Bath & North East Somerset Council

MEETING:	**Planning Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**9th March 2022**	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	**APPLICATIONS FOR PLANNING PERMISSION**	
WARDS:	ALL	
BACKGROUND PAPERS:		

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at http://planning.bathnes.gov.uk/PublicAccess/.

[1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

[2] Department work sheets relating to each application/proposal as above.

[3] Responses on the application/proposals as above and any subsequent relevant correspondence from:

(i) Sections and officers of the Council, including:

Building Control
Environmental Services
Transport Development
Planning Policy, Environment and Projects, Urban Design (Sustainability)

(ii) The Environment Agency
(iii) Wessex Water
(iv) Bristol Water
(v) Health and Safety Executive
(vi) British Gas
(vii) Historic Buildings and Monuments Commission for England (English Heritage)
(viii) The Garden History Society
(ix) Royal Fine Arts Commission
(x) Department of Environment, Food and Rural Affairs
(xi) Nature Conservancy Council
(xii) Natural England
(xiii) National and local amenity societies
(xiv) Other interested organisations
(xv) Neighbours, residents and other interested persons
(xvi) Any other document or correspondence specifically identified with an application/proposal

[4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

[1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

[2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.

[3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.

[4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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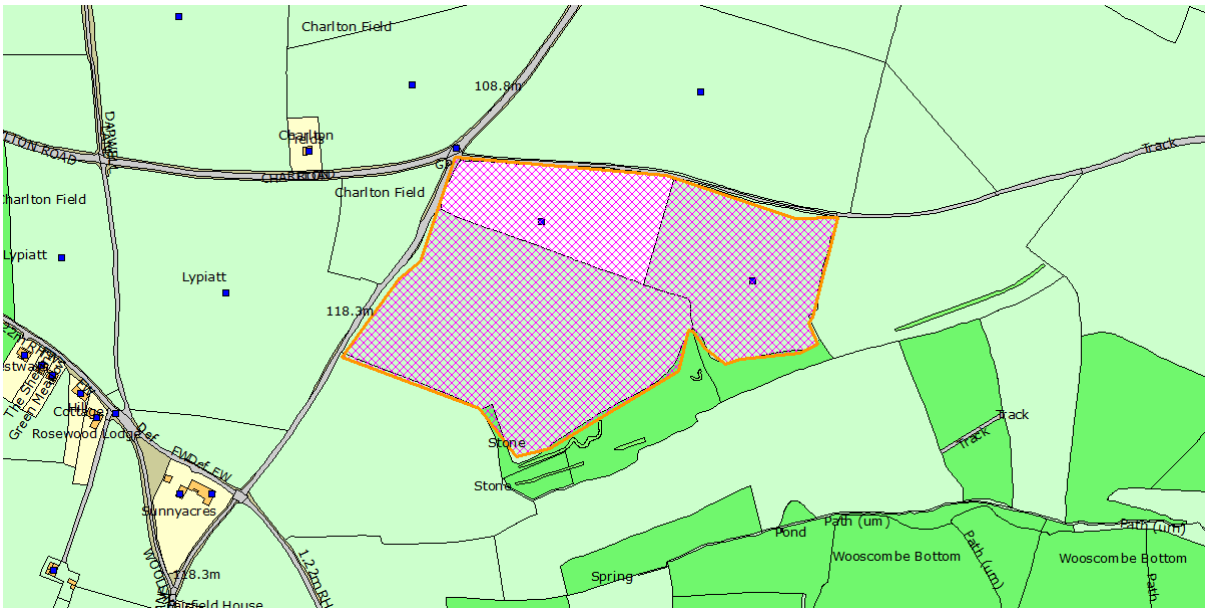
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	21/00419/EFUL 10 March 2022	Resourceful Energy Anaerobic Limited Resourceful Earth Ltd, Charlton Field Lane, Queen Charlton, Bristol, Bath And North East Somerset Development of an Anaerobic Digester Facility (including retention of the existing Feedstock Reception Building, Digester Tank (x5), Storage Tank, CHP Engine (x4), Transformer, GRP Substation, GRP Technical Room (x5) and Gas Equipment) to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site with ecological and landscape enhancements	Saltford	Samantha Mason	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001

Application No: 21/00419/EFUL

Site Location: Resourceful Earth Ltd Charlton Field Lane Queen Charlton Bristol Bath And North East Somerset



Ward: Saltford **Parish:** Compton Dando **LB Grade:** N/A

Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton

Application Type: Full Application with an EIA attached

Proposal: Development of an Anaerobic Digester Facility (including retention of the existing Feedstock Reception Building, Digester Tank (x5), Storage Tank, CHP Engine (x4), Transformer, GRP Substation, GRP Technical Room (x5) and Gas Equipment) to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site with ecological and landscape enhancements

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, Policy NE3 Local Nature Reserve, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Resourceful Energy Anaerobic Limited

Expiry Date: 10th March 2022

Case Officer: Samantha Mason

To view the case click on the link here.

REPORT

REASON FOR COMMITTEE:

Given the significant level of public objection the scheme was referred to the Chair of the Committee who stated in thier decision 'Given the size & complexity of this scheme and the considerable amount of public interest, I believe this would benefit from being debated in the public forum of the planning committee.' The Vice Chair concurred.

DETAILS OF LOCATION AND PROPOSAL:

The application refers to a site of approximately 10.82 hectares within the open countryside in close proximity to Queen Charlton. The northern part of the site is the location of a partially constructed Anaerobic Digester that has not been built out in accordance with previous permissions, the southern part of the site is a remediated quarry that has also not been remediated in accordance with previous permissions. A woodland area is located to the eastern side of the site.

The proposal site is located within the Bath and Bristol Green Belt, part of the site along with the area surrounding the site is a designated Site of Nature Conservation Interest (SNCI).

Planning permission is sought for the development of an Anaerobic Digester Facility (including retention of the existing Feedstock Reception Building, Digester Tank (x5), Storage Tank, CHP Engine (x4), Transformer, GRP Substation, GRP Technical Room (x5) and Gas Equipment) to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site with ecological and landscape enhancements.

EIA DEVELOPMENT:

The proposal was previously screened for EIA development and taking into account the size and design of the development, pollution, nuisances and the magnitude and spatial extent of the impacts the Council concluded that the development does comprise EIA development.

The screening opinion is not an assessment of the planning merits of the planning application rather it is purely an assessment of whether significant environmental impacts, under the terms of the EIA regulations, would be likely to occur.

Given that the proposal is considered to be EIA development an Environmental Statement has been submitted with this application. The local planning authority must take into account the information within the Environmental Statement, the responses to consultation and any other relevant information when determining this planning application.

RELEVANT PLANNING HISTORY:

DC - 97/02620/MINW - PER - 21 September 1999 - Operation of concrete and hardcore recycling plant for 5 years and restoration of site by importation of subsoil and topsoil.

DC - 97/02626/MINW - PER - 11 October 1999 - Temporary use of land for 10 years for manufacture of organic green compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry

DC - 02/02722/MINW - PERMIT - 13 February 2003 - The development of land without complying with condition 14 of planning permission 97/02626/MINW and the variation of condition 14 at land formerly Queen Charlton Quarry

DC - 04/00105/VAR - PERMIT - 15 March 2004 - Variation of condition 16 of permission 97/02626/MINW dated 2 December 1998 to increase limit on heavy goods vehicles attending site on any day from 5 to 18, and to secure the permanent inclusion of cardboard waste in condition 13 at land formerly Queen Charlton Quarry

DC - 05/00723/QUASH - PERMIT - 8 November 2006 - Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.

DC - 05/01993/QUASH - PERMIT - 8 November 2006 - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.

DC - 05/02121/VAR - RF - 16 August 2005 - Variation of conditions 20 and 23 of planning permission 97/02620/MINW to allow importation of waste until 31/08/2007 and extend period of restoration to 31/08/2008.

DC - 05/02984/VAR - PERMIT - 4 July 2007 - Variation of conditions 20 and 23 of planning permission 97/02620/MINW to allow importation of waste until 31 August 2006 and extended period of restoration to 31 August 07 (re-submission) as amplified by letters dated 3.5.2006, 6.2. and 4.4.2007

DC - 05/01993/FUL - PERMIT - 19 September 2013 - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.

DC - 05/00723/VAR - PERMIT - 19 September 2013 - Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.

DC - 10/00981/FUL - PERMIT - 10 September 2010 - Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost

DC - 12/01717/VAR - RF - 4 July 2012 - Variation of condition 3 of application 10/00981/FUL (Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost)

AP - 12/00069/RF - ALLOW - 27 December 2012 - Variation of condition 3 of application 10/00981/FUL (Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost)

DC - 13/04126/MINW - PERMIT - 21 May 2014 - Construction of facility to process food waste via anaerobic digestion to create electrical energy for export to grid, heat for wood drying and digestate for fertiliser, control building and education centre and ancillary facilities, roads and hardstanding, revised junction to Charlton Field Lane

DC - 14/01330/MVAR - PERMIT - 10 June 2014 - Variation of conditions 3 and 4 of application 10/00981/FUL in order to extend period for importation of topsoil only (Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost)

DC - 19/02919/MINW - WD - 30 June 2020 - A revised layout and design to the existing AD Plant (approved under 13/04126/MINW) with removal of all bund walling, ponds and soil & stock piles on site with introduction of hard standing, parking, bund walling, silage clamps, CNG gas compressing compound, digestate storage bunker and associated digestate lagoon, gas to grid equipment, a new site office with associated landscaping and drainage infrastructure

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
CONSULTATION RESPONSES:

ARBORICULTURE:

18th March 2021: No Objection subject to conditions.

ARCHAEOLOGY:

1st September 20201: No objection.

BRISTOL CITY COUNCIL:

12th Jan 2022: No objection.

CLIMATE POLICY TEAM:

22nd Dec 2021: Object, recommend refusal.

CONTAMINATED LAND:

19th March 2021: No Objection subject to conditions.

DRAINAGE AND FLOODING:

26th Feb 2021: Further information is required. The proposal to lay a new pipe down Charlton Road and connect into a watercourse is acceptable. Further information relating to the sizing of the attenuation structures, the proposed discharge rate from site, and construction information relating to the new pipe within Charlton Road is needed.

8th April 2021: No objection subject to conditions. Following information submitted by the agent dated 24 March 2021, the objections previously raised by the Drainage & Flooding

Team have been resolved. There are still outstanding details, these can be resolved through conditions should the application be approved.

ECOLOGY:

7th April 2021: Objection. Further information required. The scheme is not yet ecologically acceptable. A number of issues will need to be fully addressed and resolved to enable the ecological objection to be withdrawn. The proposals are likely to require Habitats Regulations Assessment regarding which further consultation to Natural England will be required.

18th Jan 2022: Objection. The proposed lighting will cause unacceptable harm to ecology due to the impacts of lighting on habitats of high ecological value, and on their use by wildlife including protected species, including light-sensitive species of bat (lesser and greater horseshoe bats, known to use the site and likely to be associated with the "bat" Special Areas of Conservation (SAC) within B&NES and neighbouring districts). Lighting design and level of detail of light spill modelling submitted are not in accordance with the relevant best practice guidelines "ILP Guidance Note 08/18 "Bats and artificial lighting in the UK"; the level of submitted detail of light spill modelling cannot be relied upon alone and provides insufficient information to fully assess the likely impact of the proposal on protected species (bats, including light-sensitive greater and lesser horseshoe bats).

ENVIRONMENT AGENCY:

25th Feb 2021: No objection raised. The proposed changes to the plant layout will require a variation to the existing Standard Rules environmental permit number EPR/AP3933RB to a bespoke environmental permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency.

4th Nov 2021: No further comments.

ENVIRONMENTAL PROTECTION:

12th May 2021: No objection subject to conditions

HIGHWAYS:

10th March 2021: Object, recommend refusal.

The applicant has failed to demonstrate that satisfactory access to the public highway can be achieved and that there would be no severe cumulative impact on the operation of the local highway network. The proposal is therefore considered to be contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan and the National Planning Policy Framework, whic
seek to provide adequate and safe access to all development sites.

Highways are of the view that without further mitigation measures the development is likely to result in the introduction of HGVs on unsuitable roads to the detriment of Highway safety and residential amenity contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan.

In addition, the application does not provide adequate details of pedestrian access, emergency vehicle access, car parking, cycle parking, post construction waste management, Traffic Management and Travel Planning measures. We cannot assess the junction capacity modelling because the data used was collected during November 2020 which was a national lockdown where the general public's movement was extremely limited.

10th Jan 2022: Highways maintain our objection to the proposed development which is will result in the introduction of a volume of HGVs on unsuitable roads to the detriment of Highway safety and residential amenity contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan.

In addition, the application does not provide adequate details of the expected trip profile for the development. As assessed, the development will have a significant impact on some arms of junctions 1-4 (A37 / Queen Charlton Road / Sleep Lane /Woolard Lane). This would be more acute at harvest time, which has not currently been assessed.

We do not accept the applicant's designer response to two road safety problems identified on the haul route:
o Risk of head-on collisions due to there being inadequate intervisibility between the site access and Charlton Road where there is space for two large vehicles to pass.
o Risk of head-on collisions or side-swipe collisions due to inadequate carriageway width on Woolard Lane.
Highways are not satisfied with the some of the proposed off site highways works (Nos 2, 3 and 5) due to the impact they are expected to have on safety, air quality, noise and maintenance.
We also have remaining concerns about the increase in the heaviest OGV2 vehicles on pedestrians, equestrians and cyclists' amenity and safety on the haul route where the speed limit is 60mph, there are no segregated facilities and widths are in places too narrow for two vehicles to pass.

LANDSCAPE:

19th April 2021: Scope for revision. There has been a generally positive response to landscape advice given previously, and the LVIA has been professionally undertake to a high standard. The photomontages which include visualisation of changing effects from completion to 15 years are particularly helpful. Although the site is Green Belt land, due to the history and condition of the site and immediate area, there is considerable scope for landscape improvement, and the proposals do take the opportunity to do this, through reprofiling of the former quarry and extensive new planting, so although there would be a degree of loss of openness of the Green Belt, the overall landscape enhancements delivered by the scheme would compensate. If a lighting impact assessment and design strategy is provided that confirms there will be no unacceptable levels of night time landscape or ecological effects, then subject to appropriate Conditions I would raise no objection.

9th Nov 2021: Scope for revision. The landscape proposals as shown in the October 2021 plans and sections are satisfactory. The Landscape and Ecological Management Plan (October 2021) deals satisfactorily with landscape management and aftercare. Night-time

visual effects are addressed in the separate Lighting Impact Assessment report. Some aspects of this report require clarification, and I have some concerns that the level of adverse effects of lighting may have been underestimated.

