

Item C2

Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293 (KCC/SE/0007/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 May 2018

Application by Oncoland Ltd for construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU. SE/18/00293 (KCC/SE/0007/2018)

Recommendation: Permission be GRANTED subject to conditions.

Local Member: Roger Gough/David Brazier

Classification: Unrestricted

Site

1. Court Lodge Farm is located approximately 800m to the east of Horton Kirby village along Stack Road, a private road leading from the junction between Forge Lane, Jacobs Lane and Skinney Lane. The farm holding extends to approximately 281ha, with the farmyard sitting centrally within the land holding.
2. The site for the proposed Agricultural Waste Digester (AWD) plant is immediately to the south east of the existing group of agricultural buildings at Court Lodge Farm. This collection of buildings includes an existing farm manager dwelling, old cattle sheds, storage barns and grain stores, a large granary shed and a hop picking and drying shed. There is an existing planning permission for the replacement of some of the barns to the north of the access track with two new cattle sheds and an area for straw storage, and the installation of an area for silage clamps, an attenuation pond and workshop to the south of the track.
3. The proposed site for the AWD is to the south of the main, surfaced track through the farm and to the east of a secondary track leading to the south. This area presently forms the north-western corner of a large arable field. Immediately to the west of the secondary track within a broader area of hardstanding is a large metal clad sheep shed and a smaller polytunnel structure. The application site extends out to the east including the route of the proposed gas pipeline which follows the farm track and passes through Horton Wood (Ancient Woodland), crossing a public right of way and in to the field beyond where two small buildings are proposed where the pipeline would connect with the existing gas pipeline network.
4. The site is located at the crest of a broad ridge running gently down to the north west and thus occupies an elevated position, raised above the surrounding areas to the north, west and south.
5. The site lies wholly within the Metropolitan Green Belt. It also is within a number of nationally and locally designated landscape character areas; the North Kent Plains National Landscape Character Area, Darenth Downs Character Area (part of KCC's

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Landscape Character Assessment of Kent 2004) and Downs Farmlands landscape character area (part of Sevenoaks Countryside Assessment 2011). It also lies entirely within a Flood Zone 1 which is defined as having a low risk of flooding from rivers and sea. The nearest nature conservation designation is the Farningham Wood Site of Special Scientific Interest (SSSI) which lies over 2km to the west of the application site.

6. The application site lies within a groundwater Source Protection Zone 2 (SPZ2) where the Environment Agency (EA) give consideration to the risk of pollution and suggest prevention measures if appropriate. It also overlays a principal chalk aquifer which the Environment Agency identify as being of High Vulnerability. The Chalk in the area of the site is also identified as a Nitrate Vulnerable Zone.

Background and Recent Site History

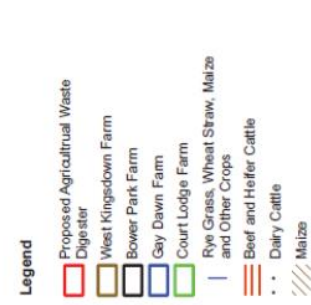
7. Oncoland Ltd, (the Applicant) is an established family owned farming business which in more recent times has centred business on holdings around the West Kent area. Oncoland's portfolio currently consists of approximately 3,600 acres of mixed use land, but primarily within the arable, dairy and beef sectors. The farming estate consists of four main farms; Gay Dawn Farm (GDF), West Kingsdown Farm (WKF), Bower Park Farm (BPF), and Court Lodge Farm (CLF).
8. GDF is predominantly an arable operation producing a number of arable and forage crops, and WKF is arable and produces maize and wheat. BPF conversely is predominantly dairy farming housing approximately 340 dairy cows. A further 180 beef cattle and 180 followers are currently housed at GDF. In 2016 the applicant purchased CLF to house the beef and dairy followers and to improve efficiency and centralise these operations.
9. To this end the applicant secured planning permission in September last year (SE/17/01833/FUL) to demolish existing dilapidated farm buildings and build modern purpose-built facilities at CLF to facilitate the relocation of the animals from GDF. To the north of the farm road permission was granted for two new cattle sheds and straw storage and to the south manure and silage clamps, a workshop building and an attenuation pond. (Demolition of the existing structures is underway).
10. Planning permission was granted (reference SE/04/02711/FUL) for a steel portal building to be used as a grain store and hop oast. The granary shed and hop picking and drying buildings remain on site to the east of the permitted new cattle sheds.
11. Prior to submission of this application the Applicant sought a screening opinion from the County Council as to whether the application should be the subject of an Environmental Impact Assessment. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it was concluded that the application did not need to be accompanied by an Environmental Statement.

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General Location Plan



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TITLE
Oncoland's Farming Estate

CLIENT
Oncoland Ltd

PROJECT
Anaerobic Digester at Court Lodge Farm

SCALE A1AS
1:30,000

DATE
January 2018

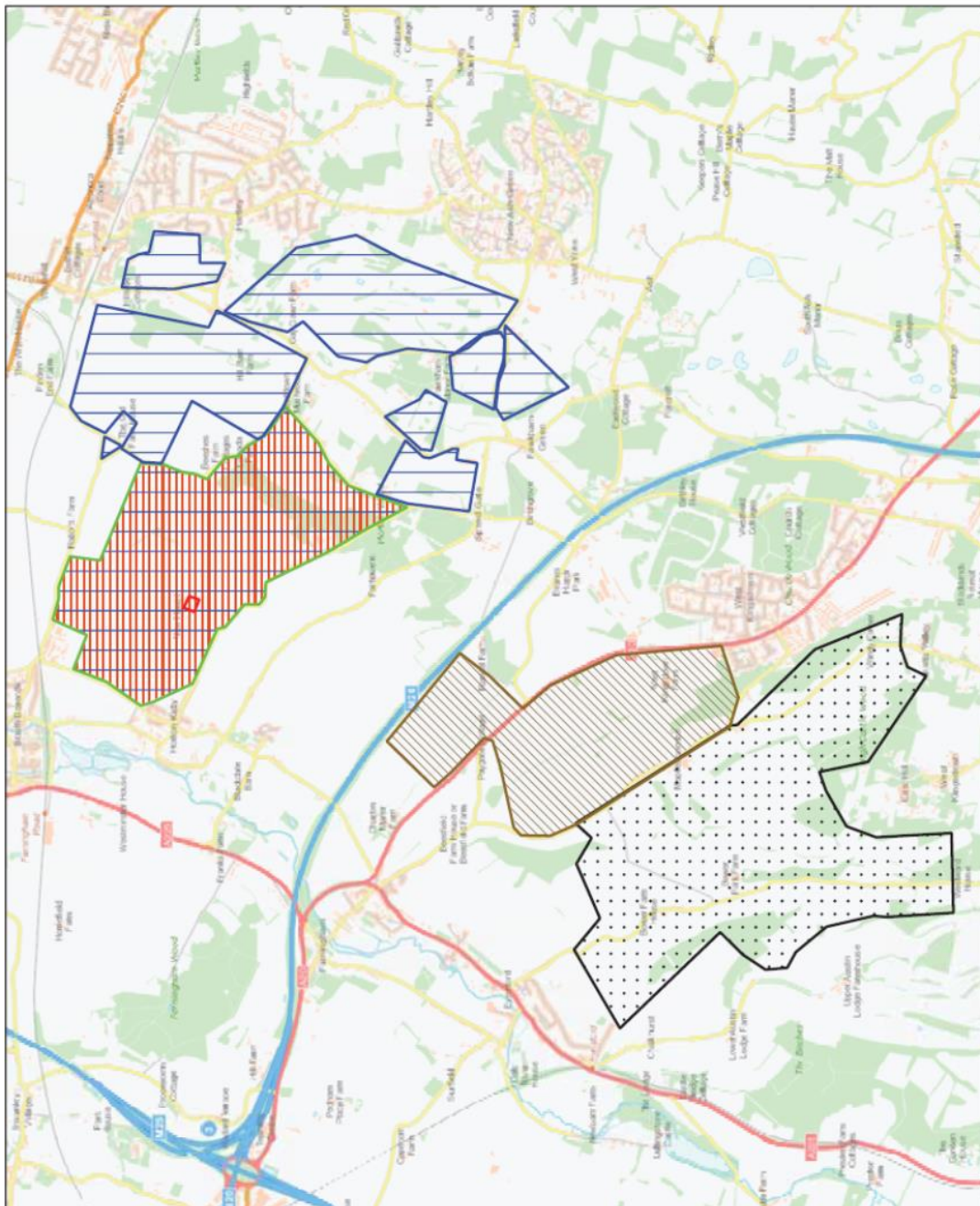
JOB NO.
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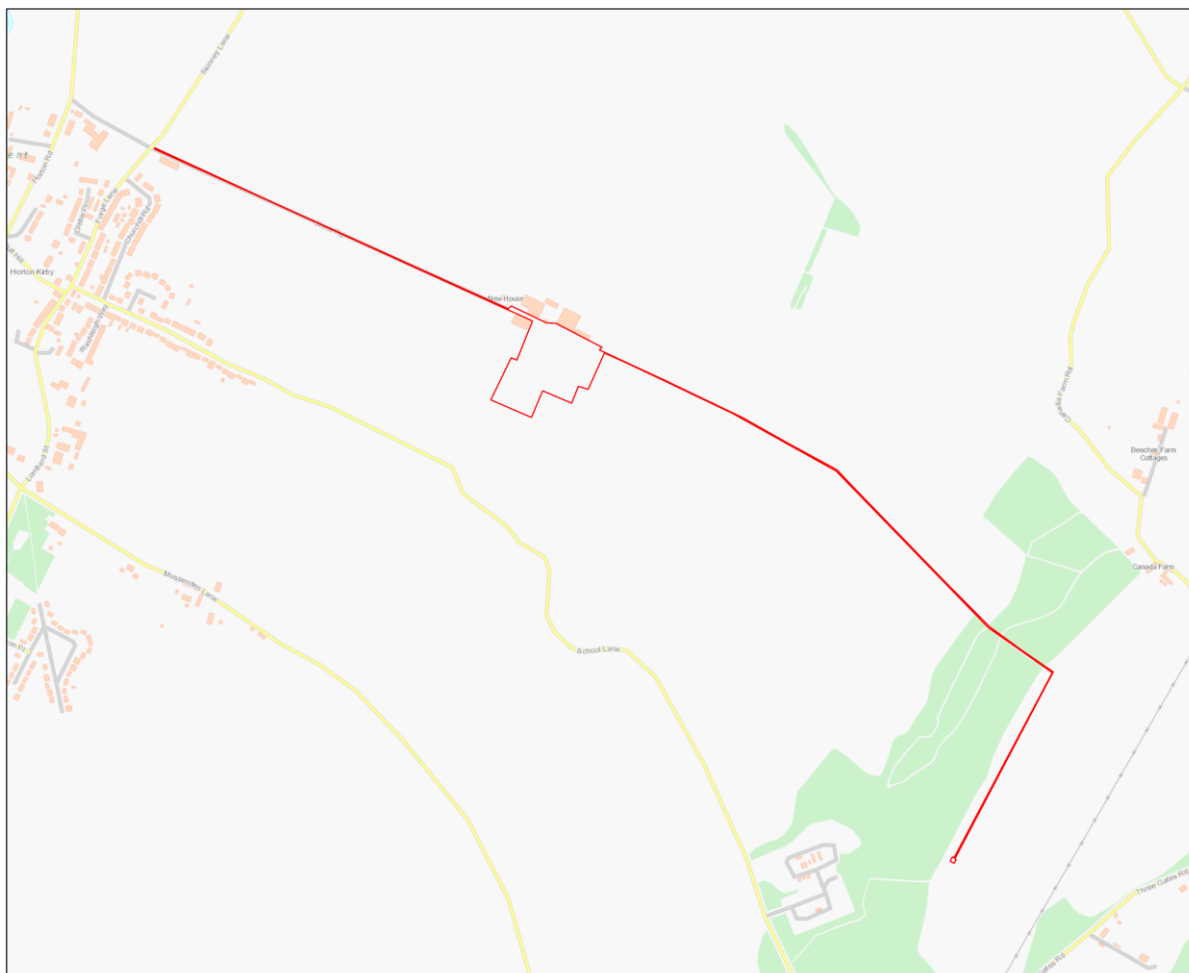


