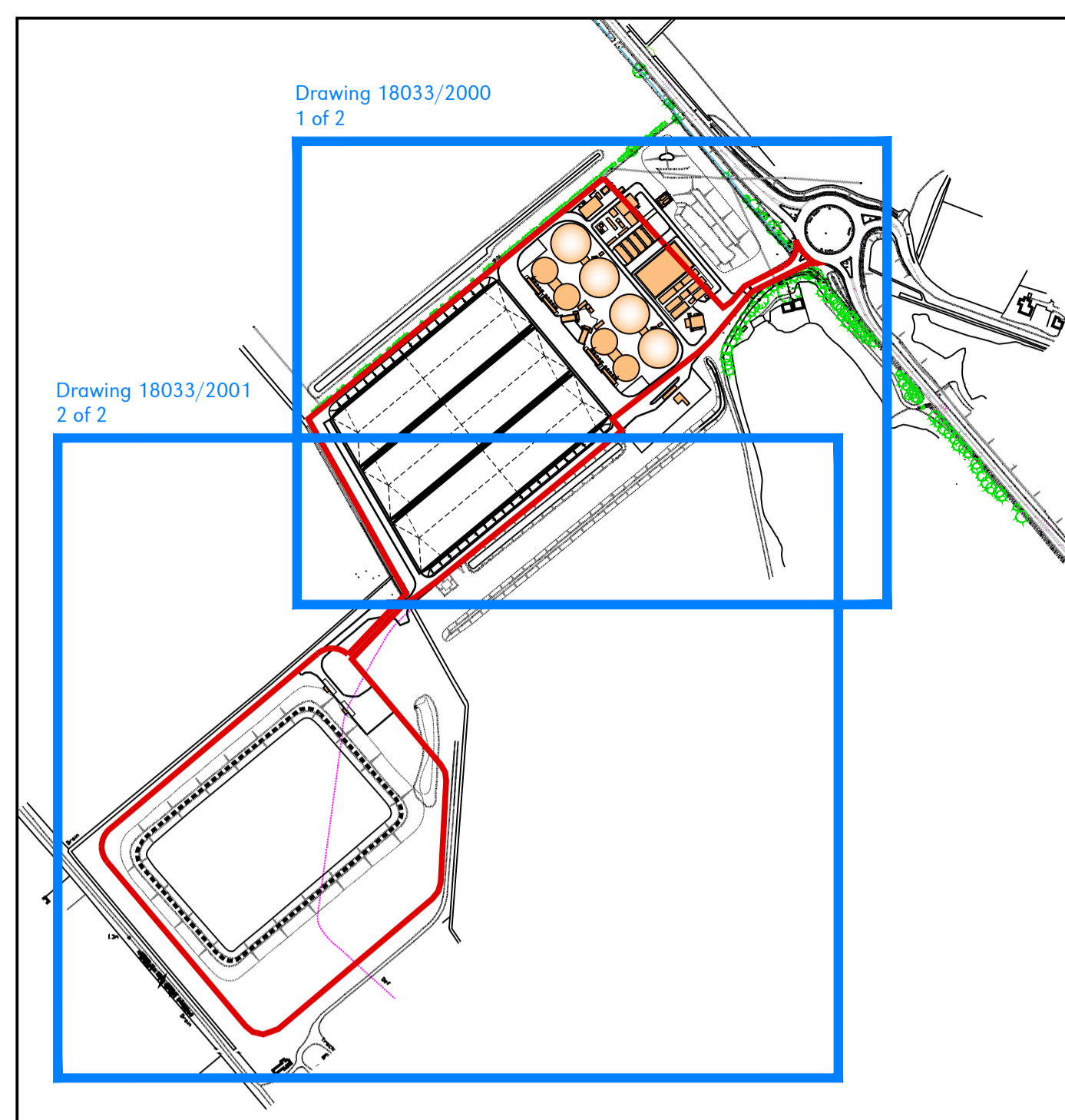
Project
**A.D Plant
Land off A142,
Mepal, Cambridgeshire**