19th Feb 2022:

Scope for revision. Revised information has been submitted. The applicant has confirmed that the July 2021 Lighting Impact Assessment remains valid. Adverse impacts at the moderate level are categorised as 'significant' according to the methodology set out in Table 3.2 (section 3.3) of the Lighting Impact Report. The predicted lighting impacts are therefore significant and adverse, and the Landscape Officer cannot support the application in its current form. If further changes to design and operation were able to significantly reduce the level of lighting impact, revised proposals could be considered.

NATIONAL CASE WORK UNIT:

12th Feb 2021: No comment to make on the environmental statement.

NATURAL ENGLAND:

3rd March 2021: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

7th May 2021: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

23rd Nov 2021: Your ecologist has provided a Test of Likely Significant Effects. Natural England has no reason to disagree with the conclusions of the TOLSE. Please consult Natural England on any appropriate assessment your authority decides to make. As advised in our previous comments, the proposal should retain habitat features on site used by bats including greater and lesser horseshoe bats.
PUBLIC RIGHTS OF WAY:

23 February 2021: No objection subject to conditions

22nd March 2021: Drivers frequently attempt to use Ringspit Lane to access A37, this has led to numerous rescues by tractors as drivers cannot turn in Ringspit Lane and often fall in the ditch.
There is a sign stating "UNSUITABLE FOR THROUGH TRAFFIC" at the junction with Woollard
Lane. There is an amenity value to the byway open to all traffic which is Ringspit Lane, this has also been overlooked by the public rights of way team in the consultation. Ringspit Lane is a byway open to all traffic (BOAT). A BOAT is mainly used for the purposes that footpaths and bridleways are used, but it may also be used by vehicles. A right of way for: walkers (a walker includes a person using manual or powered mobility aids e.g. wheelchair or scooter), horse riders (including the right to lead horses), cyclists - who must give way to other users, horse-drawn vehicles, motorised vehicles (e.g. cars, motorbikes). The issues raised relate mainly to the safety of the junction between

Woollard Lane, Charlton Road, Highwall Lane and Ringspit Lane and these should be addressed

PLANNING POLICY:

26 March 2021: no objection subject to condition. Planning permission for the Queen Charlton Quarry AD Site was approved in May 2014 under planning reference (13/04126/MINW). Within the Officer Report for this application, it was concluded that "on balance the limited harm to the green belt and other harm represented by the AD proposal are considered to be outweighed by the opportunities for more sustainable waste management and renewable energy, and the satisfactory arrangements for environmental protection and management of the site".

It is noted that the current application proposes significantly larger facilities than the permitted scheme, potentially impacting on the surrounding environment such as the openness of the Green Belt, landscape, ecology and highways. I defer to appropriate officers' comments on these issues. Subject to these issues being satisfactorily addressed, an objection regarding the principle of the development is not raised.

The decision maker will have to decide if the harm to the green belt and other harm represented by the proposal are considered to be outweighed by the opportunities presented in terms of waste management and renewable energy production.

20th Jan 2022: Object, recommend refusal. Following the original Policy comments that were submitted in March 2021, we were informed that the application (13/04126/MINW) had lapsed and the permission is not considered to be extant as the works that have taken place on site are considered unauthorised. Therefore it is considered contrary to the JWCS Policy 2.

COMPTON DANDO PARISH COUNCIL:

25th March 2021: Compton Dando Parish Council unanimously OBJECT to this planning application. The Parish Council has noted the objections raised by Keynsham Town Council and support their concerns by reiterating their comments.

Scale of the Application:
The Parish Council had supported a previous application but the current one is on a much larger scale, which would lead to serious issues affecting our Parishioners' lives.

Increase in vehicular movements:
Undoubtably there will be an increase in lane and road congestion, with the amount of HGV vehicle journeys that would be required for feeding the anaerobic digester and then taking away the end product. This is something the Parish Council feel that the country lanes and roads in the area would be unable to accommodate. Alongside the increase in traffic movement, there will be a resultant increase in both dust, noise and air pollution. The amount of traffic in the area has already gone up as the number of new homes has increased. Our Parishioners are rightly concerned for their safety when using our lanes and roads whether for driving, or for exercise and relaxation and this local area has many walkers, horse riders and bike riders. It is felt that the application underestimated the number of vehicle journeys that would be required as the waste products to fuel the

anaerobic digester would be light in weight so less could be carried per journey, so more journeys than estimated would be required, particularly at harvest time when tractor and trailers transport maize to the site from farms.

Conservation Status:
We have Conservation status villages in the Parish, including the adjacent village of Queen Charlton, the ambience of which would be spoiled.

Area of Ecological Value:
When the first application was submitted there was an area of high ecological value on the site where the old quarry had been, adjacent to the planned anaerobic digester plant. At the time we were assured this was to be preserved. However, it was destroyed when it was buried when the huge mountain of spoil deposited. The Parish Council remains concerned about the ecological area, especially in light of the most recent application.

Planned Cultivation of Maize:
It was reported that growing maize has a detrimental effect on the environment and landscape. Farmers are now taking forward the Government's Environmental Land Management Scheme (ELMS) which aims to promote and improve farming practices to benefit the environment. So, local farmers would be less likely to grow maize, meaning it would need to be brought from further afield. The production of renewable energy that will require a vast amount of fossil fuel in transporting the products to the anaerobic digester, then take away the final product, limits the overall effect of helping the environment. It may well have a negative effect. A carbon footprint assessment should have been carried out. The extra traffic movements would increase air pollution, with a detrimental effect on the health of Parishioners and a large increase in 'wear and tear' on the lanes and road surfaces.

Noise:
Concerns were raised over the noise from the extra traffic as well as the anaerobic digester itself.

Odour:
Odours as a result of the plants operation cannot be prevented from drifting into the local environment and there will be an increase in odour within the local area. In addition, aerosol particulates could affect the health of parishioners and have a detrimental effect on sensitive flora and fauna of the Chew Valley and surrounding area.

Financial Viability:
It was reported that the original application was not financially viable and the increase in scale of the production was purely for financial gain. An aerobic digester plant this size is not needed within the area of BANES and, for the aforementioned reasons, this is of an unproportionate scale.

17th Nov 2021: objection. They reiterate their views submitted in March 2021 as well as the following comments: The 'new' documents added to the application appear to only have the date changed on them. There is insufficient justification to demonstrate any 'special circumstances' which would allow this inappropriate development in the Green Belt. The original planning application has lapsed so the site has now reverted to greenfield inside the Green Belt. The sustainability and carbon reduction are questionable

as the material fed into the digester will have to be brought in from some distance. The maize that will need to be grown specifically for this process, will cause nutrient leaching from the soil where it is grown. There are concerns that the GPS systems used by the lorries will not be monitored and the narrow lanes will be heavily used causing damage to the verges and possibly blocking the lanes. There are also concerns about the large number of vehicle movements, both on and off site, that will be required. The 'difficult' road junctions in the area and the request for a speed limit reduction along Charlton Road suggest that the road network that will be used for the digester, is not appropriate and there is a possibility of increased accidents. There needs to be a full review of the landscaping and there are concerns over light pollution in the area. The size of the anaerobic digester in this application is totally inappropriate for the location.
KEYNSHAM TOWN COUNCIL:

16th March 2021: (summary) Objection on the following grounds;

a. Scale contrary to D2 of PMP
b. Adverse impact on the Green Belt
c. Profound highways issues
d. Concerns are raised in respect of the digestate pools overflowing and causing run off surface water onto nearby roads, making them hazardous contrary to D3 of PMP
e. Loss of amenity to nearby residents
f. Site maintenance has not been addressed sufficiently and the applicant fails to reference any safety measures within their supporting documentation.
g. This proposed development includes the partial removal of a Site of Nature Conservation Importance which is a significant adverse ecological impact, and this does not appear to have been addressed in the proposed Landscape and Ecological Management Plan for this site, contrary to Policy NE3 of PMP

23 Nov 2021: Object - Keynsham Town Council object on the grounds that there are serious concerns in respect of traffic and highways safety implications, relating to the site access proposals, the number for HGV movements to and from the site and the proposed routing of the same. Charlton Road, which is an accident hot spot and is extremely narrow in sections, no matter which route proposed whether it be to and from the A37 or through Keynsham, which would be the alternative route if the A37 were impassable for any reason will exacerbate highways safety in this locality. The application is therefore contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan.

PUBLOW WITH PENSFORD PARISH COUNCIL:

26th March 2021: Publow with Pensford Parish Council have resolved to OBJECT to this application for the following reasons: The Site is in Greenbelt and offers little to outweigh the considerable harm created by the development to the environment, landscape, and residents amenity. The Parish Council recently declared an Environmental and Nature Emergency, and agreed that this application will create ecological damage, congestion and pollution for its residents. The roads that lead to the site are not suitable for large vehicles. Entry to the site should be restricted so that access is only possible via Charlton Road due to the narrowness of the other lanes leading to Charlton Fields Lane. The increased vehicle movements associated with these proposals cannot be accommodated without substantial negative impact on the local residents and small villages that surround the site. In addition to the unsuitability of the lanes close the site, the increased vehicle

movements on the A37 are also a concern. The A37 cuts through the heart of the village of Pensford and there are already significant problems with the current level of use. Through Pensford, the A37 is not wide enough for two large vehicles to pass each other and the road is frequently blocked when two vehicles meet head on. There is also concern about air quality, made worse by vehicles idling with engines running, waiting for congestion to clear.

The Parish Council have had discussions with B&NES highways to find ways to reduce the problem, and a scheme was implemented to introduce a 'give way to oncoming traffic' restriction but the problems continue as the restriction is ignored or misjudged. If large vehicle movements are to increase as a result of this application, then a new solution and significant investment will be required to mitigate the effects. The development offers very limited employment opportunities to local people. The site floods and there is concern that pollution would escape from the site in the event of flooding. Conditions imposed in the previous applications for this site have never been fulfilled and the Parish Council are concerned that further enforcement will be required for the conditions put on the site. The production of renewable energy is a worthy objective but can only be seen as a benefit if the carbon footprint caused by the production of Maize and transportation does not out way that benefit and the Parish Council does not believe it does.

23rd Nov 2021: Publow with Pensford Parish Council discussed the revised plans in their Parish Council meeting this month and resolved to OBJECT to the application. We are resubmitting our objection from the last consultation as the revised plans have done nothing to reduce the concerns of the Parish Council. The proposed changes to the A37 through Pensford do not mitigate the harm caused by the increased vehicle movements and are likely to cause more blockages on the A37 sending traffic through the back lanes of our Parish in an attempt to avoid the congestion. This plant is inappropriate development in a totally unsuitable location in the greenbelt.

WHITCHURCH VILLAGE COUNCIL:

26th March 2021: Whitchurch Village Council unanimously OBJECT to this planning application. The Village Council fully support the comments by Keynsham Town Council. This is an inappropriate site for an operation of this scale in the Green Belt, no special circumstances or benefits have been demonstrated. Policy GB1 of B&NES Placemaking Plan 2017. The amount of traffic in the area has increased considerably in the last few years due to the number of new homes being built in Whitchurch Village and Keynsham with vehicles using Woollard Lane to access the A37. It will cause an excessive amount of traffic, which would lead to serious issues of congestion with the amount of HGV vehicle journeys that would be required for feeding the anaerobic digester and then taking away the end product. The rural lanes/roads in this area were not built to accommodate HGV's, there are no public footpaths making it extremely dangerous for pedestrian, cyclists and horse riders who use these rural lanes. Therefore HGV's on unsuitable roads will be to the detriment of Highway safety and residential amenity contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan. It was felt that the application underestimated the number of vehicle journeys that would be required. It was reported that growing maize reduces the quality of the soil and local farmers would be unlikely to grow maize, which would mean it would need to be brought from further afield. The production of renewable energy that will require a vast amount of fossil fuel in transporting the products to the anaerobic digester, then take away the final product, which limits the overall effect of

helping the environment, it will have a negative effect. A carbon footprint assessment should have been carried out. The extra traffic movements would add to air pollution and a large increase in 'wear and tear' on the road surfaces. When the previous application was submitted there were many fields with a good level of biodiversity surrounding the anaerobic digester plant, these have now all gone. Odours generated cannot be prevented from drifting into the local environment and having a detrimental effect on residents living in the vicinity. There are far better placed locations for an anaerobic digester of this scale, the proposed location in the Green Belt, is totally unsuitable for such a large-scale production.

10th Nov 2021: The original objections made to this application in March 2021, still stand.

REPRESENTATIONS RECEIVED:

CLLR ALISTAIR SINGLETON:

Requesting the application to go to committee. This is a complex application of interest to many residents, interest groups, and Councillors across a wide area. Issues include concerns about ownership, the planning history on this site, including the unlawful implementation of the 2014 planning permission, the current validity of past consultations, and claims made within the application for an extensive plant. There are profound highways issues to consider both in the construction phase and the operational phase of the new proposal. Arguments in the application about its climate and carbon benefits are in places dubious at best. The use of farmed maize silage as feedstock in plants of this nature is now largely rejected as environmentally inappropriate. The committee may wish to consider the impact of the proposal for the local road network which is essentially rural in character, and the impact on the wider highway network resulting from HGV movements further afield. Development in green belt is harmful by definition. The committee may wish to consider if there is any public benefit sufficient to outweigh that harm. There are arguments to be considered about any loss of amenity to residents in nearby properties, both built or to be built, by way of noise, smell, dust, air pollution, and aspergillus spore release. The proposed development includes the partial removal of a Site of Nature Conservation Importance (SNCI) which is a significant adverse ecological impact. The committee may wish to consider whether the proposed landscape and ecological management plan would mitigate that loss. There are concerns around short term and long term adverse effects to the landscape and visual settings if this significant plant is sited within this rural farmland landscape. The above concerns lead me to object to this planning application as it is not policy compliant in many respects including policies GB1, CP8, ST1, ST7, D6, NE2A, NE3, NE5, PCS1, PCS3.