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Application Site Plan



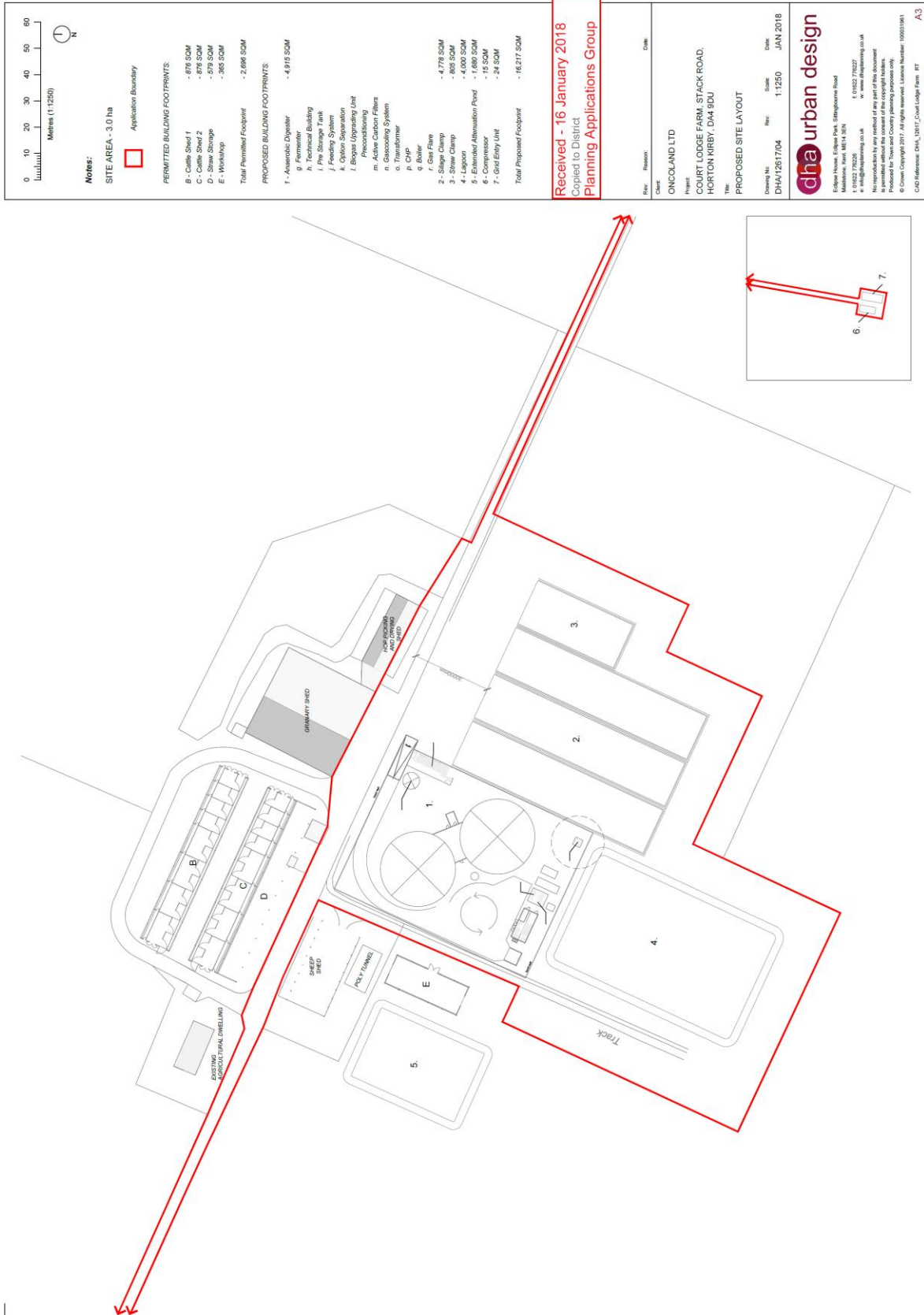
Proposal

8. The application seeks planning permission for an Agricultural Waste Digester (AWD) for the anaerobic digestion of up to 37,000 tonnes per annum of agricultural waste. The AWD would consist of 2 x fermenter tanks, a covered lagoon, an extended silage clamp, pre-storage tanks, a feeding system, a biogas upgrading unit and other ancillary infrastructure (including gas pipeline). Anaerobic digestion is a biological process whereby organic material (feed stocks) are broken down by bacteria, in the absence of oxygen. The feedstock is fed into the fermenter tanks where the digestion process is optimised and controlled. The digestion process (typically 40 days) produces an inert digestate fertiliser/soil conditioner in both a liquid and solid fraction. The liquid fraction is stored within a sealed expandable ultra-flexible polyethylene membrane bag within the lagoon. The volume of digestate is typically around 90-95% of what has been fed into the digester.