Drawing Title
**Site Layout Drawing
1 of 2 (Section 73)**

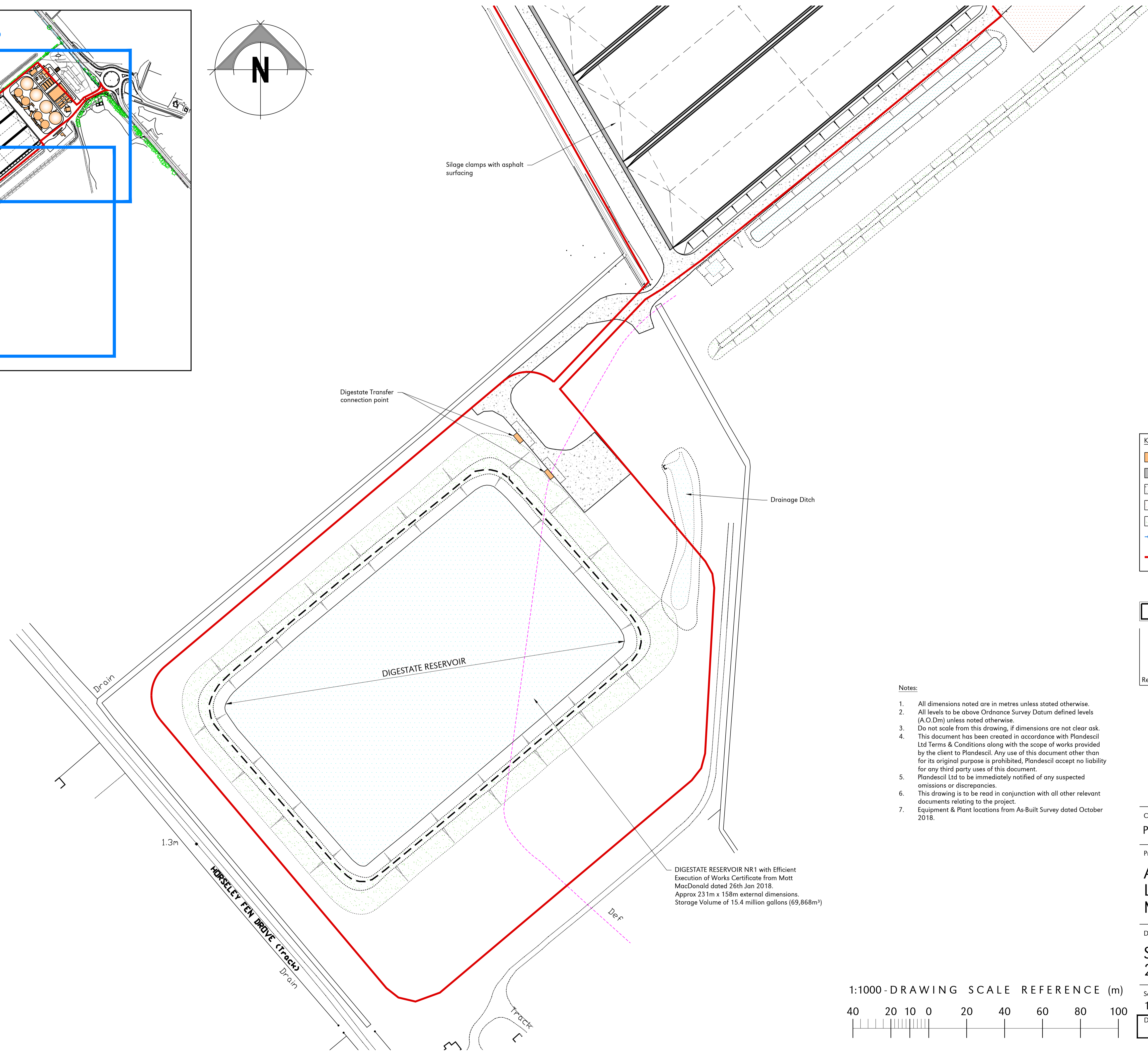
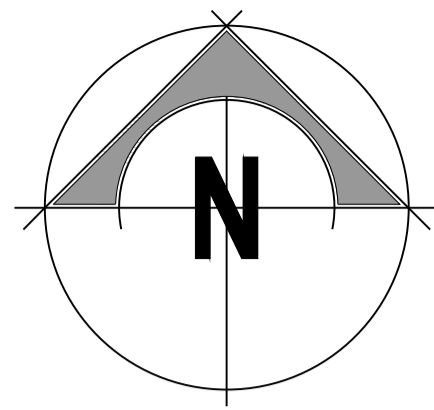


Scale	U.N.O.	Date	Drawn By
1:500 (A0)		Nov-2018	IGC

Drawing No. **18033/2000** Rev **0**



SITE PLAN
Scale 1:5000



Silage clamps with asphalt surfacing

Digestate Transfer connection point

Drainage Ditch

DIGESTATE RESERVOIR

DIGESTATE RESERVOIR NR1 with Efficient Execution of Works Certificate from Mott MacDonald dated 26th Jan 2018. Approx 231m x 158m external dimensions. Storage Volume of 15.4 million gallons (69,868m³)

1.3m

HORSELEY FEN DRIVE (Tracks)
Drain

Track

Def

KEY	
	Building/Plant
	Asphalt (Clamps omitted)
	Concrete Apron/Road
	Type 1
	Earth bunds grass seeded
	Acoustic Fenceline
	Redline Planning Boundary (Fenland Ref: F/YR14/0163/F)

FOR PLANNING

Rev	Date	Chkd	Description
0	29-11-18	RPS	First Issue

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Client
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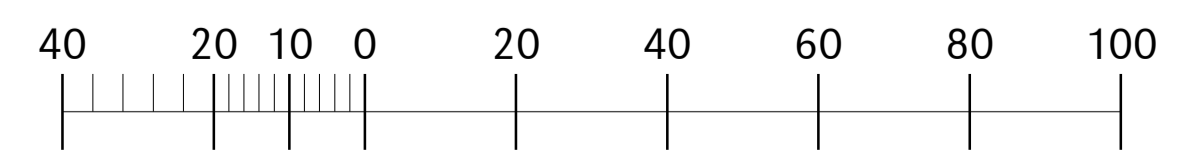
Project
**A.D Plant
Land off A142,
Mepal, Cambridgeshire**

Drawing Title
**Site Layout Drawing
2 of 2 (Section 73)**

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Drawing No.	18033/2001		Rev 0