OBJECTIONS:

847 objections have been received; the following is a summary of the points raised:

Renewable energy and waste matters:
- unclear where food waste is being supplied from
- will local people benefit directly from energy creation?
- facilities will rely on importing waste from other areas unsustainably
- digestate reduces fertility of land
- will result in carbon pollution

- not a 'green' form of renewable energy
- size of plant is industrial (92,000 tonnes of waste proceed) too large
- how has its operational level quadruple
- waste needs assessment and addendum is flawed and lacking
- waste already being processed at Avonmouth
- need for facility has not be substantiated
- use of farmed maize silage as feedstock in plants of this nature is now largely rejected as environmentally inappropriate
- growing maize is unsustainable/ inappropriate use of land
- feedstock sources cant be relied upon
- will not help climate emergency

Green Belt:
- inappropriate development in the green belt
- impact on visual amenities of green belt
- no very special circumstances
- industrial site cant go in the green belt countryside
- must preserve and protected the countryside

Design and Landscape:
- overdevelopment of the site
- site being expanded again
- overdevelopment
- scale has outgrown the site
- widely visible in the landscape
- unsightly
- visual amenity harm
- industrial appearance in rural location
- close proximity to conservation areas
- not appropriate location
- submission states landscape impact will be adverse
- light pollution at night
- landscape mitigation will not be successful
- loss of countryside
- LVIA is lacking and incorrect

Transport:
- increase in HGV on highway network (67 daily movements)
- vehicle movements grossly misrepresented/ underestimated
- road network lacks capacity or weight limit
- only two rural roads lead to the site
- no proper highways infrastructure to site
- cause congestion
- knock on effects to surrounding highways network
- impact to Keynsham highways and centre
- impact to A37
- highways safety risk to all types of users
- concern at specific junctions and waiting times
- traffic surveys are lacking (conducted during pandemic)
- no public transport to site or footpaths etc

- not a sustainable location
- feedstock would have to be transported miles to site
- HGV's will damage local roads and verges
- will increase rat running
- number of transport movements grossly under-estimated
- non-feedstock movements have not been included in transport movements
- additional tractor movements in harvest time going to the site would cause congestion and highways safety concerns
- seasonal transport movements (tractors) not included in transport statement
- poor visibility
- muddy roads
- impact on clean air zone

Drainage:
- poor drainage at site
- soakaways ineffective
- flooding at site currently
- flooding of highways

Health and residential amenity:
- too close to residential properties
- AD plant will give off pollutants
- increase in pollution from transport movements
- increased noise
- increased odour
- dust pollution
- light pollution
- vibrations
- fungal infections and fly infestations at the plant
- at odds with Clean Air Zone
- local air pollution levels already critical
- reduction in air quality
- aspergillus spore impacts
- lead to respiratory health issues
- flies
- inappropriate operation hours
- mental health impacts
- doors will be open constantly so will not resolve pollution concerns
- open topped silage dumps harmful
- impact to 'village life'
- operational times will impact on amenity

Ecology and biodiversity:
- loss of SNCI
- adverse impact to SNCI
- loss of biodiversity
- loss of habitat
- impact to protected species including bats
- impact to species from pollution
- ecological emergency

- previous works to quarry site have destroyed ecology and biodiversity
- no net gain above original baseline

Other matters:
- EIA Statement is flawed and lacking
- Baseline position is wrong
- concern the site will be poorly manages
- previous disregard for planning permission
- unlawful works on site
- AD plants are dangerous, explosions have occurred at other sites
- no risk/ disaster scenario assessments submitted
- former applicants went bankrupt, what is the financial position of the applicants now
- concern for financial viability of the site
- will stop any further housing be able to be built nearby in Keynsham
- impact on house prices
- concerns about applicant/ company and AD experience
- this project will not meet the objective of B&NES to "Improving Peoples Lives
- ownership concerns
- would jeopardise local rural jobs
- would jeopardise future homes
- impacts during construction period
- how will the site be enforced if allowed
- site will attract rodents and pests
- lack of consultation/ publication .
- wrong location
- concern over applicants and their financial position/ bankruptcy/ ability to deliver the scheme
- hazardous materials on site
- concern the application hasn't been properly assessed
- application is political
- application description is wrong
- concern with the enforcement action (lack of) at the site

SUPPORT:

10 letters of support have been received; the following is a summary of the points raised:

- Sustainable disposal of waste
- Renewable energy creation
- Reduce reliance on fossil fuels
- On an existing quarry site

POLICIES/LEGISLATION
DEVELOPMENT PLAN:

The Development Plan for Bath and North East Somerset comprises:

o Bath & North East Somerset Core Strategy (July 2014)
o Bath & North East Somerset Placemaking Plan (July 2017)
o West of England Joint Waste Core Strategy (2011)

o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

o Made Neighbourhood Plans

CORE STRATEGY:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP2: Sustainable Construction
CP3: Renewable Energy
CP5: Flood Risk Management
CP6: Environmental Quality
CP7: Green Infrastructure
CP8: Green Belt
DW1: District Wide Spatial Strategy
KE1: Keynsham spatial strategy
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
D8: Lighting
GB1: Visual amenities of the Green Belt
HE1: Historic Environment
NE2: Conserving and Enhancing the landscape and landscape character
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE4: Ecosystem Services
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air Quality
PCS5: Contamination
RE1: Employment uses in the countryside

RE5: Agricultural land
SCR1: On-Site Renewable energy Requirement
ST1: promoting sustainable travel
ST7: Transport requirements for managing development

JOINT WASTE CORE STRATEGY:

Policy 1 - Waste Prevention
Policy 2 - Non-residual waste treatment facilities (excluding open windrow composting)
Policy 3 - Open windrow composting
Policy 5 - Residual waste treatment facilities - locations
Policy 6 - Residual waste treatment facilities - operational expectations
Policy 7 - Consideration of residual waste treatment proposals at sites not allocated in the JWCS
Policy 8 - Landfill, landraise, engineering or other operations - Principles
Policy 9 - Landfilling, landraising and engineering or other operations - Details:
Policy 11 - Planning Designations
Policy 12 - General Considerations

NEIGHBOURHOOD PLANS:

Publow and Pensford Neighbourhood Plan
Whitchurch Neighbourhood Plan

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in 2021 and is a material consideration, as is the National Planning Policy for Waste (Oct 2014). Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT
The site is located due south of Queen Charlton by approximately 1km and to the south west of Keynsham. Publow is located to the south west of the site and Compton Dando to the south east.

The site is located in the open countryside and is generally surrounded by fields with Charlton Road bounding the site to the west. The nearest dwelling is Home Farm, along Charlton Road, around 165m away, with the next nearest being located in the hamlet of Lypiatt some 500m away. The site is located in the Green Belt. Part of the site and the area surrounding the site is designated as a Site of Nature Conservation Interest (SNCI).

This proposal is seeking planning permission for the development of an Anaerobic Digester (AD) Facility to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site.

The redline boundary is formed of three elements:
- Northern parcel: unauthorised AD plant site
- Southern parcel: former quarry
- Charlton Road: location of the drainage connection to the site

Additionally, along the south-eastern boundary of the site is an area of woodland that is within the applicant's ownership.

The main issues to consider are:

- Planning history and background
- Principle of waste development
- Principle of renewable energy development
- Principle of development in the Green Belt
- Landscape
- Design
- Residential amenity
- Highways matters
- Drainage and flooding
- Contaminated land
- Trees
- Ecology
- Any other matters
- Planning balance

PLANNING HISTORY:

There is a long and extensive planning history on the site.

Northern Parcel - AD Plant:

It is understood that the northern parcel of the site was once used as a processing works for the adjacent former quarry (southern parcel), aerial imagery shows activity on this part of the site as far back as 1991 (note ariel imagery is not available in this location between 1976 and 1990). In 1975 the aerial imagery shows the site as a field.

Following this, composting operations commenced on the northern parcel around 2001 under temporary planning permission 97/02626/MINW. Applications to vary the terms of the operation were made in 2002 and 2004 and were both approved. The following three applications to vary conditions of 97/02626/MINW were approved in September 2013:

- 05/00723/VAR - Variation of condition 13 and 16 of Planning Permission 97/02626/MINW to allow recycling of cardboard waste and increase in truck movements.
- 05/0199/FUL - Increase size of concrete storage area and variation of condition 13 to accept wood waste.

- 11/00022/VAR - Variation of conditions 13, 16 and 19 to extend composting operations, increase vehicle movements and permit cardboard and wood recycling.

The composting operation and its further variations were considered inappropriate development in the Green Belt, however very special circumstances were found for various reasons including;

1. the use's functional relationship with agriculture;
2. that it could be accommodated on the site without serious harm to the landscape and nature conservation issues;
3. its contribution to achieving targets for composting in the Waste Management Strategy;
4. lack of alternative sites for such waste management; and
5. the temporary nature.

All of these permissions were granted with the condition that the composting operations were to cease by 2014 and the site restored to its former greenfield condition by 2015.

An application seeking planning permission for an AD plant on the site was then submitted and subsequently granted in 2014 under application 13/04126/MINW. This permitted the construction of a facility to process food waste via anaerobic digestion to create electrical energy for export to the grid and gas grid. Again, this was considered to be inappropriate development in the Green Belt in the first instance, however very special circumstances were demonstrated based mainly on the opportunity to drive the treatment of waste up the waste hierarchy and help implement targets for diverting waste from landfill, and the plants contribution to meeting targets for renewable energy, as well as other minor benefits of the scheme.

The approved AD plant site however was neither completed nor built in accordance with approved plans under 13/04126/MINW; this permission has now lapsed. The permission is not considered to be extant because the works that have taken place on site are not in accordance with the approved plans. The works on site are therefore currently unauthorised.

Southern Parcel - Quarry:

The former quarry area appears to (according to ariel imagery) have been operational as a quarry since at least the early 20th century. It is unclear exactly when the quarry became disused.

More recently the quarry area was granted permission in 1999 (97/02620/MINW) for the 'operation of concrete and hardcore recycling plant for 5 years and restoration of site by importation of subsoil and topsoil.'

In 2010, an application (10/00981/FUL) was approved at the site for the 'Phased completion of restoration of former Queen Charlton Concrete Works on Charlton Field Lane, Keynsham using imported excavated materials and topsoil/compost.'

In 2014, application ref 14/01330/VAR was submitted seeking to vary conditions 3 and 4 of 10/00981/FUL. The application proposed a further extension of the operating period of

up to a year to allow for the importation of topsoil/compost only to enable the restoration of the site to be completed.

The quarry operation was therefore temporary, and the quarry has now been 'restored', however it is noted that this restoration has not taken place in accordance with the approved plans and the height of the restored land sits substantially higher than was permitted within the landscape. The height of the quarry should have been restored to 124m AOD (at its highest peak), but it actually sits at 130m (at its highest peak) at present. The additional height increase and associated additional massing and contouring is therefore unauthorised.

Charlton Road:

There is no planning history along the Charlton Road element of the redline plan that is relevant to the scheme.

Woodland to the South East:

The woodland area has not historically formed any part of the operational site and is currently unmanaged woodland.

Agricultural Land to the North Outside of Redline Boundary:

It is noted that millet was being stored on the agricultural land immediately at the north boundary of the AD plant site. This land fell outside of the previous applications red line and is not within this application's red line. The storage of millet to feed the plant (once operational) in this location would therefore have required a change of use. This is element falls outside of the scope of this application and is being investigated by the enforcement team.

BACKGROUND:

As described above this proposal is seeking planning permission for the development of an AD Facility to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site.

The AD facility will consist of multiple components across the length of the site. An AD facility processes organic materials or "feedstocks" (food waste and crops) to produce biogas to create renewable energy.

The two feedstocks (food waste and crops) are processed differently initially. Food waste is diverted from landfill. At the feedstock reception building packaging is removed, the food waste is macerated into a 'soup' before being added to the process via intake tanks. Crops are purpose grown to become 'feed' and are fed into the anaerobic digester tanks before entering the main primary digesters.

Once in the digestors the feedstock is then heated and mixed by stirrers to ensure the materials are consistently blended and at the required temperature to maximise the production of biogas. This biogas is temporarily stored in the tank domes until used either by the combined heat and power engines on site to create heat and electricity and/or

upgraded, compressed, and exported as a renewable gas (via a gas pipeline) for use in the gas network or as a transport fuel via tankers.

Along with the production of electricity and gas, there are two other by-products produced by the AD process: heat, and a nutrient rich biofertiliser called "digestate". The heat from the engines is re-used in the processing and the digestate is separated into a solid and liquid fraction. The solid fraction is stored on site temporarily in a digestate storage area until transported to farms to be used as a soil improver. The liquid fraction is stored on site in contained storage, before being tankered off-site for spreading on agricultural land as an alternative to chemical fertilisers.

To summarise the biogas produced from the processed food waste and purpose grown crops, is used to create electricity or gas supply, and the by-products are reused. As such it is considered an AD facility should be treated as a waste treatment facility as well as a renewable energy facility.

PRINCIPLE OF DEVELOPMENT OF A WASTE TREATMENT FACITITY:

The National Planning Policy for Waste (NPPW) sets out the overarching policy for assessing planning applications pertaining to waste facilities. It states that waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations.

The Joint Waste Core Strategy 2011 (JWCS) sets out the strategic spatial planning policy for the provision of waste management infrastructure across four local authorities including BaNES.

The main policy in the JWCS that relates to the development of AD facilities is Policy 2 'Non-residual waste treatment facilities'. Policy 2 states that planning permissions for non-residual waste treatment facilities involving recycling, storage, transfer, materials recovery and processing will be granted (subject to development management policies) in the following locations:

- On land that is allocated in a local plan or development plan document for industrial or storage purposes or has planning permission for such use;
- On previous developed land; or
- At existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the waste use being limited to the life of the landfill, landraising or other temporary facility

The site is not allocated through the development plan for industrial or storage purposes, nor does it have planning permission for such use.

As described in the planning history above the site was in use by a company called Hinton Organics from 2001 - 2014 as an open windrow composting site and carboard and wood recycling centre which was to be restored to green fields by 2015. In 2014 permission was granted for an AD plant on the site, however this permission has now lapsed, lapsing some significant time ago. The permission is not considered to be extant because the works that have taken place on site are not in accordance with the approved plans. The

works on site are therefore currently unauthorised. The site is therefore not considered to be previously developed land.

The proposal is for a permanent anaerobic digestor waste treatment facility not a waste management site in the case of landfill or landraising, or other temporary facilities, for the purpose of the policy.

Additionally, it is noted that in granting the previous AD plant permission (13/04126/MINW) the report considered Policy 2 of the JWCS but did not adequately justify why the proposal was acceptable in line with it.

Additional polices applicable to the scheme within the JCWS included policies 11 and 12. Policy 11 of the JWCS has regard to planning designations. It states that

'Planning permission will not be granted for waste related development where this would endanger or have a significant adverse impact including on the following:
2. Special Areas of Conservation, [...]
11. Sites of Nature Conservation Importance, [...]
19. Green Belt, except where very special circumstances are justified.'

It says that in assessing each development proposal the assessment will also take into account whether any significant adverse impact identified could be controlled to acceptable levels.

Policy 12 has regard to 'General Considerations' it states that

'Planning permission for waste related development will be granted provided it can be demonstrated that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, resources and the environment and that, where appropriate, enhancement would be achieved.

Where it is assessed that the application proposals could lead to significant adverse effects but these are capable of adequate resolution, appropriate mitigation should be identified so as to avoid or minimise any material adverse impact, and to compensate for any loss.'