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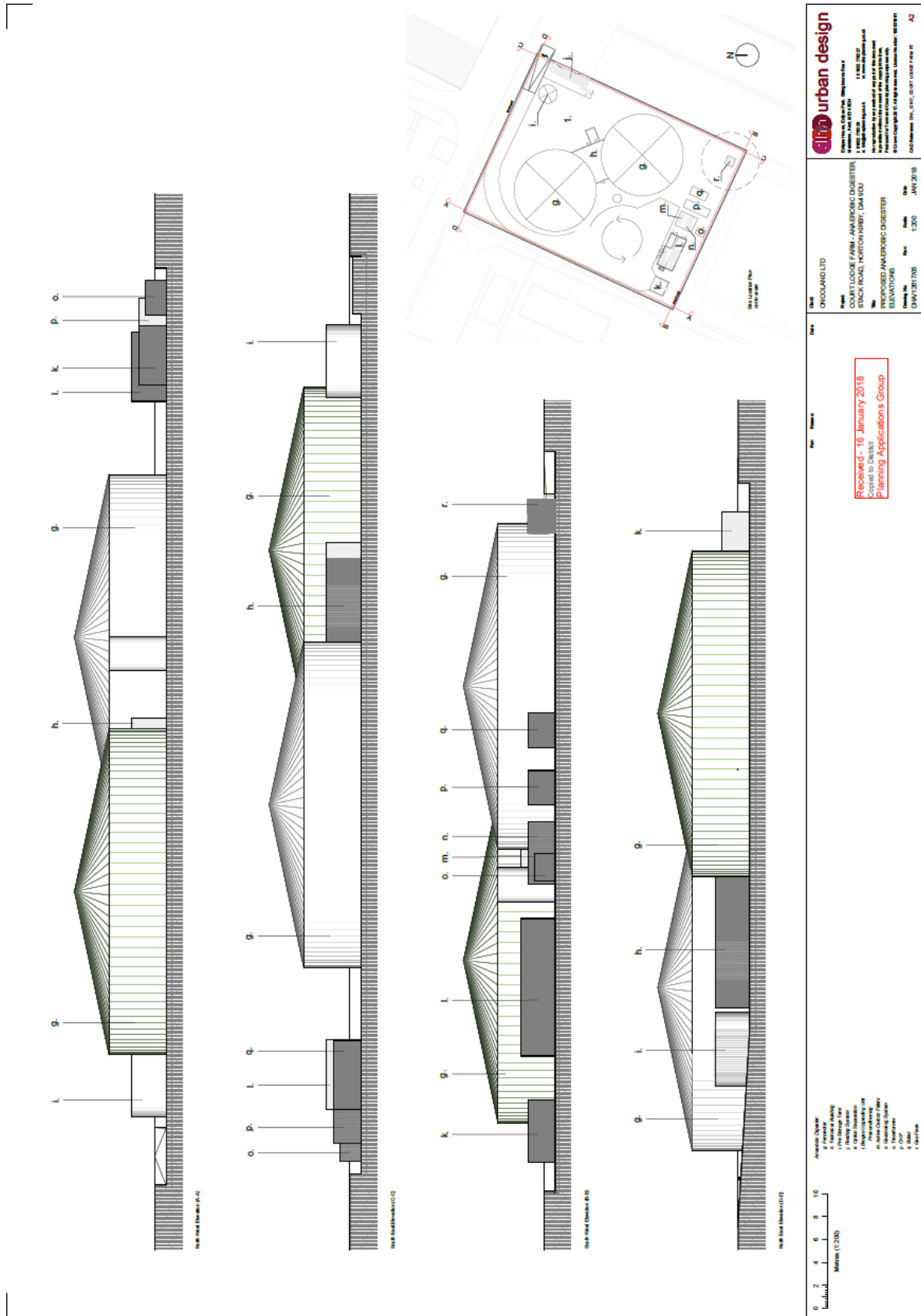
9. A natural by-product of the process is the production of a combustible biomethane which can be exported to the national grid (as a gas) for energy generation. The Applicant intends to use a small proportion of the biogas to power Court Lodge Farm and export any excess unprocessed gas to the national grid. A below ground pipeline would join up with Southern Gas Network's assets to the east with some gas monitoring/pressure increase equipment housed in small structures at the point of connection. A gas flare would be included within the development so that any excess gas could be flared and safely released in the event of an emergency. Such gas flares are common to all AD plants but rarely, if ever, used.
10. It is proposed that the AWD would utilise all existing agricultural waste from the farm estates including farmyard manure, slurry, straw (a waste product of wheat production) and rye grass. The process also requires the addition of Glycerol, a waste product from the biodiesel industry, as an important additive which optimises the carbon:nitrogen balance within the digesters and the resultant quality of the biomethane. The remaining non-waste input into the AWD would be maize grown on the estate to supplement the feedstock to maximise the amount of digestate produced and provide sufficient quantities of organic fertiliser for the estate's needs and therefore minimise its reliance on imported fertiliser.
11. Access to the site would be along the existing Stack Road, a private road leading from the junction between Forge Lane, Jacobs Lane and Skinney Lane. Slurry bought in from Bower Park Farm would come in on this access (in sealed slurry tankers), as would the maize from West Kingsdown Farm and the imported Glycerol. The road access would also be used to take any required digestate to West Kingsdown. The proposal to locate the AWD on Court Lodge Farm allows the farm yard manures from the beef and dairy followers to be fed directly to the digesters. Shared borders with Gay Dawn Farm (GDF) also allow for the imported maize, rye and straw to be transported almost entirely on internal farm tracks, as would be the case for the export of the resultant digestate for spreading.
12. No hours of operation are proposed as the process is continual although the Applicant has proposed that vehicle movements from the proposed development would be timed to avoid the peak periods. It is stated that the proposals would result in an additional 1.5 vehicle movements per day to the Court Lodge Farm site.

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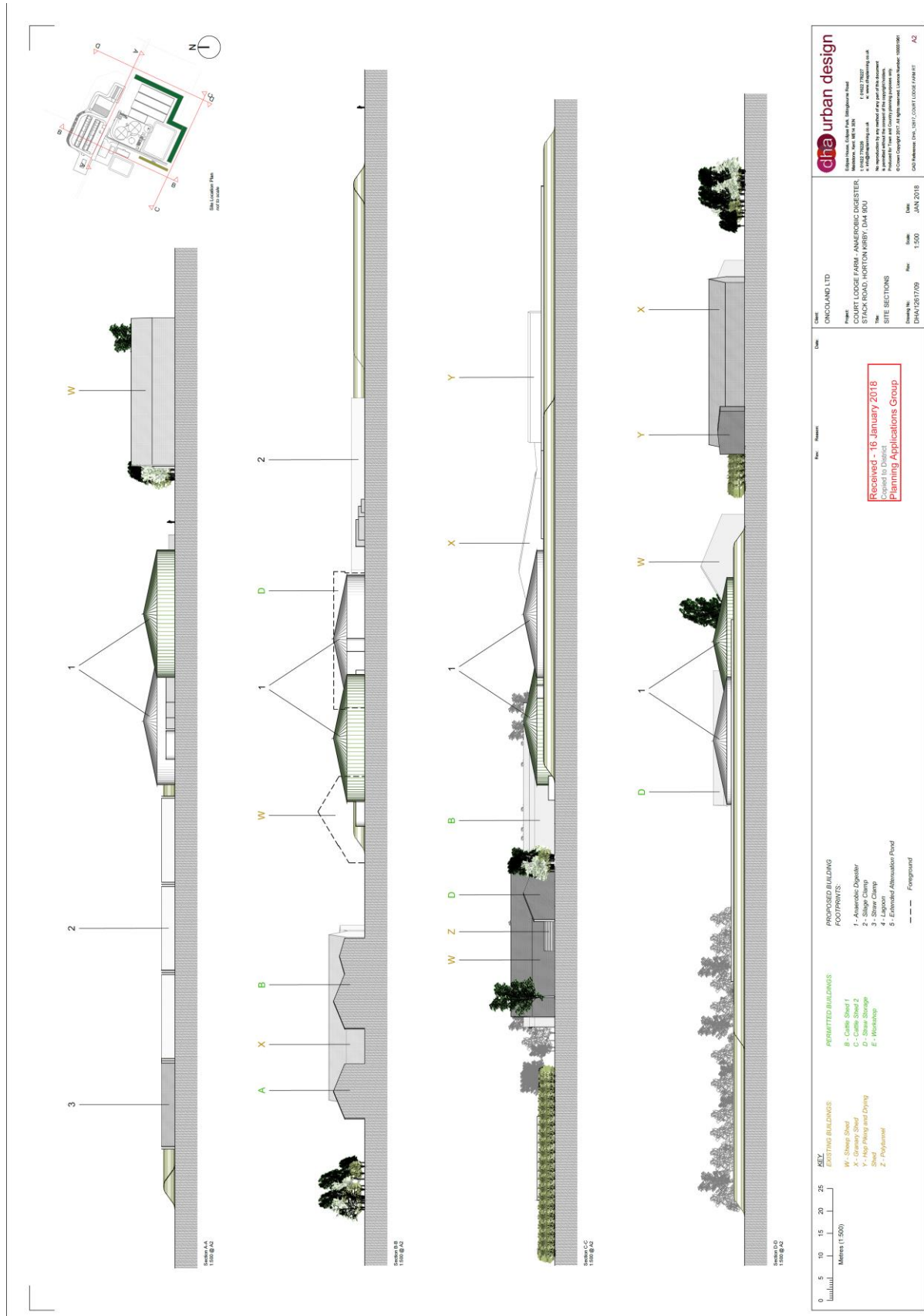
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Planning Policy

13. **National Planning Policy Framework (NPPF) (March 2012)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.
14. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 3 (Supporting a prosperous rural economy), 4 (Promoting sustainable transport), 9 (Protecting Green Belt Land), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) are of particular relevance.
15. The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.
16. A draft revised NPPF (March 2018) is currently out for consultation. Many of the proposed changes reflect the current position with regard to EU legislation references and add more emphasis for the support for the delivery of new housing. The basic principles of sustainable development, building a strong competitive economy, supporting a prosperous rural economy and promoting sustainable transport remain. Protection is still given to the Green Belt and meeting the challenge of climate change, flooding and coastal changes, as well as conserving and enhancing the natural environment.
17. **National Planning Policy Guidance (NPPG) (March 2014 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, environmental impact assessment, flood risk and coastal change, light pollution, minerals, natural environment, noise, transport and waste (amongst other matters). The waste section of NPPG advises that the aim should be for each Local Planning Authority to be self-sufficient in dealing with their own waste in the context of the 'proximity principle'. It requires waste planning authorities to plan for sustainable management of waste.
18. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and Waste Management Plan for England (WMPE) 2013. It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.

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19. **Waste Management Plan for England (WMPE) 2013:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a guide for sustainable waste management. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).

Development Plan Policies:

20. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (July 2016):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.
21. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible.
22. Policy CSW6 guides the location of built waste management facilities. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy. In reflecting the relative positions of the different methods of waste management in the waste hierarchy it is considered preferable to process organic waste to produce compost as opposed to burning it to produce heat/power. The use of organic waste to produce gas that may be used as a fuel via anaerobic digestion is also considered preferable to its direct combustion.
23. Policy DM1 requires that proposals for waste development are designed amongst other matters, to maximise the re-use or recycling of materials. Policy DM2 of the KMWLP states that proposals for waste development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Policy DM3 of the KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make

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a positive contribution to the protection, enhancement, creation and management of biodiversity.