Conclusion on Principle of a Waste Facility:

In this case the proposal is considered to fail to comply with policy 2 of the JWCS as it falls outside of any of the locations outlined as acceptable within the policy. The proposal is therefore unacceptable in principle. The elements raised in policy 11 and 12 of the JCWS are discussed in more detail in the sections of the report below. The need for a waste facility is discussed in the planning balance below.

PRINCIPLE OF DEVELOPMENT OF A RENEWABLE ENERGY FACILITY:

Policy CP3 of the Core Strategy concerns to renewable energy. It sets generation targets to achieve 110 Megwatt electricity (MWe) and 165 Megawatt heat (MWth) by 2029. Further progress towards the target of 110MW has been set out in the recently published Local Plan Partial Update Consultation document which states that "there is currently a

renewable energy installed capacity of 21.7 Mega Watt electricity within the district'. As such, the Council is currently 88.3MWe behind its target of 110MWe.

According to the Renewable Energy Delivery Assessment submitted with the application the proposal site will have the approximate capacity for producing 2.2MW of renewable energy. This would contribute towards the council meeting its overall target by a further 2%.

In addition, it is noted that the proposal will also have an approximate capacity for producing 4.7MWth of renewable gas exported off site for use in the gas network, the Council does not have a specified target for gas production.

Conclusion on Principle of Renewable Energy:

The proposal is for a renewable energy development that contributes 2.2MWe of energy generation to the Council's renewable energy targets. The proposal is considered to comply with policy CP3 in so far as it relates to the targets for renewable energy development, in so far as the remainder of policy CP3 this is dealt with elsewhere in this report. The principle of this particular location/site for renewable energy development is dealt with elsewhere in this report.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The proposal is located within the Bath and Bristol Green Belt. The Government attaches great importance to Green Belts. The two main elements of the scheme will be discussed in turn.

Southern Parcel - Quarry Restoration:

Paragraph 147 of the NPPF states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

The NPPF, at paragraph 150, says that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it; this includes engineering operations.

The restoration of the quarry involves the re-profiling of the land which is considered an engineering operation. The proposal is acceptable in the first instance.

The second part of the exception requires that the engineering operations preserve openness. Impact to openness can based on a spatial and visual assessment.

As outlined above, previously permission has been granted on the site to restore the ground levels to a maximum of 124m AOD. The height has actually been built up to a level of 130m (AOD) which is unauthorised. This application proposes to reduce the height to 128m (AOD) at its highest point softly sloping to ground level of 118m AOD.

The landform will have a smooth sloping profile that will be viewed as a naturalistic feature in the landscape. The surrounding landscape is undulating, with existing nearby

geomorphological features of similar height, including Publow Hill, Wooscombe Wood, and Guy's Hill. Additionally, the new native woodland planting on the north, east and west facing slopes of the quarry landform will integrate it within the existing landscape, reinforcing the wooded character of the slopes within the landscape locality of the site, as well as reducing the mounds disenable visibility in the wider landscape. The submitted LVIA shows that the landform has a limited zone of visibility, limited to the immediate area and views from those taller landforms in the wider area. Wider views are not considered to be able to discern significantly between a 124m mound and a 128m mound.

As such it is considered that the proposed quarry restoration both spatially and visually preserves the openness of the Green Belt.

Per para. 138 of the NPPF, the Green Belt serves five purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It is not considered that the proposed quarry restoration landform conflicts with any of these.

Overall, the quarry restoration landform is considered acceptable within the Green Belt.

Northern Parcel - AD Plant:

The NPPF says at paragraph 149 that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt', and it then lists some exceptions. As above, the NPPF at paragraph 150 goes onto list other forms of development that are not inappropriate such as mineral extraction. However, neither the exceptions list in paragraph 149 nor the list in paragraph 150 includes renewable energy or waste management facilities. The proposed AD plant is considered inappropriate development in the first instance. The NPPF goes on to state at paragraph 151 that 'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed'.

Policy 11 of the JCWS says that planning permission will not be granted for development where this would have a significant adverse impact on the green belt (except where very special circumstances are justified).

As described in the planning history section above the baseline of the northern parcel of the site is considered to be a green field given that the previous permissions for activity on the site were temporary and ceased and that the AD plant now built on site is unlawful.

The proposal seeks permission for an AD site that will place a significant amount of built form on a baseline scenario of a green field, this is considered inappropriate development as it is not considered to meet with any of the exceptions listed within the NPPF.

Additionally, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; one of the essential characteristics of Green Belts is their openness. Impact to openness must also be assessed. Impact to openness is based on a visual and spatial assessment.

Spatially, the proposal introduces a significant amount of built volume through multiple buildings and hard standing into the Green Belt in comparison to its greenfield baseline. Visually, it is considered that the proposed quarry restoration landform would reduce the visual impact of the AD plant in terms of openness. Nevertheless, the AD plant would be visible from within the site and some wider views in the surrounding area. Overall, the proposed AD plant is considered to harm the openness of the Green Belt.

Additionally, the Green Belt serves five purposes; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It is considered the proposal would conflict with purpose c because of the new built form.

The AD plant is therefore harmful due to: being inappropriate development in the Green Belt (harmful bey definition); its harmful impact on the openness of the Green Belt; and its conflict with the purposes of including land within it. The NPPF says that 'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.' Very special circumstances are assessed in the Planning Balance section below.

DESIGN:

Policies D1 to D5 of the Placemaking Plan have regard to design matters concerning local character and appearance, fabric and building design.

The proposal seeks to retain some of the existing unauthorised built form on the site as well as the erection of new buildings and infrastructure. The proposal site essentially consists of the following areas:

1. Vehicle movement area
2. Feedstock Reception Building
3. Digester tanks
4. Energy generation
5. CNG and Digestate storage
6. Silage clamps
7. Surface water drainage

The submitted drawings as well as the Design and Access Statement set out the design detail of the proposal.

The vehicle movement area (1) includes the access road, gate, weighbridge, weighbridge office, and vehicle movement apron. The reception area (2) consists primarily of the Feedstock Reception Building, a steel portal frame building with green cladding sheets to walls and the roof. The digester tanks (3) consist of a concrete hardstanding surrounded by a containment bund wall with the 5 digester tanks located within the contained bund. In

addition, there will be a number of small Glass Reinforced Plastic (GRP) cabinets containing control equipment and the interconnecting pipework on a pipe-bridge with associated pumps at ground level. The energy area (4) will accommodate several items of equipment either located outside or in container enclosures. The equipment consists of: four Contained Combined Heat and Power (CHP) engines including a chiller; carbon filters; and a transformer compound. The CNG and Digestate storage (5) consist of pre-treatment filters to remove contaminants, compressor sets, upgrader container and ancillary equipment, analyser container and propane storage tanks. The three silage clamps (6) are walled, open topped enclosures where silage is stored and covered to naturally preserve it by ensillement, creating silage. They are 100m long x 30m wide with a total floor area of 9,000sqm. All surface water is to be contained onsite, the surface water system consists of below ground plastic pipework, gullies, manholes, an interceptor and two attenuation ponds.

Each element is a requirement of the AD facility in order to ensure that it can operate. The proposal will have the appearance of a large-scale AD plant. The design is considered to be as a result of the function of the AD facility; form has followed function. The design is considered acceptable in this regard, the wider impacts on the character of the area are considered in the landscape section below. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies design policies of the Placemaking Plan for Bath and North East Somerset (2017).

LANDSCAPE:

Policy NE2 has regard to Conserving and Enhancing the Landscape and Landscape Character. It states that development will be permitted where it meets a number of criteria including that it conserves or enhances local landscape character. It goes on to say that development should seek to avoid or adequately mitigate any adverse impact on landscape. Finally, it says that proposals with potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment.

The site is not located in an area with a specific landscape designation (e.g., AONB). The site is within the Green Belt; however, this is considered a policy designation rather than a landscape designation per say. Nevertheless, policy GB1 does require that development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction.

The Council's Landscape officer has been consulted on the scheme. A Landscape Visual Impact Assessment produces by Sheilsflynn (Dec 2020) has been submitted with the application, in accordance with NE2, as well as an Environmental Statement. The high sensitivity of many of the landscape and visual receptors has been acknowledged and factored in as appropriate to assessment of significance of effects. Para 1.2 on p4 confirms the baseline for assessment was taken to be a Greenfield site (no AD plant) with the quarry at 124m max height in accordance with previous permissions.

The objectives of the landscape proposals are appropriate and include conserving and reinforcing the existing hedgerow and hedgerow tree boundaries, restoring the former quarry to a maximum height of 128m (AOD), and incorporating a number of specific

mitigation measures to minimise skyline impact in views, re-profiling the northern boundary to provide additional screening from the adjacent byway, planting new areas of woodland, and selecting colours and finishes on buildings that reduce visual impact.

In respect of day-time effects, the LVIA acknowledges that there will be major adverse effects during the construction phase (that are of course temporary in nature) and predicts some significant adverse landscape and visual effects on completion. The prediction that as the planting matures the adverse effects will diminish and, in many instances, will become beneficial effects are considered reliable based on visualisations of changing effects from completion to 15 years post completion.

The conclusion of the LVIA that there would not be any residual significant adverse visual effects and that only one landscape receptor would suffer significant long term adverse effects (changes to the distinctive character towards the eastern margins of the Dundry Plateau) appear valid, in respect of day-time effects.

Additional information was requested in terms of lighting to assess the proposed landscape night-time effects of the development on the landscape. A Lighting Impact Assessment report has been submitted setting this out. Revised information was then submitted by the agent on the 11th February as follows: Vertical Lighting Level Modeling; and Updated Lighting Spill Plan. The applicant has confirmed that the July 2021 Lighting Impact Assessment remains valid. The predicted lighting impacts are concluded as significant and adverse, and the Landscape Officer does support the application in its current form. No outright objection has been maintained by the landscape officer, the policy does not prescribe specific lighting levels, and it is understood that this information could be addressed through conditions.

There is reference in the documentation to a proposed woodland management plan, but it is not clear whether this extends to other types of vegetation and whether it covers existing as well as new trees. Given the importance of not just successful implementation but also establishment and long-term management to the delivery of the intended landscape enhancements, a comprehensive landscape management plan including existing trees and other vegetation as well as new planting will be required; this could be conditioned.

Cumulatively the level of mitigation proposed reduces adverse landscape impact and after a period of 15 years will result in conserving or enhancement of the landscape in regard to the various landscape receptors. Overall, the proposal is considered acceptable regarding landscape policies of the Placemaking Plan and the NPPF.

RESIDENTIAL AMENITY:

Policy D6 of the Placemaking Plan has regard to residential amenity. Amongst other things it states that development must not cause significant harm to the amenities of residents by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance. Additionally, policies PCS1 to PCS3 have regard to pollution, nuisance, noise, vibration and air quality, stating that development should not cause an unacceptable impact in these regards.

The site is within the open countryside. The nearest dwelling is Home Farm, around 250m away along Charlton Road. The next nearest are around 450m away in the hamlet of Lypiatt. The nearby settlements include Queen Charlton to the north, Publow to the South, Chewton Keynsham to the east and Keynsham beyond to the northeast.

The applicant has submitted detailed assessments within the ES which reviews potential issues which could impact on identified neighbouring properties for both the construction and operational phases of the proposed development.

Potential noise impacts associated with Proposed Development during construction and operational phases were assessed. Predicted impacts for each assessment are of negligible significance at all receptor locations in EIA terms. An assessment of air quality impact associated with construction and operation was undertaken, no significant impacts were found.

Potential health effects were also considered during construction and operation, this included for example an assessment if waste contamination and aspergillus spores. There are not predicted to be any significant effects on physical or mental health as a result of the proposed development. It is noted that the residual bioaerosol risk from all sources was determined as low or very low. As such, potential impact as a result of bioaerosol emissions from the proposed facility are not considered to be significant.

Overall, the assessments conclude that the mitigation (where necessary) and management strategies identified will not result in an adverse impact on the local residential amenity.

The Environmental Protection Team have been consulted on this application and advised that the above aspects will also be controlled via an Environmental Permit and enforced by the Environment Agency once in place. No aspect of the operational phase will be permitted without a permit in place and therefore for the operational phase the Environmental Protection team have no objection in principle to how the potential for nuisance from noise and odour has been addressed within the submitted documents. If permitted, the development would be regulated by a full Environmental Permit from the Environment Agency which will control these issues.

However, the construction aspect of the development is a separate matter and to adequately ensure that the local amenity is not unduly impacted a condition requiring an Environmental Construction Management plan to be submitted and approved in writing prior to any commencement of works was recommended.

Officers note that there are a number of existing AD plants in across the country that are located in close proximity to residential properties. For example, Aisecombe Way AD Plant is located centrally within Weston-Super-Mare and GENeco AD plant is located within the built-up area of Avonmouth.

Overall subject to condition the proposal is considered acceptable in accordance with policy D6, PCS1, PSC2 and PCS3 of the Placemaking Plan.

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

HIGHWAYS SAFETY AND PARKING:

The application site is located off Charlton Field Lane, an unclassified road, which is located off of Charlton Road. The access to the site is proposed to be taken from Charlton Field Lane at around 40m south of the junction with Charlton Road. Charlton Field Lane crosses Slate Lane south of the site and joins with Wollard Lane.

Policy ST7 has regard to Transport requirements for managing development. It states that development will be permitted providing the following provisions are met:
A. highway safety is not prejudiced;
B. safe and convenient access to and within the site for pedestrians, cyclists and those with a mobility impairment is provided or enhanced;
C. suitable vehicular access;
D. no introduction of traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area;
E. no traffic mitigation measures are required that would harm the historic or natural environment;
F. provision made for any improvements to the transport system required to render the development proposal acceptable;
G. secure and accessible cycle storage facilities.

It goes on to say, among other things, that that planning applications for developments that generate significant levels of movement should be accompanied by a transport assessment or transport statement in accordance with National Planning Policy Framework and Planning Practice Guidance. Finally, it sets out the parking standards required for all development. The Highways Development Control Team (HDC) have been consulted on this application.

Policy ST1 has regard to promoting Sustainable Travel, it says that permission will be permitted provided various principles are addressed, including reducing the growth and the overall level of traffic and congestion by measures which encourage movement by public transport, bicycle and on foot, including traffic management and assisting the integration of all forms of transport; and reducing dependency on the private car.

A Transport Assessment (TA), produced by Royal HaskoningDHV, has been submitted with the application and addenda have been received during the course of the application.

Accessibility / Public Transport / Walking / Cycling:

The site is in open countryside with very limited infrastructure for non-car modes of travel. Charlton Field Lane is generally a single-track carriageway with informal passing spaces. The carriageway has no street lighting system or footways. Charlton Field Lane widens at the junction with Charlton Road where it is locally a two-way single carriageway. Charlton Road links to Keynsham in the east and towards the A37 via Woolard Lane in the west. Charlton Road is a two-way carriageway subject to national speed limit. The carriageway is unlit with no footways and is subject to a 7.5tn weight restriction approximately 730m

northeast of the junction with Charlton Field Lane. The closest bus stop is located 1km to the northeast of the site and the nearest rail station is in Keynsham approximately 4.3km northeast. There are no cycle routes that are directly accessible from the site. There is a byway BA8/89 running along the northern boundary of the site which links Charlton Road with Redlynch Lane to the northeast. Charlton Road is known to be used by pedestrians, cyclists and equestrians.

The Transport Assessment Addendum (TAA) contains a Non-Motorised User (NMU) assessment of the development impact on non-motorised users (i.e., pedestrians, cyclists and equestrians) in section 4. No specific pedestrian or cycle infrastructure offsite works are proposed in association with the development.

The Environmental Statement Addendum (ESA) includes a revised assessment of pedestrian and cyclist severance, amenity, safety and also driver delay. The assessment concludes that the impact would be negligible in terms of EIA. HDC acknowledge that the existing haul route has a good safety record for injury accidents. However, the increase in the largest HGV's (defined as Other Goods Vehicle 2 (OGV2)) is significant and therefore presents a greater risk to pedestrian, cyclist and equestrian users. The greatest increase in traffic shown in the ESA is on Charlton Field Lane where total vehicles are predicted to increase by 6.6% and HGVs to increase by 167.5% followed by Woollard lane where HGV traffic is predicted to increase by 26.4%.

Highways note that the ESA assessment combines all large vehicles as heavy goods vehicles (HGV). However, traffic surveys break vehicles down further into OGV1(all rigid vehicles over 3.5 tonnes gross vehicle weight with two or three axles) and OGV2 (vehicles with 4 or more axels or articulated lorries with 3 or more axels). While traffic surveys show that currently approximately 3% of traffic on the haul route is the smaller OGV1 traffic and busses, the largest OGV2 currently make up less than 1% of vehicles on Woollard Lane, Charlton Road and Charlton Field Lane. More than half the development traffic is proposed to be the larger OGV2 type vehicles.

The submission states that 7 staff will be employed on the site. The site is almost completely vehicle dependant, and the likelihood of staff travelling to the site using non-car methods of travel is considered to be very low.

In summary, the site is in almost completely vehicle-dependant location, and any existing walking, cycling and equestrian users on the local road network will be vulnerable to increases in volume of motor traffic due to the lack of segregated infrastructure. It is considered that the increase in OGV2 traffic along roads which have pedestrian, equestrian and cyclist use, narrow carriageways, 60mph speed limits and no dedicated NMU facilities would lead to an increased risk of collisions and a reduction in the safety and amenity for existing users. This is contrary to criteria a and d of policy ST7 of the Placemaking Plan. In addition, the proposal fails to reduce dependency for the private car for employees, being located in an unsustainable location contrary to criteria b of policy ST7 and policy ST1 of the Placemaking Plan.

Traffic impact / Junction Capacity:

The TA seeks to establish baseline traffic conditions. Traffic surveys have been conducted at a number of locations along the proposed route between the site and the A37. The

surveys were undertaken between 10th -16th November 2020. Due to the Covid- 19 pandemic traffic patterns have been significantly lower since March 2020 than prior. The traffic surveys were conducted during the autumn 'circuit breaker' restrictions which commenced on 5th November 2020. During these restrictions everyone was instructed to stay at home and could leave only for a limited set of reasons. Non-essential shops, leisure and entertainment venues were closed.

As a result of the national restrictions, traffic surveys conducted during this period would be completely unrepresentative of normal traffic when restrictions are not in place. The TA has compared the surveys to previous traffic counts and established that there are very large differences between the pre-pandemic surveys and the November 2020 surveys. The difference varies between 19% and 184%.

The TA proposes to use a growth factor to account for the impact of the Covid-19 pandemic. This has been calculated by comparing the percentage change between a previous traffic survey in a similar location and the November 2020 results. A TEMPro growth factor has also been applied to survey data that is more than two years old. It is not considered that this approach is reasonable or accurate. The approach has also not been updated at all during the course of the application. The traffic volumes were so different in November 2020 that officers have no confidence that the uplifted baseline traffic data is representative of the local highway network during non-pandemic times.

The TA calculates the vehicle trip generation the proposed development is forecast to generate. Table 7.2 of the TAA suggests that there will be 60 trips a day to and from the site by HGVs. This fails to take into account the additional (average) of 83 trips per day during the harvest time (eight-week period - 2 months of the year, not an insubstantial period) resulting in 143 trips per day. This calculation has been done on first principles based on the capacity of the plant and expected feedstocks and vehicle capacities. At pre-application stage HDC have set out that assuming maximum legal payloads is not a realistic scenario. The TA has validated the HGV loads for some feedstocks and assumed an average load of 26tn for imported agricultural waste, food waste and vegetable waste.

Because the capacity of vehicles used determines the number of trips generated HDC would need to see further details of proposed vehicles types, specification and realistic payload for each feedstock type. For example, the submission assumes 43,900 litre for Glycerol feedstock is realistic. The largest capacity road tanker HDC can find details of would however only carry 42,000 litres.

Table 7.2 from the TAA summarises the predicted new trip impact associated with the development. In this assessment predicted trips are assumed to be evenly distributed throughout the hours the site is proposed to operate. This is not representative of known traffic profiles. If trips turned out to be distributed more frequently in peak Highway hours this would have a greater impact on junction capacity than has been calculated by the applicant. It is considered likely this would be the real-life scenario.

The trips have been assigned to the network, and these are shown in flow diagrams in Appendix F. Page 11 of Appendix F &G is labelled 'Development Traffic: PM Peak (17:00 - 18:00)' however the flows do not show any development traffic entering/ exiting the site and appear to show committed development traffic.

Assessment of the following junctions on the route between the site and the A37 have been completed:
- Junction 1 - A37 Bristol Road/ Norton Lane priority junction;
- Junction 2 - A37 Bristol Road/ Queen Charlton Lane ghost island right-turn priority junction;
- Junction 3 - Queen Charlton Lane/ Sleep Lane priority junction; and
- Junction 4 - Charlton Road/ Charlton Field Lane priority junction.

The junction assessment models junction 1 and 2 as separate priority junction. However highways question whether a staggered crossroad would better reflect the interaction between the junctions. There is no justification of why the Queen Charlton Lane/ Sleep Lane priority junction has been included, but the adjacent Queen Charlton Lane/ Woolard Lane Junction has been omitted.

The assessment is missing the Charlton Road/ Woolard Lane/Highwall Lane junction which falls on the proposed access route from the A37. This is an important junction, because the layout is very irregular. As a result, visibility splays to the southeast are very limited for vehicles travelling west from Charlton Road onto Woolard Lane. Highways are concerned with the safety of the increase HGV trips through this junction. A review of the safety and operation of this junction this would be required but has not been provided.

The NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is clear that the vehicle trip generation calculations are questionable, lacking detail and justification and therefore cannot be relied upon. HDC have not provided comments on the results of the capacity assessment because of the fundamental concerns they have about the underlying data used. There is insufficient information to conclude that Traffic impact / Junction Capacity will be acceptable as a result of this scheme, as this stage it is considered that the scheme could have a severe impact that cannot be ruled out. The proposal is therefore contrary to criteria a and d of policy ST7 of the Placemaking Plan and the NPPF.

Junction Modelling:

Highways have reviewed the updated junction modelling which has been revised following the initial consultation responses. This includes new baseline traffic data using surveys carried out between 22nd June and 28th June during which Step 3 of the roadmap out oif lockdown was in place and most businesses in all but the highest risk sectors were open. Following advice from the Council's Traffic Data Officer it was agreed for an uplift of 10% to be applied to the data to reflect that some restrictions were still in place which may have the effect of reducing travel.

The development vehicular trip impact was assessed at the proposed site access junction and the following junctions:

- Junction 1 - A37 Bristol Road/ Norton Lane priority junction
- Junction 2 - A37 Bristol Road/ Queen Charlton Lane ghost island right-turn priority junction
- Junction 3 - Queen Charlton Lane/ Sleep Lane priority junction

- Junction 4 - Woollard Lane/ Queen Charlton Lane priority junction
- Junction 5 - Charlton Road/ Charlton Field Lane priority junction

Table 9.2 of the TAA summarises the results of the junction assessment of the linked junction 1-4. In the uplift Base Traffic 2021 scenario junction 1 and junction 4 operate within capacity with less than 1 vehicle queueing and delay of 15 seconds or less. The Queen Charlton Lane arm of Junction 2 suffers from some queuing and delay in the a.m. and p.m. peaks. The greatest delay being 3.9 vehicle queue and 36 second delay. The Sleep Lane arm of the junction 3 also suffers some queuing and delay in both the a.m. and p.m. peak hours.

In the 2028 future year plus committed development traffic scenario there is a similar pattern with junctions 2, 3 and 4 all experiencing higher delays. The Queen Charlton Lane arm of Junction 2 suffers from some queuing and delay in the a.m. and p.m. peaks. The greatest delay being 5.6 vehicle queue and 58 second delay. The Sleep Lane arm of the junction 3 suffers significantly greater queuing and delay in both the a.m. and p.m. peak hours (5.7 vehicle queue/ 117 sec delay/ 14 vehicle queue 249 sec delay respectively). Finally, Queen Charlton Lane (E) and Woolard Lane arms of junction 4 both experience some delay particularly in the pm peak.

In the 2028 future year scenario with development traffic, the delay at junction 1 is predicted to be similar. The Sleep Lane arm of the junction 3 suffers significantly greater queuing and delay in both the a.m. and p.m. peak hours (7.9 vehicle queue/ 166 sec delay/ 17.2 vehicle queue 305 sec delay respectively). The delays at the Queen Charlton Lane (E) arm of junction 4 increase slightly.

At junction 3 Sleep Lane arm, the additional delay as a result of the proposed development in the future year of 2028 equates to approximately 49 and 56 seconds respectively in the AM and PM peak. In terms of queues, circa two and three vehicles are predicted to be respectively added on Sleep Lane in the AM and PM peaks.

HDC do note that due to the size of the size of vehicles servicing the site they are likely to have to wait a significant amount of time in order to find a gap that is big enough for them to pull out onto the A37. OGV2 vehicles or agricultural tractor and trailers at this junction will have a disproportionately negative impact on the operation of the junction.

No junction assessment has been undertaken for harvest time when more than double the number of daily trips is predicted. This has been assumed to be spread across 8 weeks, so it is not an isolated event but a sustained period of more intense trips. At harvest time the impact on the junctions will be greater and this has not been included as a modelling scenario.

Given the above findings, and lack of assessment, it can only be concluded that the proposal would result in severe highways impact resulting from the additional traffic associated with the scheme on nearby junctions contrary to policy ST7 of the Placemaking Plan and the NPPF .

Access / Layout / Highway Safety:

The site is proposed to be accessed in a similar location to the existing access on Charlton Field Lane. A priority junction will be formed off Charlton Field Lane. The banks either side of the access are proposed to be cleared and regraded to improve visibility. The proposed plans do not show existing traffic management such as reflective bollards and 'Caution Concealed Entrance' signs and these should be included.

Whilst paragraphs 4.2.3 and 4.2.4 to the TA identify the recorded 85th percentile speed of vehicles using Charlton Field Road, these do not match the results of the traffic survey in Appendix D. In addition, for the reasons noted above, Highways do not consider traffic surveys undertaken during this period represent post-pandemic conditions. In addition, speed data at the site access from surveys undertaken in 2019 and 2020 vary significantly when compared with the 2019 data which indicates significantly higher south-bound vehicle speeds.

HDC initially questioned whether the proposed visibility splays at the site access were appropriate for the speed limit and nature of the road. The Transport Assessment Addendum provides additional evidence for proposed visibility splays at the site access. Highways are now satisfied that the proposed Y' distances are based upon recorded speed data and result in visibility of 2.4-metres by 59-metres to the north and 2.4-metres by 41-metres to the south at the site access.

Plan reference 22902/025 indicates that, in order to achieve the proposed visibility in both directions from the proposed vehicular access onto Charlton Field Road, banks will need to be regraded and trees removed. To the south of the site access the banks appear to contain structural retaining features. The applicant should be requested to demonstrate that they own the banks and trees in question or have secured the owner's permission to undertake the required works. Some of the verge may be part of the adopted highway . Engineering drawings of sections through the regrading verge are required to ensure visibility can be achieved and the safety of the highway will be maintained.

Paragraph 4.2.5 of the TA notes that the previous planning consent in 2014 was subject to a requirement to modify the Charlton Field Lane / Charlton Lane Junction. These works were intended to reduce the kerb line radius and slow vehicles turning left from Charlton Road into Charlton Field Lane and improve forward visibility. Highways believe that to improve forward visibility and mitigate the increase in trips from the site access these works are still required and must form part of the application. Plans for the access and junction improvements should be supported by a Stage 1 Road Safety Audit, preferably using auditors who have experience of rural roads in the local area.

In addition, HDC need to see swept path analysis to confirm all vehicles can access the site from Charlton Road, manoeuvre and egress in a forward gear, including to all loading and parking spaces. Emergency vehicles require access to all operational parts of the site (a fire appliance usually needs to get to within 45m of a residential unit, but the applicant needs to confirm with the fire service any special requirements for this land use) plus space to operate.

In summary, once again the required information has not been submitted as set out above, as such there is insufficient information to conclude that access and layout arrangements will have an acceptable impact on highways safety. At present the proposal

is therefore considered to result in harm to highways safety as a result contrary to policy ST7 of the Placemaking Plan.

Proposed off site highway works

As a result of the safety review and NMU assessment a package of offsite works is proposed. Further details on the proposed works are provided in the TAA Appendix H and include:
1. Verge Protection
2. Charlton Road/ Charlton Field Lane - build out kerb to slow traffic on entry to Charlton Field Lane from Charlton Road, have been integrated to the improvement proposals at this junction. In addition, adjustments have been proposed to the bunding and landscaping internally to the site to increase maximal driver intervisibility between this junction and the site access.
3. Woollard Lane/ Highwall Lane/ Charlton Road - installation of a proposed overrun area between Highwall Lane and Charlton Road; installation, relocation, and renewal of traffic signs; and vegetation clearance to improve visibility.
4. Woollard Lane/ Queen Charlton Lane - improvements to visibility for side roads, extension of reduced speed limit and associated lining to reinforce the slow speed environment.
5. Pensford - formalising the give-way arrangement close to the school to reduce the potential
for head- on conflicting movements.