24. Policy DM4 requires that proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF. Policy DM5 seeks protection of Kent's Heritage Assets. Policy DM10 seeks to protect the water environment and embraces issues of flood, groundwater, SPZ's and the protection of waterbodies. Policy DM11 requires waste developments to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, odour, vibration, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities. Policy DM13 requires waste developments to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Policy DM14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments.
25. **Sevenoaks District Council Core Strategy 2011:** Policy SP1 requires high quality design and for it to respond to the distinctive local character of the area in which it is situated. Policy SP2 Sustainable Development: Sustainable Construction and Low-Carbon Energy Generation. Policy LO8 seeks to conserve the countryside, protect the Green Belt, landscape features and the protection and enhancement of biodiversity. Policy SP11 conserve and seek opportunities to enhance biodiversity.
26. **Sevenoaks Allocations and Development Management Plan 2015:** Policy EN1 requires high quality design, EN2 seeks to protect residential amenity, EN5 seeks development to conserve the character of the landscape (and where feasible to help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD), Policy EN6 seeks to minimise the impact of outdoor lighting on the countryside, Policy EN7 control of potential noise pollution, Policy T1 seeks to mitigate travel impact.
27. **Sevenoaks District Council Development in the Green Belt Supplementary Planning Document (SPD) (February 2015):** Section 8 states that new buildings that are demonstrably essential for agriculture or forestry purposes are considered to be appropriate development in the Green Belt.

Consultations

28. **Sevenoaks District Council** - No objection subject to the County Council being satisfied that the highway impacts of the proposals would be acceptable.

Horton Kirby and South Darenth Parish Council – Objects Until:

- An Environmental Impact Assessment is completed
- Clarification that no other potential route is available to farm traffic from West Kingsdown, i.e. A20, Scratchers Lane, Speedgate and internal farm roads.

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- Comprehensive KCC Highway Survey on impact of proposed farm traffic on proposed route in application is completed
- That all of the above are shared with the Parish Council for further comment.

Fawkham Parish Council – No views received

Environment Agency – No objection - based upon the additional information contained in the hydrogeological risk assessment and, its assumptions about the required infrastructure specifications and planning controls. It goes on to offer advice to the Applicant relating to the Environmental Permitting Regime which would be applied and encourages early contact for pre-permitting advice.

Sustainable Drainage - No objection. Given the site location within Zone 2 Groundwater Protection Zone and a Nitrate Vulnerable Zone, it is important that the proposed development does not infiltrate into the ground at any instance, so care needs to be given to design. We are concerned about the statement that exceedance of the attenuation pond will flow into adjacent fields. Though this may not occur frequently, it is important to ensure that flood risk is not increased off-site. Due to the possibility of overflow we recommend that the depth of the attenuation pond is increased by a margin such that potential for an overflow is reduced and as such recommend a condition requiring details of the pond be submitted for approval prior to commencement of works on site

Natural England – No objection - Is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Farningham Wood and Halling to Trottscliffe Escarpment SSSI's have been noted. (NB. these are over 2km distant from the application site). Defers to standing advice on protected species.

Kent County Council Biodiversity – No objection - Satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species or sites. We recommend that the precautionary mitigation measures within the submitted ecological report are incorporated into any construction environmental management plan (CEMP). As there is habitat for breeding birds on site, we request that an informative advising the applicant of the requirements under the Wildlife and Countryside Act 1981 be issued.

Kent County Council Noise and Air Quality Consultant (Amey)

Noise - No objection. Satisfied that the proposals will have a minimal noise impact and that no adverse noise impact will occur at any noise sensitive receptors including the farm managers property from either plant operations or any associated vehicle movements.

Air Quality and Odour – No objection. The traffic associated with the construction of the facility and the operational traffic is not considered likely to be significant or have any adverse impacts upon any Air Quality Management Areas. The net amount of deposited nitrogen is likely to be the same if not lower than that currently produced by the combustion of imported gas as the quantities used to heat the cattle shed and for drying straw/grain is likely to be the same. The contribution of any non-anticipated increases in nitrogen deposition to the Nitrate Vulnerable Zone degradation is likely to be minor and more than offset by the reduction of degradation realised by the use of

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nutrient stable fertiliser.

Kent County Council Landscape Consultant (Amey) – No objection - based on the revised landscape plan which gives outline details of the proposed planting and shows additional landscaping around the western extent of built development near the permitted attenuation pond and existing sheep shed. This is on the basis that further and more specific details of the proposed planting will be provided by the applicant through a submission pursuant to a planning condition. We would require a greater number of the heavy standards and feathered trees than that shown on the landscape drawing submitted thus far (possibly another 5 along the western boundary).

Kent County Council Highways and Transportation - No objection. The application is supported by a comprehensive Transport Note (TN) which demonstrates that the likel

y traffic generation as a result of this application would not be significant in terms of vehicle movements on the local highway network – in the order of 1.5 additional movements per day on average. Since this type of facility is specific, the number of additional traffic movements taking into account the reduction in some trips already existing, has been estimated from information provided by the potential operators and is assumed to be a valid assessment. The routing of the vehicles on the local roads has been identified and the TN identifies any issues relating to the roads used, none of which appear to result in any significant problems. I therefore conclude there are no grounds to object to this application on highway safety or congestion grounds.

Kent County Council Archaeology – No objection. The site lies within an area of potential associated with prehistoric and later activity. There are several nearby cropmarks, some of which could be Bronze Age ring ditches or burial sites. It is therefore recommended a condition requiring field evaluation and further archaeological investigation determined by the results of the evaluation, as follows:

Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Public Rights of Way – No comments to make

Council for the Protection of Rural England – Kent – In principle this is a project worthy of support in that it can provide ‘closed loop’ re-use of on-farm wastes, generating both a usable supply of biogas for use on and off site as well as generating a sustainable digestate which can be used to improve soil across the farm estate. It is also acknowledged that it will limit the emissions of greenhouse gases from the farm

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waste. Residual concerns:

- Impacts on Green Belt: it is for the Planning Officers to establish whether the AWD constitutes appropriate agricultural development, or if not, whether the benefits of on-farm treatment of agricultural waste constitutes the 'very special circumstances' necessary for the construction of such a project. Careful attention will need to be given to the landscape mitigation of new industrial-style buildings in such an open rural setting.
- Transport Implications: We note the Planning, Design and Access Statement reassures that overall vehicle trip numbers will not increase significantly but wish to be convinced that organic waste will not have to be imported from elsewhere, with negative transport impacts, to ensure the optimum operation of the AWD. The Transport Technical Note says that a large proportion of the cattle waste will come from Court Lodge Farm which is at odds with the Planning Statement that implies only waste and non-waste inputs used in the AWD will be generated on site. The potential number and effects of vehicle movements associated with the proposal are a particular concern. Access to the site is by rural lanes, where wear and tear and inconvenience to other users would be greatest. AWD's need to be kept 'fed' and shortfalls from local sources for whatever reason, would mean importations. Evidence from elsewhere suggests that the need for imported material can be underestimated; determining the true requirement in all circumstances is therefore key to validating the projected vehicle movements, which we think are very likely to be an underestimate.
- Site Waste Management: We note the controls to be applied to limit air pollution and odour in operation, but we urge the implementation of a site management plan that would ensure the rapid clean up of any spilled raw materials or digestates, which can easily become compacted by vehicle movements and generate odour as they break down. Good site housekeeping will be essential to limit nuisance and odours.

Southern Gas Networks – No comments

Animal and Plant Health Agency - No comment other than to confirm that approval from the APHA is required in order to run a compost or biogas site.

Local Member

29. The local County Member Mr Roger Gough lends his support to the views taken by the Parish Council and repeats their comments that the application cannot be supported until the requests of the Parish Council are met. No views have been received to date from Mr David Brazier.

Publicity

30. The application was publicised by the posting of 3 site notices, an advertisement in a local newspaper, and the individual notification of 109 residential properties.

Representations

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31. In response to the publicity, 40 letters of representation have been received, including one from the Headteacher at Horton Kirby Primary School. The key concerns raised can be summarised as follows:

Traffic and Congestion

- The village and its lanes are very small and struggle to cope with any large commercial vehicles which damage the hedgerows and banks and parking is already difficult for the school run.
- Jacobs Lane and Horton Road border the school and already become congested when there are school events. This can block the local bus route and disrupt traffic flows, regularly obscuring the junction. This would be made worse unless Jacobs Lane was widened or an alternative area for parents to park was created.
- The increase in traffic will create more pollution to the detriment of the young children at the local school and cause conflict with all users of the roads and footpaths.
- There are no pavements along Jacobs Lane and inadequate signage so there is a risk to pedestrians and school children.
- What controls would be in place to make sure vehicles followed the suggested route.
- The tractors are very slow and cause congestion behind them, the cows are welcome, but the slurry tankers and glycerol tankers are not.
- Local roads are already brought to a standstill when there is a problem on the M25 and Dartford Crossing.
- Traffic levels are high at the following times;
 - 8.30am-9.30 am Horton Kirby School and Riverside Nursery
 - 12pm -1pm Riverside Nursery
 - 3.00pm – 3.45pm Horton Kirby School
- We live in a rural farming community and accept some farm vehicles, noises and smells are inevitable, but this proposal is for an industrial use of farm land and should be refused.
- It is unclear how the glycerol will be transported.
- The proposal is to cross bridges not suitable for HGV's and if the Bridge were to fail it would severely impact the village.
- The farm should only move vehicles at times of the day to avoid peak periods and not hinder the local bus.
- As a local resident I have never seen the large vehicles carrying fertilizer and other chemicals travelling on the proposed route. The entrance is only ever used for the occasional tractor and cars. I question their description of the current traffic movements.
- The traffic will damage the local roads.
- The environmental centre often has coaches visiting along the already narrow lanes.
- The extra traffic will have a negative effect on the village as a whole and as stated by on County Councillor 'lorries should be removed from small roads through the villages in Kent'
- There are alternative sites that belong to the landowner that would be more central and easier for transportation.
- Could the slurry be transported by pipeline?