BaNES Traffic and Network Management team have been consulted on the proposed off-site highways works. There are concerns with no. 2 the build out (R-0004 P02) at Charlton Field Lane/Charlton Road being effective to slow traffic leaving Charlton Road and as noted below there are problems with the swept path and forward visibility at this junction. The team also have concerns about no. 3 changing the existing hatching at the Woollard Lane/ Highwall Lane/ Charlton Road junction into an overrun area comprising granite block paving. While it may reduce speed during daylight hours, it may lead to safety issues especially when dark. There are also concerns about introducing block paving at this location which is likely to become a maintenance liability if continually overrun by HGV's. Network Management have also objected to no. 5 the proposed build out in Pensford because of the impact on air quality and noise, which are already issues in the village. Finally, it is noted that the works proposed at Woolard Lane/ Queen Charlton Lane (no.5) do little to assist pedestrians and cyclists who will experience greater severance due to high levels of traffic and a greater number of large vehicles.

The above elements of the offsite Highway works are not supported. The works fail to adequately mitigate the highways safety harm created by the scheme, as such the proposal is contrary to policy ST7 of the placemaking plan, in particular criterion f.

Road Safety Audit:

A Road Safety Audit (RSA) of the proposed Highway works has been conducted which is included in Appendix C of the Transport Assessment Addendum together with the Designer's response.

Problem 4. of the RSA at Woolard Lane is summarised as 'reduced road width could result in conflict between passing vehicles leading to nose to nose collisions'. The designers response says that 'Alternative proposals placing edge markings and/or removing centre lines are proposed where kerb installation may not be practical, see drawing no. PB9201-RHD-PD-XXDR- R- 0006.'

The referenced drawing shows that there are a number of locations on both Woolard Lane and Charlton road where the existing carriageway is less than 5.5m wide, with the narrowest point being recorded as 4.2m. In these locations it is proposed to install edge line road marking on the carriageway and remove the existing centreline marking. Whilst HDC understand the removal of centreline and introduction of edge of carriageway may highlight to users that there is not enough space for two vehicles to pass and encourage vehicles to slow or give way, this requires them to have adequate sight of approaching vehicles. HDC consider that these pinch points lack sufficient forward visibility due to high banks and mature hedgerows. Drivers may also be unable to see stopped or slowing vehicles as the approach the pinch points which increases the risk of nose to tail collisions on the derestricted section of highway. This issue is exacerbated by the significant increase in HGV journeys along this route caused by the planning proposals.

Problem 6. of the RSA at Charlton Road/ Charlton Field Road junction is summarised as 'Inadequate junction geometry could lead to conflict between vehicular movements or kerb overrunning, with the potential for collisions with pedestrians.'

The applicant's designer response says 'Noted, however, sufficient visibility has been provided to allow vehicles leaving the site to have visibility of vehicles turning from Charlton Road into Charlton Field Road, allowing them to wait for the turning vehicles to complete their manoeuvre. Vehicles waiting to turn into Charlton Field Lane from Charlton Road have visibility of the site entrance and hence any vehicles leaving the site. See drawing no. PB9201-RHDPD- XXDR-R-0052 P01.'

The drawings of the proposed improved Charlton Road/Charlton Field Lane junction swept path show that while two 10m long rigid goods vehicles going inbound and outbound can pass, a 10m rigid vehicle cannot pass an articulated vehicle at all points of the highway. This is shown where the swept path of the opposing vehicles overlap. The drawings show some scenarios where a vehicle would have to wait for the other to pass. HDC do not agree that there is sufficient visibility to allow vehicles leaving the site to have visibility of vehicles turning from Charlton Road into Charlton Field Road. This is because there is not adequate intervisibility between the opposing vehicles within the highway or applicants land. This could lead to large vehicles reversing in the highway or head- on conflicting movements.

For the above reasons HDC do not accept the designers' response to problem 4 and problem 6 of the road safety audit. The proposal will prejudice highways safety contrary to policy ST7 of the Placemaking Plan.

Traffic Management:

The Transport Assessment does propose an access route which avoids the 7.5tn weight restriction to the east on Charlton Road. However, with 60-70 HGV movements a day there is a risk that a proportion of these movements do not comply. There are limited

alternative east west routes to Charlton Road with the A368 being approximately 2.5 miles to the south and the A4174 approximately 4 miles to the north. This will result in deliveries of material from the east of the site requiring long diversions to reach the site and the temptation to avoid this diversion may result in the introduction of HGVs on unsuitable roads.

The development requires a full vehicular access strategy to ensure the development does not result in the introduction of HGVs on unsuitable roads. This should include both hard measures (engineering measures such as signage, road layout) and soft measures (contractual, planning, communication and Traffic Regulation Orders). HDC also need details of how vehicles will be managed within the site to avoid queuing onto the highway, for example, how will vehicles arriving /departing be managed over a single weighbridge? How will site access be secured and how will vehicles be admitted or instructed to wait to be weighed?

Traffic management has not been appropriately considered, and as such is considered unacceptable, contrary to policy ST7 of the Placemaking Plan.

Parking:

Section 4.3 of the TA outlines the parking strategy for the site. The proposed operations on site will require HGV's to load, unload across the site and will result in some waiting. There are areas provided for 10 HGV waiting spaces, however no justification has been given to whether this is adequate. The limiting factor on capacity is the weighbridge which all vehicles are likely to have to pass over prior to entering the site. The queuing capacity prior between the weighbridge and the highway is only one or two vehicles. It is likely that the proposal could result in HGV's waiting outside of the site due to the site layout which in turn would impact on other road users and their safety.

Staff car parking is proposed to be provided within one of the HGV waiting areas, therefore one of the HGV parking areas could always be out of use, so calculations should show that parking for HGV's is adequate as well as staff and visitor car parking .

The proposed development proposes four car parking spaces including one EV charging point to serve a total of seven staff at the development of which no more than three individuals would typically be present at one time. Staff parking as well as the EV charging point will be located north of the site entrance. As part of the proposals a total of six cycle parking spaces in
the form of three Sheffield stands with shelter would be provided north of the site entrance for the staff at the development.

Whilst not within the highway, it is noted that safe pedestrian routes are not indicated within the site. As a minimum, safe routes should be provided for pedestrians and cyclists from the highway to the site office and to the car and cycle parking area.

In summary, the proposed parking arrangements for HGVs are considered insufficient and as such the proposal is contrary to policy ST7.

Waste:

In this instance, as the site is a waste facility, this relates only to office waste and any other specialist commercial waste that will need to be segregated from the site's general waste streams. Drawing 22902 - 701 Rev F of the proposed site plan presented in Appendix A of the TAA, indicates that the office waste bin store on the site would be located east of the weighbridge site office and this is acceptable.

Travel Plan:

A Staff Welfare Plan (Drawing 22902 - SK100 Rev A - Proposed Staff Welfare Plan) has been produced and is presented in Appendix F of the Transport Assessment Addendum. This is considered acceptable.

Construction Management Plan:

A construction traffic management plan will be required to be approved by Highways prior to construction commencing should permission be granted. This will need to include details of demolition/ export of materials, deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities, highway condition survey and site compound arrangements.

Highways Matters Conclusion:

To summarise, HDC object to the application which will result in the introduction of an unacceptable volume of HGVs on unsuitable roads to the detriment of highway safety contrary to Policy ST7 of the Bath & North East Somerset Placemaking Plan.

In addition, the application does not provide adequate details of the expected trip profile for the development. As assessed, the development will have a severe impact on the Sleep Lane arm of junction 1-4 (A37 / Queen Charlton Road / Sleep Lane /Woolard Lane). This would be more acute at harvest time, which has not currently been assessed.

HDC do not accept the applicant's designer response to two road safety problems identified on the haul route:
- Risk of head-on collisions due to there being inadequate intervisibility between the site access and Charlton Road where there is space for two large vehicles to pass.
- Risk of head-on collisions or side-swipe collisions due to inadequate carriageway width on Woolard Lane.

HDC are not satisfied with the some of the proposed off-site highways works (Locations no. 2) Charlton Road/ Charlton Field Lane, 3) Woollard Lane/ Highwall Lane/ Charlton Road and 5) Pensford) due to the impact they are expected to have on safety, air quality, noise and maintenance.

HDC also have remaining concerns about the increase in the heaviest OGV2 vehicles on pedestrians, equestrians and cyclist's amenity and safety on the haul route where the speed limit is 60mph, there are no segregated facilities and widths are in places too narrow for two vehicles to pass.

Finally, HDC have remaining concerns that there is inadequate space for vehicles to wait

between the highway and weighbridge which could lead to development traffic queueing on the highway at peak times.

The proposal is therefore considered to be contrary to Policy ST7 and Policy ST1 of the Bath & North East Somerset Placemaking Plan and the National Planning Policy Framework.

The proposal is also considered to be contrary to JWCS policy 12 given that the policy states that planning permission for waste related development will be granted provided it can be demonstrated that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, resources and the environment. Here the proposal adversely affects the highways infrastructure and road safety for people.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

To accompany this planning application, a Flooding and Drainage Assessment has been undertaken by Plandescil.

This assessment highlights that the development is located in fluvial and tidal Flood Zone 1 and is at a very low risk of flooding. There is potential risk from surface water, and groundwater flooding, however, the proposal includes on-site mitigation measures to address these.

With regard to surface water, this runoff will discharge into a drainage system, it is noted in the drainage strategy that attenuation will be provided to prevent flooding for all events up to and including the 1:100 year event with an allowance for climate change. The proposal involves laying a new pipe along Charlton Road which will connect into a watercourse. The Drainage and Flooding Team have found this to be acceptable.

Further information was requested relating to the storage volume and discharge rate which have been provided over the course of the application. Following information submitted by the agent dated 24 March 2021, the objections previously raised by the Drainage & Flooding Team have been resolved.

Three elements are still outstanding, but the information submitted thus far is acceptable for this stage of the planning process. Further information relating to final sizing and design of the on-site surface water attenuation features will be required. Further detail relating to the pipe design in Charlton Road will also be required. The ownership and maintenance liability for the pipe in Charlton Road is also required. The Drainage and Flooding Team have recommended these are dealt with via condition to ensure that the drainage system will operate as designed.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as the NPPF.

CONTAMINATED LAND:

Policy PCS5 has regard to Contamination. A number of contaminated land reports have been submitted with the application and the Contaminated Land Officer has been consulted on the scheme.

Taking account of the findings and conclusions of the investigation and risk assessment reports provided, the Contaminated Land Officer has no objection subject to conditions to ensure that the remedial measures and further monitoring as recommended in the ground investigation and gas risk assessment reports are implemented and verified on site. The proposal is considered acceptable in terms of policy PCS5 of the Placemaking Plan.

TREES:

Policy NE6 has regard to trees and woodland conservation. It states development will only be permitted if it is demonstrated that adverse impact on trees is unavoidable to allow for development, and that compensatory measures will be made in accordance with guidance in the Planning Obligations SPD.

The application is supported by an Arboricultural Impact Assessment which indicates that seven individually identified trees and sections of two groups of trees would require removal to enable the expansion of the site. These trees are confined to the row growing between the current structures and quarry to the south and include a number of Ash which are already exhibiting signs of Ash Dieback.

No objection is raised to the proposed felling since the red line boundary for the site has been extended to incorporate the quarry which accommodates significant new planting including woodland creation.

The Arboricultural report also includes a Tree Protection Plan and Arboricultural Method Statement which incorporates all necessary steps to protect retained trees and incorporates arboricultural supervision.

Overall, the proposal is considered to comply with policy NE6 of the Placemaking Plan regarding trees.

ECOLOGY:

Policy NE3 has regards to Sites, Species and Habitats, it states that development that would adversely affect internationally or nationally protected species and/or habitats will not be permitted unless in certain exceptional circumstances. In all cases the policy seeks that any harm to nature conservation is minimised and mitigation and compensation is provided otherwise.

Additionally, policy D8 of the Placemaking plan has regard to lighting and states 'Development will be expected to reduce or at best maintain existing light levels to protect or improve the darkness of rivers, watercourse or other ecological corridors in particular to

protect or provide a functional dark route for European protected species. New lighting facilities with light spill to these features must be dimmable'.

The quarry and the eastern part of the proposed AD site is designated as a Site of Nature Conservation Interest known as the Wooscombe complex (the rest of the AD site area in not designated). The SCNI also bounds the site in every direction and spreads an area of 0.56km2. The SNCI is designated for its 'Unimproved and semi-improved neutral and calcareous grassland, broadleaved woodland, scrub and running water with protected fauna and notable plants, including club rush Scirpus sylvaticus. The SNCI also supports a diversity of butterflies. Wooscombe Complex SNCI is considered to be of County Importance.

Additionally, there are seven other SNCIs within 1km of the proposed development site. The site is located some distance from the Bath & Bradford on Avon Bats Site of Conservation (SAC) but forms part of the habitat area on which the bats associated with the SAC depend. Protected species locally include bat species, a range of insects, great crested newts, and skylark.

As discussed previously, the baseline of the site should be considered as a greenfield, given that the existing AD plant development on site is unauthorised. The ES attempts to describe, to the best available knowledge, the likely ecological conditions present at the site assuming the existing development had not taken place. There is a large, inherent amount of uncertainty with this given the unpredictability of wildlife behaviour and responses to changes in their environment. Nevertheless, it is considered unlikely that, under the re-baselined scenario, any other protected/notable species or habitats other than those currently encountered would be present at the site which could be impacted by this proposal.

Sites:

The proposal will result in the loss of a small part of the Wooscombe Complex SNCI. This area of the wider SNCI is an area of unimproved grassland being encroached by scrub growth, adjacent to the broadleaved woodland. This likely represents the remnant grassland habitat contributing to the Wooscombe Complex SNCI in the AD plant zone. It is representative of a local priority habitat and contributes to the overall designation of Wooscombe Complex SNCI.

To compensate for the loss of SNCI land which would be developed, a comprehensive soft landscape strategy has been developed. A proposed Landscape Ecological Management Plan (LEMP) and Habitat Restoration Outline Method Statement have been submitted with the application. The soft landscaping strategy proposed for the site seeks to compensate for the loss of SNCI land by providing a grassland/woodland/scrub mosaic habitat of high species and structural diversity, along with many other mitigation measures.

The Council Ecologist has welcomed the submission of this detail. The ecologist concludes that due to the content of stockpiled materials on the site and therefore uncertainty of the outcomes of habitat creation, additional compensation (including potentially off-site contribution) needs to remain a possible requirement if future monitoring finds that the scheme is failing to create habitat with ecological value, and where this

cannot be sufficiently remediated on site. The implementation of habitat creation scheme and its long-term maintenance would therefore need to be secured by condition and legal agreement (S106) - any necessary future remediation or other contingencies would need to be secured this way as well.

Some minor issues remain with proposed details which the council Ecologist considers could be addressed via condition. For example, the LEMP refers to use of sycamore within the proposed tree planting species mix, this is ecologically less preferable at this site, it should be replaced with native species such as English oak or others.

Overall, the proposal will result in adverse impacts to an SNCI through the direct loss of part of that SNCI. Policy NE3 requires that proposals causing adverse impacts on an SNCI may only be approved "where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site".

This is discussed further in the planning balance section of the report below.

Species and Habitats:

Woodland:

The woodland lies adjacent to the site and the proposals would not result in direct loss of this habitat, with the possible exception of one semi-mature ash tree at the northern edge of the woodland (T34 - refer to AIA), which has been recommended for removal on arboricultural grounds.

Bats:

Bat surveys were carried out using a combination of transects and data gathered by static recorders. These show use of the site in 2019 by at least 10 species of bat, including both greater and lesser horseshoe bat. The surveys were comprehensive but were not designed specifically to meet the "full season" survey effort and methodology required to survey for horseshoe bats. A precautionary approach is therefore necessary with regard to assessment of potential impacts and mitigation requirements for horseshoe bats.

The development proposals would result in the removal of four sections of hedgerow H4, in order to facilitate the construction of digestate storage and removal structures, gas flare, and additional access. This would result in the removal of a total of 46m of this hedgerow (covering an area of 322m2).

Section 9.7.7 describes a net loss that will result to H2 the northern boundary hedgerow. It also states that this hedgerow "has been shown to be of demonstrably low importance to the majority of bat species using the site, and no significant impact resulting from fragmentation of this hedgerow is anticipated for most bat species." However, Appendix F of the Ecological Report (within Appendix 9.1 of the EIA) states (and as shown in F5): "the highest levels of bat activity were associated with the detector placed in the centre of the northern site boundary on Hedgerow H2" The proposed landscape layout does not appear to show hedgerow removal within the northern boundary hedgerow (H2).

The information relating to hedgerows is conflicting.

There is extensive new lighting proposed on site, in some places the proposed lighting columns are 8m and 6m in height. The lighting requirements described in the ES are not considered to be "limited" as stated but would be substantial and likely to impact significantly on boundary vegetation and adjacent habitats, and on wildlife using affected habitats, including bats. This includes likely effects on light sensitive lesser and greater horseshoe bats that are known to utilise the site and its boundary hedgerows.

Light spill substantially exceeds required thresholds, and the lighting strategy and predicted light spill modelling are not in accordance with standards of current guidance in particular ILP Guidance Note 08/18 "Bats and artificial lighting in the UK".

This ILP guidance document 08/18 is included in the submitted lighting report only by being listed within the list of references but other than this, any specific consideration of the impacts of lighting on ecology and bats, or details of measures and design to avoid and minimise impacts of lighting on ecology and bats, and how the scheme meets required standards for this, appear to be completely absent from the submitted lighting details.

Further information has been requested by the council ecologist over the course of the application, The summary response regarding this issue and previous B&NES Ecology comments in the submitted Clarkson & Woods document is not accepted - not only does it fail to provide proposed mitigation and demonstrate measures that have been fully incorporated into the scheme and that they will be sufficiently effective, it does not address or mention the absence of light spill modelling on the vertical plane and the failure of the scheme to show how impacts on ecology and bats have been fully considered within sensitive lighting design, or to show that the scheme and light spill modelling are in accordance with and meet the standards described by the relevant good practice guidance note (ILP 08/18).

Predicted light spill continues to have been modelled on the horizontal plane only, and only at increments of 0.5 lux. Information is not been provided to show predicted light spill levels on the vertical plane, nor in smaller increments below 0.5 lux down to zero. This additional information is essential to fully inform and understand the likely impacts of the proposal and its lighting on protected species, and adjacent habitats and features of value to protected species (in particular bats, including bats associated with local "bat" SACs) and other ecology, and on adjacent land beyond the red line boundary.

Even without the full level of detail required regarding predicted light spill levels, the modelling provided so far (on the horizontal plane only) shows in any case that there are areas supporting important habitat and use by protected species where lux levels far exceed the thresholds required to avoid ecological harm. For example, there are locations in the north west of the site where the 5 lux contour extends into and beyond the adjacent hedgerow. Given the 8m and 6m heights of proposed lamps, predicted lux level modelling on the vertical plane is likely to indicate lux levels that will be higher still onto and above sensitive habitat features of this nature, and over a wider area of impact.

The site is located within an area of existing dark landscape and is central to connective habitats including hedgerows, woodlands, species rich grasslands and watercourses that collectively are likely to provide an important function for bats in contributing to bat flight

lines and foraging resource, as well as being of value to a range of other wildlife (for example, barn owl). The submitted lighting report provides further evidence of the existing very dark landscape across a wide area. On balance the available data shows that the proposed lighting will change this, in a way that will be ecologically unacceptable and will be capable of causing harm to bats as a protected species and to their habitats.

Habitats Regulation Assessment:

Given the above, the risk of a "likely significant effect" on bats associated with local "bat" Special Areas of Conservation (SACs), or on habitats on which they may depend, cannot therefore be ruled out. A screening stage Habitats Regulations Assessment documenting this in more detail has been undertaken by the Council Ecologist.

The Council Ecologist concludes that an appropriate assessment will be required but has not yet been completed (an appropriate assessment is for the Local Planning Authority to undertake). At present, it would not be possible to favourably conclude an Appropriate Assessment due to the likely impacts of the proposed lighting on light-sensitive bats associated with the SACs and on habitats known to be used by bats including greater and lesser horseshoe bats that are likely to be associated with the SACs.

Barn Owl:

There are also records for barn owl in this area and the proposed lighting, as described above, would have the potential to cause harm to barn owl activity when passing through / near to the site. The harm to barn owls as a protected species therefore cannot be ruled out.

Badgers:

No setts were identified within the site boundary; however, four badger setts were identified within the area of broadleaved woodland to the south east of the site, in addition to badger latrines and foraging pits. The sett entrances were a minimum of 30m from where re-profiling works in the quarry zone are due to occur, whilst construction of the AD plant would occur at least 120m from the nearest sett entrance. No damage to setts or disturbance to badgers therein are therefore anticipated as a result of the works.

Dormice:

No detailed surveys for dormice have been undertaken at the site therefore the presence of this species has been assumed applying the Precautionary Principle.

The hedgerow network and adjacent woodland at the site offers suitable habitat (albeit of varying quality) for dormice and is connected to areas of optimal habitat in the form of woodland in the wider landscape. Incidental mortality of dormice may occur therefore during the removal of hedgerow, the extent of hedgerow loss is not considered to harm the overall habitat for dormice in the locality.

The ES proposes that in order to avoid this potential impact, an ecologist would be present in a watching brief role during the removal of the habitat. However, the Council Ecologist considers that that ecological supervision is not going to be able to prevent harm

to dormouse if the species is present in or using an affected stretch of hedgerow. Furthermore, any harm to dormouse or their habitat would first require an EPS licence and appropriate mitigation scheme to be in place.

As such, there is currently insufficient information to rule out the risk of harm to dormouse as a protected species.

Great Crested Newt:

Great Crested Newts are a European protected species. There are potentially suitable habitats on site for this species. There are waterbodies present on site. Whilst the ES considers the water bodies are highly unlikely to have great crested newts present, no surveys or testing has actually been undertaken to empirically confirm this view.

There is insufficient certainty regarding absence of this species on the site or using its water bodies. DNA testing of potentially suitable water bodies on the site is requested to provide sufficient certainty.

There is currently insufficient information to rule out the risk of harm to Great Crested Newt as a protected species.

Other Species:

A number of other species were assessed including hedgehogs, the proposal was not considered (once mitigation was in place) to adversely impact other species.

Associated ecological issues with potential for additional / indirect ecological impacts:

The scheme will require substantial traffic & HGV movements which could have long term impacts on ecology including ecology of the lanes and verges, and hedgerows. Following the request for additional information a Road Verges Report was submitted, the report is welcome and also broadly accepted. Additional measures to compensate for long term cumulative impacts of increased HGV movements on the ecology of road verges beyond the measures proposed so far would still be appropriate but any further details could secured by condition.

Biodiversity Net Gain:

The NPPF sets out that planning policies and decisions 'should contribute to and enhance the natural and local environment by minimising impact on and providing net gains for biodiversity…', while the forthcoming Environment Bill proposes to introduce a 10% mandatory requirement for biodiversity net gain within development. Policy NE3 does also require on site 'enhancements. However, there is currently no statutory requirement for developments to achieve a Biodiversity Net Gain, or to undertake BNG assessments.

An appropriate Net Gain calculation has not been submitted in support of this application. Whilst the council ecologist considers that given the extent of mitigation ecological enhancement taken place within the LEMP it is likely that Net Gain or at best no net loss could be achieved, this has not been substantiated, and as such there is insufficient information to conclude no net less/ net gain.

Ecology Conclusion:

The proposal results in harm to protected species including bats and barn owls, contrary to policy NE3 of the Placemaking Plan, partly as a result of the proposed lighting which is contrary to policy D8 of the Placemaking Plan. Additionally, the council cannot rule out the risk of a "likely significant effect" on bats associated with local "bat" Special Areas of Conservation (SACs) based on the information provided, as such the proposal is contrary to the policies within the Placemaking Plan, National Policy and the Wildlife Act and Habitats Regulations. The loss of the SNCI is discussed in the planning balance section below.

OTHER MATERIAL CONSIDERATIONS

Emissions:

The NPPF states at paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate. The NPPF is clear that the planning system should ensure that places are shaped in ways which 'contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.

Additionally, the Climate Change Act 2008 was amended in June 2019 to set out a pathway to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels. This statutory target was amended from the previous target which sought an 80% reduction in the same time period. It is important to note that the Core Strategy and Placemaking Plan were adopted in the context of the previous target.

It is therefore considered prudent that the renewable energy contribution should also be considered alongside the emissions of the proposal, which would come from construction, operation and associated transport.

The Environmental Statement (ES) sets out that the proposal will take approximately 18 months to construct. Table 10-20 of the ES sets out that 81,868 tonnes of Co2 emissions (tCo2e) are predicted from the construction of proposal (note, it is unclear from the table if this is the complete 18-month total or the 12-month total for construction).

The ES sets out that in terms of operation and associated transport the proposal will result in a total of 18,874 tCo2e emissions, this will come from road vehicle movements, fugitive methane losses, and Co2 emissions from CHP units (combined heat and power emissions (from biogenic CO2 sources)). In terms of road vehicle movements and fugitive methane losses alone this would result in 6,490 tCo2e emissions.

The ES then goes on to set out the overall emissions as a result of the proposed development annually. As mentioned, the proposal site has the capacity for the provision 2.2MW of electricity as renewable energy to the grid annually, this coverts to a saving of 3,323 tonnes of Co2 emissions. This is a direct carbon saving as a result of the proposal. Additionally, the ES suggests that the proposal will save 9,404 tCo2e from the avoidance of food waste going to landfill.

Table 10-23 of the ES sets out that there will be a net proposed saving of 6,236 tCo2e annually as a result of the development. Table 10-23 has been re-created below as follows for clarity:

Source: Co2e emissions (Tonnes)
Annual GHG Emissions as a Contribution to the Global System: +6,490
Emission Savings from the Provision of Renewable Electricity: -3,323
Emission Savings from the Avoidance of Landfilled Food Waste: -9,404
'Net Effect' of the Proposed Development: -6,236

If table 10-23 of the ES is taken at face value then the annual emission from the site would be double that which was saved by the creation of renewable energy from the site, however when accounting for the savings from the avoidance of food waste to landfill the overall development would save 6,236 tCo2e emissions annually.

However, the savings from the provision of renewable energy and avoidance of food waste to landfill has only been offset against the road vehicle movements and fugitive methane losses alone, it has not included the 81,868 tCO2e from construction or the annual 12,384 tCo2e emissions for CHP units. It is unclear why these figures have been omitted, no justification is provided within the ES.

It is also noted that there is a reliance on 'emissions savings from the avoidance of landfilled food waste', totalling -9,404 tCO2e, in order for the net emissions effect to be considerably negative (i.e. less emissions). However, without certainty that this proposed development will be the source of preventing these landfill emissions (for example it is unclear if some of this food waste is already going to other nearby anaerobic digestors), the 'net effect' of the proposed development cannot be solely relied upon.

If the CHP units were included the table would read as follows:

Source: Co2e emissions (Tonnes)
Annual GHG Emissions as a Contribution to the Global System: +18,874
Emission Savings from the Provision of Renewable Electricity: -3,323
Emission Savings from the Avoidance of Landfilled Food Waste: -9,404
'Net Effect' of the Proposed Development: +6,147

Additionally, given that the construction phase would produce 81,868 tCo2e emissions and the proposal saves 3,323 tCo2e emissions from renewable energy production this would mean that it would take 24 years to for the site to offset the level of Co2 emissions associated with its construction, this would be well beyond 2030 which is the point at which BANES has pledged to become carbon neutral.

The proposal would in this scenario result in the addition of 6,147 tCo2e annually into the atmosphere, along with the estimated 81,868 tCO2e from construction.

Whilst there may be some discrepancies between overall figures what is clear is that the proposal will not save more emissions from renewable energy generation than it creates from its annual operation alone.

Planning History:

Permission was granted for an AD plant on the site of a similar size in terms of built form in 2014, the principle of an AD plant in this location was previously considered acceptable. This is therefore a material planning consideration.

However, the permission was not implemented according to plans and has now lapsed and does not represent a fall-back position. Given the length of time since permission (8 years) there have been significant changes to planning policy and it is necessary to reassess the principle of development against the current policy context.

Heritage:

In terms of the historic environment the proposal site does not have any designations in regard to heritage assets. The nearest conservation area is Queen Charlton Conservation Area which is approximately 900m away, this is also the location of the nearest listed building. The nearest Scheduled Ancient Monument is a section of the Wansdyke which is around 1.4km away. There is no know archaeology on the site. Given the distances the proposal is not considered to impact on the historic environment.

Enforcement:

There is a live enforcement appeal at the application site which is subject to a separate process.

PLANNING BENEFITS:

It is necessary to consider the planning benefits arising from the scheme. The submission considers the following as benefits of the scheme:

- The need for renewable energy and waste facilities within the District and wider region and the contribution that this facility will make to meeting targets
- The development plan support for renewable energy and waste schemes
- Opportunity to drive the treatment of waste up the waste hierarchy and help implement targets for diverting waste from landfill
- Lack of other suitable sites for renewable energy development within the District and wider region
- Limited impact on openness and visual impact of the Green Belt
- Limited traffic impact and well located in relation to sources of waste
- Ecological, landscape and visual improvements to the Queen Charlton Quarry
- Satisfactory drainage strategy for the site
- The supply of biofertiliser and soil improver for agriculture; and
- The creation of jobs in the locality both during and post construction.

Each is discussed in turn.