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Odour

- The smell that will come from the cow slurry will be a problem during the summer affecting school play time and sports activities, and will affect house prices.
- Lorries transporting slurry reek and leak and the smell lingers and slurry stains. proposals are dangerous for the local children.
- The slurry spread on the fields every September is dreadful, this will be all year round.
- The smell will affect the customers visiting the local pubs during the lighter evening when they sit out in the pub gardens enjoying the fresh air and sunshine.

Other Environmental Impacts

- There has been no environmental assessment of the proposals and any decision should be revoked.
- The digester and ancillary buildings are to be built on Green Belt land not in keeping with the surroundings.
- The digester will be visually damaging to the landscape and will destroy traditional field patterns creating an adverse effect on the rural community and the loss of farming land.
- There are no benefits to the general countryside or to the local residents who chose to live here for the enjoyment of the location.
- The area is already used by strangers for fly tipping creating an eyesore in the beautiful countryside.
- Ammonia and other gaseous emissions are a concern and the proposal will create unacceptable noise and odour (and attract flies), especially for those properties in close proximity
- There is no assessment of the noise from the cooling system or exhaust system. and no confirmation of when the vehicle movements would take place.
- A gas pipe is to be built through Horton Wood, an ancient woodland to the detriment of the wood and surrounding wildlife.
- We are concerned about toxic spills and explosions due to gas build ups blighting the surrounding area.
- The proposed site is on the side of a valley and when it rains heavily the run-off goes down Jacobs Lane as well as into Forge Lane and if the lagoon leaks it will end up in the village and likely go in to the River Darent leading to environmental damage.
- The use of maize grown on the states is extremely destructive and will permanently damage the soil.

Discussion

32. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory

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Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

- Need and Sustainability
- Green Belt
- Landscape and Visual Impact.
- Traffic and transport
- Noise, air quality and odour
- Water Environment
- Ecology and Ancient Woodland
- Other issues.

Need and Sustainability

33. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and it requires that policies in local plans should follow this approach. As set out in paragraphs 13 -16 there are three dimensions to sustainable development, social, economic and environmental. The spatial vision for waste planning in Kent seeks to move waste up the Waste Hierarchy, encourage waste to be used to produce renewable energy (including anaerobic digestion), be managed close to the source of production and facilities be provided to deal with all waste streams now and in the future. Policy CSW 1 of the Kent Mineral and Waste Local Plan 2013-2030 (KMWLP) seeks that sustainable development be approved without delay unless other material considerations indicate otherwise.
34. It is stated that this proposal provides a holistic waste solution to the Applicant's farming business with associated cost benefits thereby helping the to support the rural economy, the development and diversification of agricultural businesses being supported by the NPPF. The Application highlights that the processing of agricultural waste would also reduce CO2 emissions from the estate by approximately 2,800 tonnes per annum helping to ameliorate its impact on climate change whilst generating a renewable combustible biomethane gas. Paragraph 93 of the NPPF states 'supporting the delivery of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development'. The proposed development would also result in a number of other environmental benefits including reducing the risk of nitrogen eutrophication¹ and increasing break crop coverage (to the benefit of the nutrient levels in the soil) across the farming estate.
35. Policy CSW 2 of the KMWLP supports sustainable waste management solutions that prepare waste for re-use or recycling that will help drive waste to ascend the Waste Hierarchy wherever possible. Policy CSW 7 supports the use of waste in anaerobic digestion facilities to increase waste management capacity. Furthermore, this proposal

¹ Eutrophication is an over-enrichment of water by nutrients causing excessive growth of plants and algae and can deplete the oxygen levels in the water body.

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would recover the biomethane (a product of the anaerobic digestion process), a quantity to be used by Court Lodge Farm itself for drying hay/crops and all excess biogas exported to the National Grid, and all digestate used as a fertiliser across the farming estate. Policy CSW 6 seeks to identify sites that are appropriate for waste management facilities and the supporting text recognises that in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost and anaerobic digestion), the most proximate location for the waste facility will be within the rural area. It goes onto to state that waste management facilities on greenfield sites is not precluded. Consideration of Green Belt Policy is given in the next section of my report.

36. In principle I am satisfied that there is policy support for the proposed waste management facility in this location. It seeks to improve an existing agricultural operation by managing the current waste arisings in a sustainable way which has the advantage of producing a renewable biogas to benefit the farming enterprise (and beyond) and digestate which replaces the need for the import of fertiliser to the holding. It represents sustainable development in accordance with the policies contained in the development plan.

Green Belt

37. The site lies entirely within the boundary of the Metropolitan Green Belt and must therefore be considered in the light of the relevant planning policy relating to development in such areas.
38. The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. It goes onto to state the five purposes are:
- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns merging into on another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The aims and purposes remain unchanged in the government's proposed draft changes to the NPPF, currently out to consultation.

39. It also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight be given to any harm to the Green Belt. Paragraph 89 of the NPPF is clear that the construction of new buildings should be regarded as inappropriate in Green Belt but goes onto to list a number of exceptions; at the top of the list is buildings for agriculture and forestry. The NPPF does not add any requirement to consider the impact of these buildings on the openness of the Green Belt. Policy DM4 of the KMWLP states that minerals and waste development within the Green Belt will be considered in light of their potential impact and shall comply with national policy and the NPPF. Policy LO8 of the Sevenoaks Core Strategy 2011 states the extent of the Green Belt will be maintained.

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Section 8 of the Sevenoaks District Council Development in the Green Belt SPD states that new buildings that are 'demonstrably essential for agriculture or forestry purposes' are considered to be appropriate development in the Green Belt.

40. The proposed development seeks to find a more sustainable waste solution for the Applicant's farming estate, of which 75.7% of the feedstock for the AWD would be waste (Including glycerol), 70.3% of which would be existing waste arisings from the estate. The remaining 24.3% would be break crops (predominantly maize) that would be grown entirely on the existing agricultural estate. The addition of break crops would be used in part to increase the feedstock to the AWD to total to 37,000 tonnes to produce enough fertiliser for the Applicant's estate, thereby reducing the need to import fertiliser. All fertiliser produced by the AWD would be used by the Applicant within the farming estate only. The Applicant argues therefore that all elements of the proposed development are directly linked to and form an integral part of the agricultural operation of the farming estate. On that basis the scheme proposes agricultural management additional to the current operations and an appropriate form of development within the Green Belt.
41. Paragraph 91 states when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and, in such cases, developers would 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.
42. It is the Applicant's case that this proposal for an Agricultural Waste Digester is different from other proposals for anaerobic digestion (AD) plants in that the purpose behind it is to deal with the waste arisings from the estate and it does not involve the generation of electricity and is not therefore primarily a renewable energy project.
43. The biogas that is produced is a by-product of the AD process and consequential to the breakdown of the waste and the desired high-quality fertiliser produced. It would be used parasitically to dry hops and grains on the holding with the export of any excess unprocessed gas to the national grid. The farm already undertakes this drying operation and imports gas cylinders for this purpose; the use of the biogas generated replaces the need for these cylinders. No electricity generated from the gas would be exported from the site, only biogas as a by-product of the AD process would be exported where it was produced in excess of the farm's need. The primary purpose of the AWD is therefore as a waste digester producing a fertiliser/soil conditioner and not as an energy generation source.
44. The Applicant makes reference in their planning statement to two planning Appeals relating to AD plants in the Green Belt. In both cases the proposed plants were to generate electricity on site capable of providing power to approximately 500-1200 and 6,574 dwellings respectively. That level of generation was considered to extend far beyond the agricultural need and as such beyond being ancillary or ordinarily incidental to the primary agricultural use of the land. Furthermore, the Inspector's in both cases concluded the processing of the gas to generate electricity on this scale was such that it could not be concluded an ancillary by-product. It was therefore concluded that these were not agricultural development but more of a mixed use and would be inappropriate in the Green Belt.

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45. In contrast it is explained in the application that the proposed development would use a proportion of the gas by-product to generate electricity/heat parasitically for its farming operations at Court Lodge Farm only. Any surplus gas would essentially be waste that would be exported in its raw gaseous state to the national grid. Its primary purpose therefore would not be for energy/electricity generation except by virtue of meeting the farms own needs. For example, the AWD could theoretically release all surplus gas into the atmosphere and still fulfil its primary purpose as a waste digester producing fertiliser for Oncoland's estate.
46. It is worthy to note that the Sevenoaks District Committee of the Council for the Protection of Rural England (CPRE) support the proposal in principle and comment that it would provide 'closed-loop' re-use of on-farm wastes, generating both a usable supply of biogas for use on and off site as well as generating as sustainable digestate which can be used to improve soils across the farm estate as well as limiting the emissions of greenhouse gases from the farm waste. Although it acknowledges that the decision as to whether it constitutes appropriate agricultural development, or if not whether the benefits of on-farm treatment of agricultural waste constitutes the 'very special circumstances' necessary for the construction of such a project in a Green Belt location lies with the planning authority.
47. Having considered the above and given that about 95% of the materials to be handled in the proposed digester plant would be either waste arising from the Oncoland farming estate (70.3%) or feedstock grown on the estate (24.3%), I am satisfied that most, if not all of the proposed development can reasonably be regarded as buildings for agricultural purposes and thus appropriate development in the Green Belt.
48. Notwithstanding this view I have asked the Applicant to provide a brief summary of what very special circumstances (VSC) might be put forward were any element of the scheme considered to be inappropriate development in the Green Belt. In response the Applicant has set out the summary below:
- The proposal would significantly reduce the greenhouse gas emissions from the existing farming operation and provide a renewable energy source; the digestate produced will replace up to 80% of imported petrochemical fertiliser greatly reducing the farm's carbon footprint. The digestion process produces biomethane which is a 'carbon neutral' energy source and provides a renewable source of energy for the farm and for the wider gas network when exported to the national grid.
 - The use of digestate as fertiliser for the farm has a number of benefits particularly within a nitrate vulnerable zone; the digested feedstock "digestate" is an organic, low odour, slow release and pathogen reduced agricultural fertiliser and soil conditioner. The digestate is a significantly superior fertiliser and soil conditioner than the same organic material in its raw form as the percentage of readily available nitrogen is much higher and consistent and the nutrients are more readily available for use by plants than in raw slurry.
 - Benefits to the financial viability of the farm holding and associated retention of land within the Green Belt and AONB in active agricultural use, through the diversification arising from feed in tariffs and negating the need to buy up to 80% of existing fertiliser used by the farm.

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- The location of the scheme within the Green Belt is necessary due to its position within the wider Oncoland estate which is entirely within the Green Belt. The location of the proposed agricultural waste digester is outside the AONB and is logically located in respect of the Oncoland cattle and other feedstocks, the vast majority of which would be sourced from the Oncoland estate;
 - The location of the proposed agricultural waste digester ensures that a significant amount of the waste and feedstock can be brought to the site via internal roads, limiting the amount of movements on the public highway.
49. Considering the above, even were it the case that this was not agricultural development, the factors set out could cumulatively (with others as may be appropriate) be taken to put forward a case that sufficient very special circumstances would exist to overcome the usual presumption against inappropriate development.
50. The NPPF is clear however that VSC will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whilst the proposed development is largely driven by the functional and technological requirements of the plant it has been designed to minimise the visual impact and harm to the Green Belt. The plant would be positioned to relate logically to the existing farm buildings. The digestate tanks would be positioned at the northern end of the site to benefit from the screening of the adjacent existing agricultural building which is taller than the proposed digestate tanks and they would be constructed in an appropriate colour not incongruous with the existing character of the farm yard. To further reduce the visual envelope of the proposed development the AWD plant would be set into a concreted bund 1 metre below existing ground level and the silage clamps would be positioned to the east of the AWD to benefit from the screening it would provide. The proposed development would be sited close to existing structures and would form a compact unit with existing built development and would therefore be unlikely to impact upon the openness of the Green Belt. (Further consideration of the landscape and visual impact is given in the next section of my report).
51. The holistic agricultural waste solution for the estate must by its very nature be located within the estate it serves. Its location within an existing farm yard complex is practical and therefore its location within the Green Belt unavoidable. In conclusion I am satisfied that the proposed development can reasonably be regarded as involving buildings for agricultural purposes and thus appropriate development in the Green Belt. Even if were not regarded in this way I am satisfied that sufficient very special circumstances could be put forward to overcome the usual presumption against inappropriate development; and that any harm to the Green Belt would be outweighed by the benefits of the proposed development.

Landscape and Visual Impact

52. The site is not covered by any national or local designation for landscape quality, and the nearest part of the Kent Downs Area of Outstanding Natural Beauty lies to the south west, around 2.5km from the site. However, given the location of the elevated site on a broad ridge surrounded by large open fields it is appropriate to consider the impact of the proposals upon the landscape and the visual impact upon the local community and

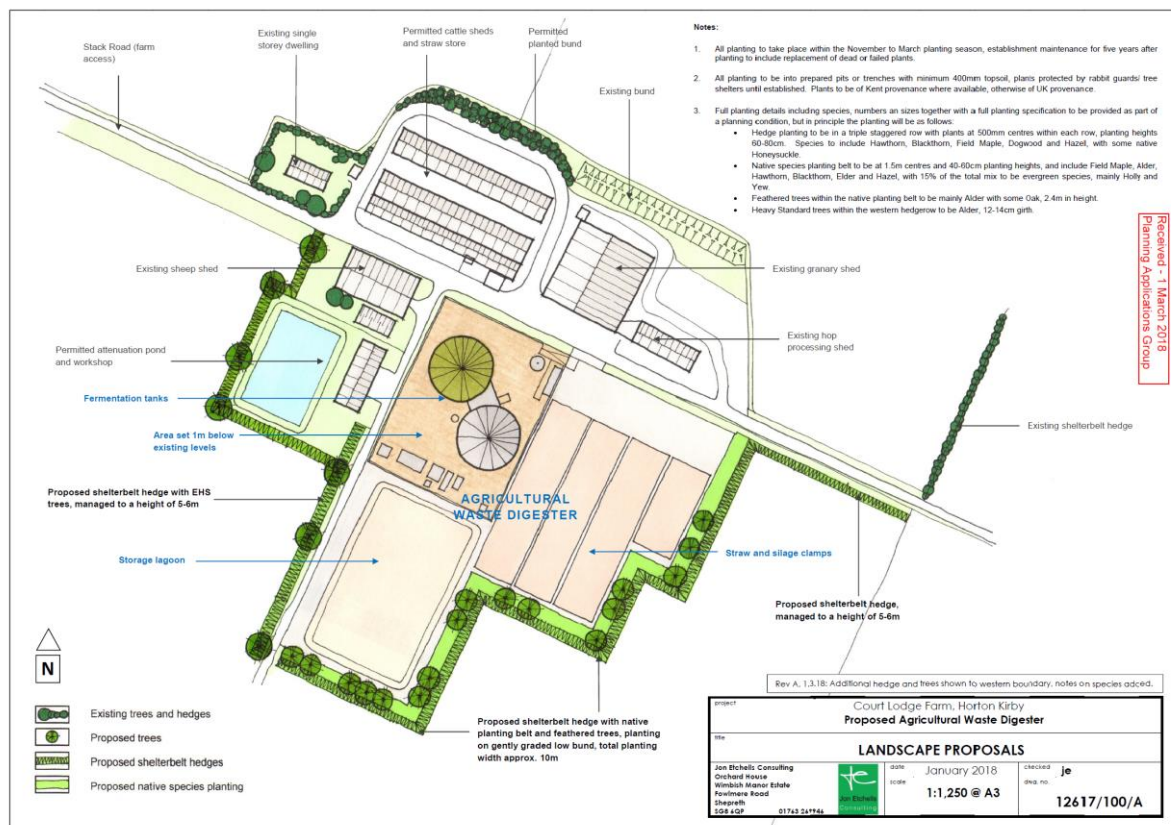
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in the vicinity. The application is therefore accompanied by a Landscape and Visual Assessment Report.

53. The site lies within the 'Horton Kirby Downs' local landscape character area, as identified in the Sevenoaks Countryside Assessment, and this area is stated to be in moderate condition, with a moderate degree of sensitivity. It lies within an area which is characterised by medium to large field sizes and urban infrastructure (including lines of pylons) and nearby urban areas visible to the north. The area immediately around the site is dominated by the large-scale farm buildings to its north and west and contains little visually significant vegetation. Permitted works are underway to remove some of the old barns and grain store and replace them with new buildings including cattle sheds and also (to the west of the proposed AWD) site) a new workshop building. The approved replacement cattle sheds will be long, relatively low buildings and will replace the group of existing buildings and grain stores in that part of the farm complex. They are to be screened by a new planted bund to their north. The layout of the AWD plant and the silage clamps has been designed to sit within the existing farm yard complex and measures have been taken to minimise the impact such as lowering the overall height of the digestate tanks by building within a concrete bund 1 metre below ground level. The excavated material would be used to form a gently graded bund around the AWD which is intended to provide some immediate screening, and which would also be planted. Some low-key night time security lighting would be required but is proposed to be designed to minimise light spill and glare, exact details of any lighting could be conditioned.
54. The report assesses the area of low to medium landscape quality as the local landscape is open and rural with some attractive features such as expansive views but is also denuded with few hedges or trees. The site has been assessed as having low sensitivity to development of the type proposed. The application is accompanied by a planting scheme to further assist in integrating the proposed development.
55. It is considered that the proposed development features would generally be seen as subsidiary to the existing farm buildings and the nature of the farm in views from the landscape around it would not change significantly. The views would still be of a group of building, some of them large scale and with a variety of shapes, forms and materials. It is also argued that there would be some longer-term landscape and visual benefits as a result of the proposed planting, which would also help screen and integrate the existing buildings. It is acknowledged that there may be some low level visual effects for the properties to the west, south west and north west of the site although the new AWD features would be a minor, incremental addition only to those views and any effect would be negligible. Some more distant properties and areas with public access also have views in the direction of the site, but at greater distances and any effects are considered to be low level and the new AWD feature would be difficult to pick out.
56. My landscape advisor considers the landscape mitigation to be broadly appropriate. A revised landscape planting plan has been secured which adds further hedge and tree planting to the west of the existing sheep shed and to the west and south west of the approved (but not yet built) attenuation pond and new workshop building. Some further species notes have also been added to the amended plan, but greater planting details are to be agreed and secured through an appropriate planning condition.

Item C2

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Traffic and Transport

57. The application is accompanied by a full Trip Generation and Distribution Technical Note which considers the impact of the proposed development on highway safety, capacity and the integrity of the local road network to facilitate the tractor and trailer movements. The traffic movements are complex as they cover the four farm units and include feedstocks to be brought to the AWD at Court Lodge Farm for processing and also the movement of the processed digestate fertiliser to the units where crop production occurs. This will be explained later in more detail but in general the note concludes there would be an overall increase of 11 trips per week over existing agricultural movements. It is also concluded that the site entrance is suitable for the intensification of the proposed development in function but also in terms of visibility and highway safety.
58. The key inputs into the digester will come from agricultural waste, namely manure, slurry, straw, maize and rye grass. The AWD plant is proposed to be located at Court Lodge Farm which will accommodate the beef and heifer cattle when the new cattle sheds are completed, with the majority of the cattle waste coming from here. In addition, rye grass, wheat straw, maize and other crops are grown here and at Gay Dawn Farm which is adjacent and to the east. The transport of these crops to the AWD

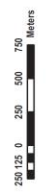
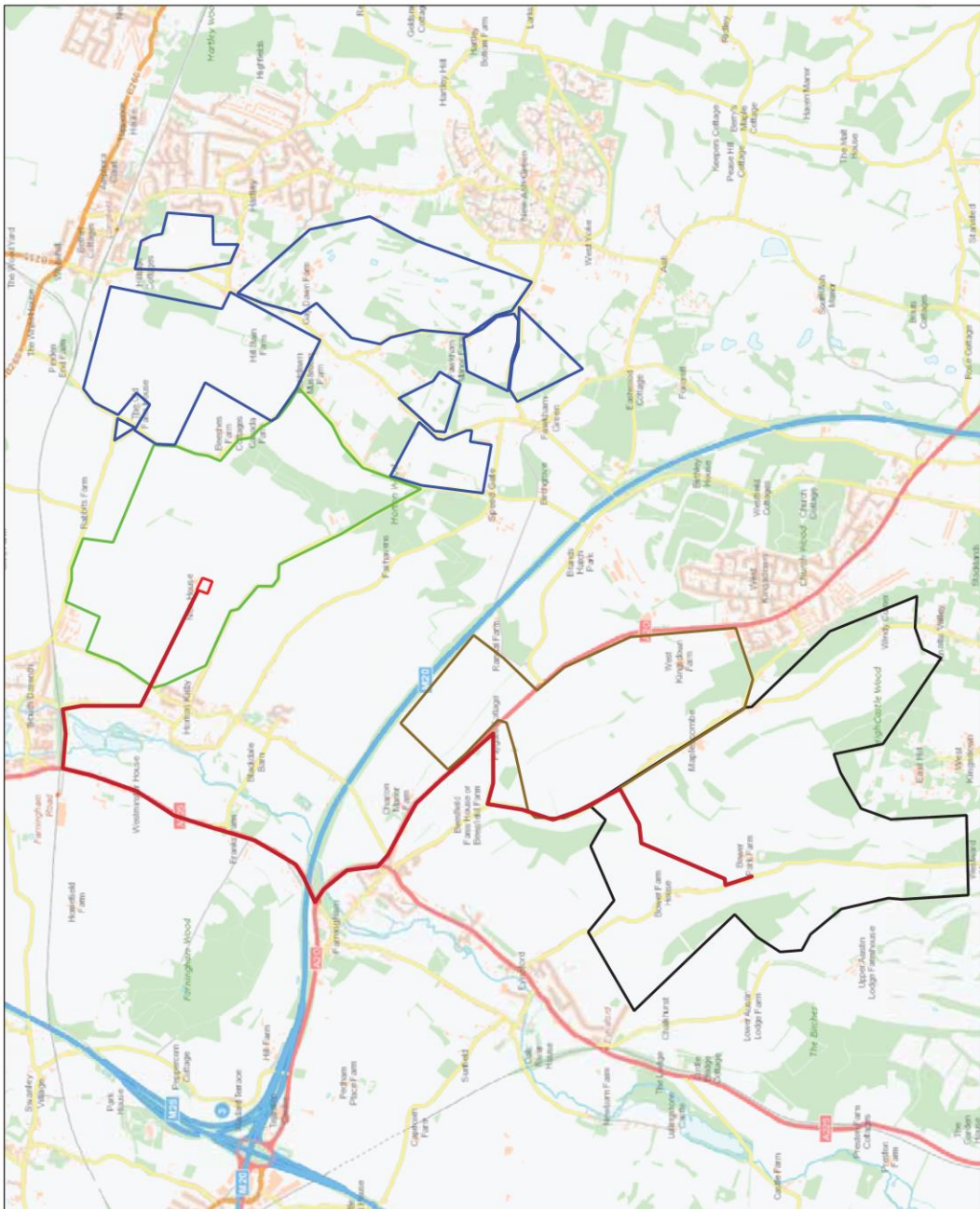
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would be almost entirely via internal farm tracks through its shared boundaries with Court Lodge Farm, minimising the on-road vehicle movements.

59. Some of the maize to be put through the AWD is grown at West Kingsdown Farm and would be transported to Court Lodge Farm. This would generate up to 200 farm vehicle movements per year. However, currently straw grown at Gay Dawn Farm is taken by road to storage facilities at West Kingsdown Farm. These movements (over 200 per year) would no longer take place as the straw would go into the AWD at Court Lodge Farm (via internal tracks) and the storage facilities at West Kingsdown would become obsolete. So, in practice the proposed traffic movements associated with the transport of the Maize from West Kingsdown to Court Lodge Farm would be offset against those current movements that would no longer be necessary from Gay Dawn Farm to West Kingsdown.
60. Slurry from the Dairy Cattle at Bower Park Farm would be transported to Court Lodge Farm by tractor and trailer using sealed slurry tankers (commonly used agricultural vehicles). It is anticipated that these movements would generate 550 journeys per year, equivalent to 11 journeys per week, or 1.5 vehicle trips per day. A dedicated route has been identified for the slurry proposed movements to avoid Horton Kirby village as much as possible, with each road having been audited to ensure its suitability.
61. The movement of Glycerol, an additive for optimising the carbon:nitrogen balance within the digesters would result in 50 vehicle trips per year. However, these trips would be offset by the decrease in road movements associated with the current HGV movements associated with the fertiliser currently delivered to the estate.

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- Legend**
- Proposed Slurry Route to Court Lodge Farm
 - Proposed Agricultural Waste Digester
 - West Kingsdown Farm
 - Bower Park Farm
 - Gay Dawn Farm
 - Court Lodge Farm



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TITLE
Slurry Routing Plan

CLIENT
Billings Group

PROJECT
Anaerobic Digester at Court Lodge Farm

SCALE AT A3 **DATE** **JOB NO.**
1:30,000 January 2018 12617



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62. Once digested the majority of the digestate fertiliser would be utilised on Gay Dawn Farm and Court Lodge Farm itself where significant crop production occurs and would be transported on internal farm tracks. On the occasions when fertiliser was required at West Kingsdown this would be undertaken as return journeys on those tractor and trailer movements bringing slurry to the AWD from Bower Park, thereby ensuring no additional road movements. Similarly, the solid fraction of the digestate would be spread at West Kingsdown and transported as return loads on the vehicles taking the maize to Court Lodge Farm.
63. The overall proposed trip generation would result in an intensification equating to 1.5 vehicle movements per day on average. The access and proposed route for the slurry trailers is considered suitable for the additional traffic. Furthermore, the Applicant has agreed so as to minimise any conflict with other traffic in the vicinity to avoid peak travel times of 07.00 – 09.30 and 15.00 – 18.00 hours. The Highways Officer considers the transport assessment to be valid and is satisfied that there are no grounds to object on highway safety or congestion grounds. He has also commented that there would be little benefit from undertaking a further highway survey (as requested by the Parish Council) beyond that which has already been carried out by the transport consultants of the application given the numbers of traffic generated by the development are so low.

Noise, Air Quality and Odour

64. Noise – The application states that the AWD is not a significant noise generating installation because of the reliance on micro-organisms in sealed containers to decompose the feedstock. Only a small generator would be required on site as part of the AWD, but this would be housed inside an insulated plant room and would not cause a significant noise nuisance. Furthermore, the change in traffic flows on the local network is considered sufficiently low for there to be less than a 3dB(A) increase in noise level, the level at which a change would just be perceptible. My noise advisor acknowledges that the site is remote from any substantial residential development, the nearest dwellings being over 500 metres away, with just one property close by already used by the farm manager. He is satisfied that there would be minimal noise impact and that no adverse noise impact would occur at any noise sensitive receptors including the farm managers property.
65. Air Quality – Consideration is given in the application to the potential impacts upon air quality from the associated traffic and also from the proposed operations themselves. Construction traffic could be via the M20 which is within a NOx Air Quality Management Area (AQMA). However, the construction project is considered relatively small and unlikely to result in sufficient an increase in HGV movements to initiate the requirement for an air quality assessment. Whilst construction activities would include excavations and other dust generating activities there is unlikely to be any significant impact as a result due to the distance to residential receptors and there being no ecological receptors within 50 metres. The increase of operational traffic by an average of 11 per week is not considered likely to produce significant impacts on air quality.
66. A portion of the gas produced by the AWD would be combusted on site to generate electricity for Court Lodge Farm. However, the volume of nitrogen dioxide emissions produced would be almost entirely offset by replacing the existing practice of importing

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gas cylinders onto the site for the same purpose. It is also argued that combustion of industrial quantities of gas would be required to result in significant nitrogen deposition on the land. Furthermore, any emissions to air would be safeguarded by the Environment Agency as part of the environment permit considerations.

67. Odour – The application states that digestate produced by the AWD is low in odour and would replace the need to spread raw cattle slurry as it is a superior fertiliser. As a result, there would be less need to store manures in open areas around the crop fields thereby reducing odour. Transportation of the slurry would also occur via sealed slurry tankers reducing potential odours on the road network. The fermentation process itself is anaerobic and occurs within an airtight structure. This means that there would be no odour from the digestion of the organic matter released to the atmosphere. The digestate and solids are themselves odourless. Furthermore, the AWD would negate the need for the storage of raw slurry in open pits and for the spreading of raw slurry and farmyard manures. The production of the by-product biogas is entirely contained with any excess gas contained via pipeline to a connection with the national grid. Given the distance to the sensitive receptors there is unlikely to be evidence of any risk to amenity from odour emissions resulting from the proposals.

Water Environment

68. The NPPF requires regard to be had to climate change and impacts such as increasing flood risk. Policy DM 10 of the Kent Minerals and Waste Local Plan specifically seeks to protect the water environment from any potential impacts a development may have. The application is accompanied by a Flood Risk Assessment and outline drainage strategy which was carried out in accordance with the NPPF in that the proposed development exceeds 1 hectare in size and is located in Flood Zone 1. As such the site is at low risk of flooding from rivers and seas. The agricultural land and buildings are classified as less vulnerable and it is concluded that such uses are appropriate and an exception test is not required. The assessment considers all potential sources of flood risk and categorises them as low.
69. All surface water run-off from the AWD are and associated hardstanding is proposed to be collected via a network of gravity fed sewers before discharging into the attenuation pond. Water from the pond would be extracted for use as drinking water for the cattle, washing down the cattle sheds and to water the crops during the growing season. The capacity of the attention pond has been designed specifically based upon careful calculations relating to total run-off (supply) and the demand for water over both an annual and monthly basis and includes an allowance for climate change. Currently surface water discharges un-attenuated in to the fields surrounding the farm yard. In principle the sustainable drainage team are satisfied with the proposals but request that the final details of the attenuation pond be submitted for approval to ensure that the proposed development does not exacerbate the risk of on/off site flooding. An appropriate condition would secure this. It is proposed that foul water would be collected via a network of foul sewers that would discharge via a storage tank into the proposed AWD as required. This would include foul water from the cattle sheds and also the silage clamps and associated hardstanding forecourt.

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70. The proposed development site is also within a Source Protection Zone 2 and is located upon a Principal aquifer and in a nitrate vulnerable zone. The application proposes that the fermenter tanks and lagoon which would store the liquid digestate would be located within a sealed bund so that there were no permeable pathways to the groundwater. However, at the request of the Environment Agency (EA) the Applicant produced a further Groundwater Risk Assessment Report. The report considers the hydrogeological setting of the proposed AWD, a conceptual model and assessment of all risks of all components of the proposed operations. It is concluded that the application of appropriate design, construction and operational measures required to comply with legislation and best practice guidance would be adequate to ensure that the risks of spillage of potentially polluting substances to groundwater are very low. This would be regulated through the appropriate Environmental Permit and the implementation of an Environmental Management Plan, required and regulated under the Permit.
71. Based upon this additional assessment and its assumptions about the required infrastructure specifications and permitting controls the EA have no objection the planning application. They have offered extensive advice to the Applicant through informatives in their consultation response as to more detailed information they would require as part of the Environmental Permitting Regulations.

Ecology

72. The proposed AWD plant comprises part of an arable field with small areas of semi-improved grassland. The construction of the below ground gas pipeline would for most of its route be located within the existing farm track, including a section through an area of ancient woodland and through arable fields where required. A full extended Phase 1 walkover survey was undertaken which provides information relating to the habitats within and around the site and identifies potential for, and if apparent, evidence of use by protected species. The report proposes appropriate mitigation where necessary which primarily relates to breeding birds, although it also advises any trenches that may be required are not left open so as to avoid trapping animals. It concludes that with appropriate fencing to protect the ancient woodland ground flora that there would be no direct impacts on the ancient woodland.
73. Natural England has concluded that the proposed development would have no impact on the features for which the nearest SSSI's have been notified and therefore have no objection to the proposals. It should be noted these are over 2km distant. My ecologist has considered protected species impacts and is satisfied with the conclusions of the ecological report and recommends that any precautionary mitigation measures be incorporated into a construction environmental management plan (CEMP), this could be required by condition. As there is habitat for breeding birds on site it is advised that an informative relating to the terms of the Wildlife and Countryside Act 1981 and timing of the construction is attached to any permission.

Other Issues

74. Agricultural land – Policy DM1 of the Kent Minerals and Waste Local Plan requires proposals for waste development to demonstrate that they have been designed to

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minimise the loss of Best and Most Versatile Agricultural Land (BMV). BMV is graded 1 to 3a and the proposal would result in the loss of approximately 1.9ha of grade 2 BMV. Given the scale of BMV generally in Kent, the remaining agricultural land area in the estate and the size of the site it is not considered significant beyond site level.

75. Whilst this small parcel of land would be lost to growing crops the development as a whole would facilitate the greater use of break crops across the estate. This offers a number of benefits; it improves soil fertility as well as reducing the impact of weeds, insect pests and disease naturally, and thus reduces the reliance on chemical based fungicides, herbicides and fertilisers.
76. Heritage – There are no listed buildings within an 800m radius of the site and given the proposed location adjacent to the existing farm yard there is not likely to be adverse effects upon the setting of any listed building. There are no Scheduled Ancient Monuments or World Heritage Sites within a 1 km study area, however I am advised by the County Archaeologist that the application site lies in an area of potential associated with prehistoric and later activity. There are several cropmarks, some of which could be Bronze Age ring ditches or burial sites. It is therefore recommended that a pre-commencement condition requiring field evaluation and further archaeological investigation, recording and reporting is placed on planning permission granted.
77. Public Right of Way – The proposed pipeline carrying the excess gas to the national grid for the most part follows an agricultural track to the east of the farmyard complex into an arable field at the far edge of Horton Wood. As it passes through the ancient woodland it crosses a public right of way (PROW) which traverses through the woodland. It is acknowledged that it would be necessary to seek permission for a temporary closure of the footpath and it is anticipated this would be for no more than 48 hours. It is not considered therefore that there would be any long-term effects upon the PROW. The PROW officer has no objection to the proposals.
78. Other amenity issues – Some other quite specific concerns from local residents, not covered above, have been made such as fly tipping, flies, toxic spills and explosions. Some of these concerns are issues outside of the control of the Applicant but a condition requiring a site management plan as suggested by the CPRE would ensure measures are in place to ensure good housekeeping in the transfer of the raw materials to the digester and in the export of the digestate so as to avoid any spills. The environmental permit would further deal specifically with pollution prevention and the necessary site inspections.

Conclusion

79. The application identifies that the proposed AWD would enable Oncoland Ltd to create an almost completely self-sufficient closed farming loop providing an estate wide solution to the current agricultural waste by-product liability of the farm and producing a high quality organic fertiliser. As well as replacing the need to import fertiliser and reducing the carbon footprint, it would also allow a number of other environmental benefits including the production of renewable biomethane which would be used on-site with any excess exported to the national grid for energy production elsewhere. The use of break crops in the AWD would also benefit the quality of the soils and reduce the

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impact of weeds, pests and diseases, further reducing the reliance on chemical treatments. In meeting the needs of the farming estate, the proposed development represents sustainable development in accordance with the NPPF.

80. A case is made for the agricultural development being appropriate in the Green Belt and the AWD has been designed to minimise landscape impacts. The use of internal agricultural tracks and return trips for slurry vehicles would minimise traffic movements associated with bringing the raw materials to the AWD and delivering the high-quality odour-less fertiliser to fields where it is needed. The vehicles associated with importing the glycerol would be off-set by no longer needing to import fertiliser to the estate. The net result is a small increase in additional traffic of 11 trips per week.
81. Amenity and biodiversity impacts upon the site and surrounding areas from the AWD are considered to be minimal and with appropriate mitigation there are no objections from consultees. Additional information has been provided in relation to the potential risks to groundwater sufficient to satisfy the Environment Agency. The proposed AWD would be subject to further pollution control considerations through the permitting regime administered by the Environment Agency.
82. It is not considered there would be any cumulative or combined impacts associated with other developments.
83. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour sustainable development therefore applies. It is concluded that the proposals comply with the adopted KMWLP 2016 and the relevant policies of the Sevenoaks District Council's Core Strategy 2011 and Sevenoaks Allocations and Development Management Plan 2015 and the Sevenoaks District Council Development in the Green Belt SPD 2015.
84. I recommend that planning permission should be granted for these proposals.

Recommendation

85. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
 - Time Limit of 3 years for commencement of development.
 - No vehicle shall visit the site between the hours of 07.00-09.30 and 15.00-18.00.
 - Only waste arisings from the farm estate (plus glycerol) as set out in the application shall go through the AWD plant and no other waste shall be imported to the facility.
 - The vehicles bringing materials for processing to the AWD and those taking the digestate for application to the fields shall follow the routes detailed in the Trip Generation and Distribution Technical Note.
 - No development shall take place until the submission and subsequent approval of a Construction and Environmental Management Plan detailing the methods of construction and proposed mitigation so as to minimise impacts upon any protected species and their habitats and the ancient woodland.
 - Prior to commencement a scheme of archaeological field evaluation be secured and implemented as set out in paragraph 28.

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- Prior to its construction detailed plans of the construction and design capacity of the attenuation pond shall be submitted for approval.
- Prior to construction details of materials and finishes of all buildings be submitted for approval.
- A site management plan shall be submitted for approval (including arrangements for management of the transfer of material to and from the AWD and measures to address any spill issue that may arise).
- A detailed landscaping plan shall be submitted for approval.
- Landscaping to be maintained for five years and replacement of any failures of planting within that period.
- Full details of any proposed lighting be submitted for approval.

86. I further recommend an informative relating to the protection of breeding birds.

Case Officer: Andrea Hopkins

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Background Documents: see section heading