Need for Renewable Energy, Contribution to Targets and Development Plan Support:

As above, policy CP3 sets generation targets to achieve 110 MWe and 165 MWth by 2029. There is currently a renewable energy installed capacity of 21.7 MWe within the

district. As such, the Council is currently 88.3MWe behind its target of 110MWe - this is a significant shortfall. A significant increase in the development of renewable energy is needed to achieve the policy targets and this can and should be given weight in the determination of planning applications.

Furthermore, BaNES declared a climate change emergency in March 2019 and pledged to be carbon neutral by 2030. As part of the pledge, 'increase in local renewable energy generation' was one of the three priority areas.

As such there is a need for renewable energy generation, whilst the plan sets a target (i.e. an aim not a requirement) clearly the intention is to try to achieve this target. According to the Renewable Energy Delivery Assessment submitted with the application the proposal site will have the approximate capacity for producing 2.2MWe of renewable energy. This would contribute towards the council meeting its overall target by a further 2%.

Renewable energy generation and contribution to this target is considered to be a benefit of the scheme which is given moderate weight. In terms of development plan support, the plan must be read as a whole.

Need for Waste Facilities and the Proposal's Contribution to Targets

As discussed above, policy 2 of the JCWS has regard to non-residual waste treatment facilities, which this application has been found contrary to.

The NPPW sets out that when determining waste planning applications, waste planning authorities should: 'only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;'

The JCWS strategy does not allocate any sites for non-residual waste treatment facilities like it does for other types of waste. This in part appears to be because at the time of publishing (2011) capacity for dealing with non-residual waste was well above the local requirement. The JCWS does indicates that an additional 46,000 tonnes of capacity of non-residual waste treatment is required by 2025/26 (the plan period) across the collective 4 authority areas which the plan covers (BANES, Bristol City, North Somerset and South Gloucestershire). This figure covers municipal, commercial and industrial non-residual waste.

As previously set out, the AD plant processes feedstock, the feedstock is composed of food waste and crops. Food waste is 'diverted' from landfill and crops are purpose grown to become feed. The application submission sets out the composition of feedstock will be 25,000 tonnes from food waste the rest of the feedstock will come from crops and agricultural waste.

The latest monitoring figures published monitoring the JCWS show that there is currently 1,227,500 tonnes of operation capacity across the four districts with 92,500 tonnes of capacity permitted but not currently operational. While the indicative requirement is not considered a cap, this means that in terms of operational capacity there is 369,500 tonnes

of capacity above the 2025/26 indicative target. Therefore, there is no direct need for additional non-residual waste facilities.

In addition, the Council's Waste Team have confirmed that BANES food waste is currently processed at GENCo Anaerobic digester plant in Avonmouth, therefore the food waste would not be 'diverted from landfill' as suggested by the submission but simply from another AD facility.

Overall, whilst the proposal would contribute to non-residual waste capacity targets, these targets have already been far surpassed and as such there is no direct need for an additional non-residual waste treatment facility, and there is particularly no need for one that is not in line with the up to date polices of the JCWS. The provision of a waste facility in itself is therefore not considered a benefit that can be attributed any meaningful weight in the planning balance.

Lack of Other Suitable Sites for Renewable Energy Development within the District and Wider Region:

There is no identified need for additional sites for non-residual waste treatment facilities, there is however a target to achieve 110 MWe from renewable energy generation.

The Planning statement lists the lack of other suitable alternative sites for renewable energy in the district as a very special circumstance, however officers cannot find anything within the submission to substantiate this point.

Whilst it is noted that the authority does have some constraints to contend with in terms of renewable energy provision it is not considered that there are no other alternative sites in which renewable energy provision, including for example solar and wind site, could be located. The district has plenty of greenfield and brownfield sites where such development could be located. Therefore, this unsubstantiated claim is given no weight.

Limited Impact on Openness and Visual Impact of the Green Belt:

As described in the Green Belt section of the report above the proposal is considered to impact on the openness of the green belt both visually and spatially. That fact that the applicant considers this harm to be 'limited' is not considered to equate to it being a benefit of the scheme. Officers do not concur that limited harm can be considered a benefit.

Ecological, Landscape and Visual Improvements to the Queen Charlton Quarry:

The proposal results in the loss of SNCI (as well as harm to protected species), the loss of which is mitigated by measure within the LEMP which in part take place on the quarry site. It cannot be concluded that the mitigation measure required resulting in the harm caused by the development are a benefit of the scheme. Officers therefore do not concur with this point.

As discussed elsewhere, previously permission has been granted on the quarry element of the site to restore the ground levels to a maximum of 124m AOD. The height has actually been built up to a level of 130m (AOD) which is unauthorised. This application

proposes to reduce the height to 128m (AOD) at its highest point softly sloping to ground level of 118m AOD. No landscape objection is raised, and the proposal is considered to comply with the relevant policies in regard to landscape. This policy compliance is not considered to result in a benefit of the scheme. Officers therefore do not concur with this point.

The quarry site could currently be described as a visual eyesore due to the lack of successful planting, viability of rubbish and general unkempt state of the site. The proposed relevelling and planting scheme will provide some visual enhancement. It is noted at present that the quarry has not been restored as per the previous permission requirements on the site, as such its proper restoration could be bought forward under enforcement action. As such this visual enhancement is considered to be a benefit of limited weight.

Satisfactory Drainage Strategy for the Site:

As described in the Drainage and flooding section of the report the proposal will result in adequate drainage on site, subject to condition. The proposal is not contrary to policy in this regard. The site should be treated as a greenfield site, where drainage is not a known issue and the proposal will not result in a local betterment in terms of drainage. As such this policy compliance is not considered to be a planning benefit, rather it is simply not a harm, and therefore is neutral.

The Supply of Biofertiliser and Soil Improver for Agriculture:

As described in the background section of this report the AD plant will result in a biproduct called digestate which can be used as a biofertilizer. It is understood this will be sold to farmers to be spread on agricultural land. Officers are not aware of any current shortages of fertilizer, traditional or bio. Therefore, the creation of this commodity is given no weight as a planning benefit of the proposal.

The Creation of Jobs in the Locality Both During and Post Construction:

The proposal will result in the creation of 7 number of full-time equivalents on the site. It is also noted that there will be jobs created as a result of the construction of the proposed development. This is considered a benefit of the scheme, given the number and fact that construction jobs will be temporary and short term, this is given a minor amount of weight.

Summary:

In summary the benefits arising from the scheme, and their weight, are considered to be as follows:

- Contribution to renewable energy targets - moderate weight
- Visual enhancement of the quarry site - limited weight
- Job creation - minor weight

PLANNING BALANCE:

Loss of SNCI Vs Material Considerations:

As discussed above, policy NE3 of the Placemaking Plan requires that material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the SNCI.

The SNCI is designated due to its flora (as opposed to fauna) value. The site is not considered to have direct community and amenity value as it is not possible to be accessed by the public.

The proposal submission sets out an appropriate mitigation through a LEMP and Habitats Restoration Statement which has been amended in line with the Council Ecologist requests during the application and is accepted by the Council Ecologist. The mitigation will result in the improvement and management of the existing SNCI, and the restoration and create of areas of species rich grassland on the quarry area. Some of the SNCI is at risk of loss due to the unmanaged nature of the site and scrub takeover. The future management of the site is therefore welcomed.

The mitigation along with the benefits of the scheme outlined above (contribution to renewable energy targets - moderate weight; visual enhancement of the quarry site - limited weight; and job creation - minor weight) is, in this case, considered to be sufficient to outweigh the small loss of the part of the wider SNCI.

Green Belt Harm Vs Very Special Circumstances:

As indicated in the report above, the proposal is inappropriate development in the Green Belt and in accordance with the NPPF should only be approved if very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

The NPPF says at paragraph 148 that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'

The harms arising from the proposal are identified as follows:

- Harm by reason of inappropriate development in the Green Belt, and as such failure to comply with NPPF and Policy CP8 of the PMP - this harm is considered to be substantial
- Harm to openness of the Green Belt, particularly on the spatial element, and as such failure to comply with NPPF and Policy CP8 of the PMP - this harm is considered to be substantial
- Harm from confliction with the purposes of including land within the Green Belt, particularly the purpose to assist in safeguarding the countryside from encroachment, and as such failure to comply with NPPF and Policy CP8 of the PMP - this harm is considered to be substantial
- Harm by reason of failure to comply with policy 2 of the JWCS in being an unacceptable location in principle for a non-residual waste treatment facility - this harm is considered to be substantial

- Harm resulting from severe impact to highways network and highways safety and as such failure to comply with policy ST7 of the PMP as well as the NPPF and JCWS policy 12 - this harm is considered to be substantial
- Harm arising from lighting on night-time landscape - this harm is considered to be limited given that there is not a direct conflict with Policy NE2 to sustain a resfual on that ground alone
- Harm resulting in loss of SNCI - this harm is considered to be limited given that it is accepted harm (as outlined above) in terms of policy NE3.
- Harm to protected species as a result of the on-site lighting contrary to policy NE3 and D8 of the Placemaking Plan - this harm is considered to be substantial
- Harm resulting from the potential for "likely significant effect" on bats associated with local "bat" Special Areas of Conservation contrary to Policy NE3 and national policy - this harm is considered to be substantial and cannot be ruled out based on the evidence provided by the applicant.

There are several matters which weigh in favour of the application which must be considered in this balance. These are listed in the benefits section above, to reiterate these are:

- Contribution to renewable energy targets - moderate weight
- Visual enhancement of the quarry site - limited weight
- Job creation - minor weight

In this instance it is considered that the benefits of the scheme do not amount to very special circumstances that would outweigh the cumulative harm identified above. The proposal is therefore considered inappropriate development in the Green Belt contrary to policy CP8 and the NPPF.

Additionally, the proposal is also considered contrary to policy 11 the JWCS given that its states that planning permission will not be granted for waste related development where this would endanger or have a significant adverse impact including on Green Belt, except where very special circumstances are justified. Very special circumstances are not justified.

CONCLUSION:

The proposal has been found contrary policy 2 of the JWCS in being an unacceptable location in principle for a non-residual waste treatment facility.

The proposal has been found to fail to comply with policy ST7 of the Placemaking Plan due to its severe highways impacts.

The proposal has been found to fail to comply with policy NE3 and D8 of the Placemaking Plan due to the harm to protected species from the proposed lighting and potential for 'significant likely effects' on the SAC.

On balance the proposal has been found contrary to policy CP8 of the Core Strategy and the NPPF resulting in inappropriate development in the Green Belt and harm to openness.

Overall, there are no material considerations, including public benefits, which outweigh the development's numerous and substantial conflicts with planning policy, indeed a number of material considerations, including the development's questionable carbon emission credentials, weigh against the proposal adding further weight to the case to resist this development. The proposal is contrary to the development plan and in the absence of any material considerations outweighing that conflict, the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal for a non-residual waste treatment facility is not located in a location deemed acceptable for such a facility by Policy 2 of the Joint Core Waste Strategy. Therefore by reason of its inappropriate siting the proposal is unacceptable in principle. The proposal is therefore contrary to Policy 2 of the Joint Core Waste Strategy.

2 The proposal would result in an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe. The proposal fails to promote sustainable travel. The proposal is therefore contrary to Policy ST7 and ST1 of the Placemaking Plan, Policy 12 of the Joint Waste Core Strategy, and the NPPF.

3 The proposal results in harm to protected species including bats and barn owls, contrary to policy NE3 of the Placemaking Plan, partly as a result of the proposed lighting which is contrary to policy D8 of the Placemaking Plan. Additionally, the council cannot rule out the risk of a "likely significant effect" on bats associated with local "bat" Special Areas of Conservation (SACs) based on the information provided, as such the proposal is contrary to the policies within the Placemaking Plan, National Policy and the Wildlife Act and Habitats Regulations.

4 The proposal results in inappropriate development within the Green Belt which would be harmful by definition, the proposal results in harm to the openness of the Green Belt, as well as conflicts with the purposes of the Green Belt. The proposal is therefore contrary to policy CP8 of the Core Strategy, Part 13 of the NPPF, and Policy 11 of the Joint Core Waste Strategy.

PLANS LIST:

1 This decision relates to the following plans:

29 Jan 2021	440-Pa-051 F Proposed Landscape - Layout
29 Jan 2021	440-Pa-102 A Proposed Landscape - Sections D & E
09 Feb 2021	Sk40 Rev A Gas Compound Representative Aerial Layou..
05 Aug 2021	External Isoline Contours For Artificial...
22 Oct 2021	001 Rev B Existing Site Plan
22 Oct 2021	011 Rev H Proposed Site Access Levels Layout
22 Oct 2021	012 Rev G Proposed Containment Area Levels Layout
22 Oct 2021	013 Rev J Proposed Silage Clamps Levels Layout
22 Oct 2021	025 Rev G Visibility Splay & Site Access Detai...
22 Oct 2021	026 Rev D Visibility Splay Reprofiled Embankment C...

22 Oct 2021 1056 Rev C Proposed Site Layout With 2014 Planning ..
22 Oct 2021 1057 Rev C Proposed Site Sections With 2014 Plannin...
22 Oct 2021 1060 Rev N Proposed Cross Sections
22 Oct 2021 1061 Rev F Retained Existing Plant & Structure ...
22 Oct 2021 1062 Rev D Proposed Plant & Structure Elevation...
22 Oct 2021 1063 Rev B Typical Fencing, Cctv & Lighting Sup...
22 Oct 2021 1064 Rev B Proposed Cng Station Elevations
22 Oct 2021 155 Rev H Detailed Site Location Plan
22 Oct 2021 350 Rev D Proposed Cctv & Lighting Layout
22 Oct 2021 440-Pa-051 G Proposed Landscape - Layout
22 Oct 2021 440-Pa-102 B Proposed Landscape - Sections D & E
22 Oct 2021 550 Rev E Stockpile Volume Analysis & Quarry S...
22 Oct 2021 650 Rev C Ad Plant Drainage Location Plan
22 Oct 2021 700 Rev C Existing Site Plan (Re-Baselined Scenari
22 Oct 2021 701 Rev F Proposed Site Plan
22 Oct 2021 Pb9021-Rhd-Pd-Xx-Dr-E-0002 P03 External Isoline Contours For Artificial...
22 Oct 2021 Sk100 Rev A Proposed Staff Welfare Plan
22 Oct 2021 Sk101 Rev A Proposed Internal Circulation Plan
22 Oct 2021 Sk31 Rev G Proposed Site Layout Process Area
22 Oct 2021 Sk32 Rev G Proposed Site Layout Overall Drainage
22 Oct 2021 Sk33 Rev E Proposed Silage Clamps Drainage Layout
22 Oct 2021 Sk45 Rev E Proposed Vehicle Tracking Routes
22 Oct 2021 Sk46 Rev E Indicative Tractor Trailer Positioning
22 Oct 2021 Sk50 Rev L Site Location Plan
22 Oct 2021 Sk55 Rev E Land Ownership And Visibility Splay Over

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil