
F/YR24/0661/F

**Applicant: Mr Joe Halstead
AgriGrub**

Agent :

Pecks Barn, Cross Drove, Tydd St Giles, Wisbech Cambridgeshire PE13 5NX

**Installation of 1x biomass burner including siting of 1x storage container
(retrospective)**

Officer recommendation: GRANT

Reason for Committee: Responses contrary to officer recommendation.

Government Planning Guarantee

Statutory Target Date For Determination: 18th December 2024

EOT in Place: Yes

EOT Expiry: 18 December 2024

Application Fee: £578

Risk Statement:

This application must be determined by 18/12/24 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the installation of 1x biomass burner including siting of 1x storage container and the laying of a concrete pad (retrospective).
- 1.2 Policy LP3 of the Fenland Local Plan 2014 sets out the spatial strategy and settlement hierarchy for the district. The site is located in an elsewhere location as set out the settlement hierarchy. The policy states that development in an elsewhere location, will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents (LDDs). The proposals are considered necessary to the business as they contribute to the energy production the business needs to function. The principle of the proposal for a biomass boiler, container and concrete pad on the site of an existing agricultural business in an elsewhere location is considered acceptable in terms of policy LP3 and LP6 of the Fenland Local Plan 2014.
- 1.3 The proposal is acceptable under Policy LP16 (d) of the Fenland Local Plan 2014 as it is not considered to harm visual amenity owing to its small scale in association with an existing Agricultural business and its location more than 200m away from the road. The character of the rural location is not considered to be harmed owing to its use to aid the running of an agricultural business in a rural

location.

1.4 The proposal is considered acceptable under policy LP16 (e) of the Fenland Local Plan 2014 as it is not considered to harm residential amenity in terms of significant increased noise, light pollution, loss of privacy or loss of light owing to the more than 200m distance between the proposed development and neighbouring dwellings.

1.5 Representations indicated that there had been communication with FDC Environmental Health Officers with regards emissions, smoke and smell from the Biomass boiler. The Environmental Health Officer has confirmed that over numerous monitoring visits levels witnessed, it would not breach the relevant provisions of either the Clean Air Act 1993 (dark smoke) or the Environmental Protection Act 1990 (nuisance from smoke and odours).’ Notwithstanding, a maintenance and management plan has been submitted and can be referred to in via planning condition(s) to ensure compliance with the mitigation measures set out therein.

1.6 As such the recommendation is to grant the planning permission

2 SITE DESCRIPTION

2.1 The site is an established working agricultural yard situated within the open countryside along Cross Drove located more than 2 kilometres to the northwest of Gorefield. The buildings associated with the business are set back in the more than 200m from the road. There is a large existing agricultural barn on site, with a biomass boiler outside and a storage container. The nearest residential dwellings are more than 200m to the northeast of the site.

2.2 The site is located in Flood Zone 3 (High Risk).

3 PROPOSAL

3.1 The application seeks full planning permission for the Installation of 1x biomass burner including siting of 1x storage container (retrospective). The proposal includes the laying of a concrete pad to the front of the agricultural building.

3.2 Storage container would measure approximately:

- 6.1m length
- 2.4m width
- 2.6m height

3.3 The Concrete pad would measure approximately:

- 6m by 19m

3.4 The Biomass boiler would measure approximately:

- Boiler/container - 2m height
- Boiler/container - 1.5m width
- Boiler/container - 2.2m length
- Chimney – 3m height above container/boiler

3.5 The application is supported by a ‘Biomass Boiler Information Request Form’ which sets out that the boiler is fed whole logs which provides heat and power.

The form also sets out how the boiler is managed, maintained and the measures in place to mitigate impacts from emissions.

3.6 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR23/1042/AG1	Erect polytunnels as extensions to existing building	Further information required	02 Jan 2024
F/YR21/0879/AG1	Erection of an agricultural storage building	Further information not required	19 Aug 2021
F/YR19/0399/AG1	Erection of an agricultural storage building	Further information not required	28 May 2019
F/YR00/0218/AG1	Erection of a grain store	Further Details Not Required	12 Apr 2000

5 CONSULTATIONS

5.1 Tydd St Giles Parish Council

The Parish Council considered this application at the recent meeting. Members noted that there have been ongoing concerns regarding emissions from the biomass boiler for more than a year and several members of the Council have visited the site to witness the problem. The use of the boiler to dispose of general waste from the site spreads thick smoke towards the adjoining residential properties.

Members agreed that further investigation should be carried out into the use of the boiler and its impact on the surrounding area and resolved to object to this application until the appropriate information is made available.

5.2 Environment Agency 28 August 24

No Flood Risk Assessment - object

5.3 Environment Agency 30 October 2024

We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further detail below.

Flood Risk

This site is located within flood zone 3, which benefits from flood defences. Although the Flood Risk Assessment has not assessed the residual risk, should a breach occur we have no concern this development would be at risk. We have checked the hazard mapping for the area and are satisfied that the development

site is located in an area of low flood risk. As such, we are satisfied with the flood risk assessment submitted.

Environmental Permit

Under the terms of the MCPD it is likely that a permit will be required before the plant can operate. The applicant is advised to contact us for further information and/or to apply for a permit by contacting our National Customer Contact Centre by email (enquiries@environment-agency.gov.uk) or by telephone (03708 506 506).

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website.

5.4 North Level Internal Drainage Board

Please note that North Level District Internal Drainage Board have no objections to the above planning.

5.5 Cambridgeshire County Council Highways Authority

On behalf of the Local Highway Authority, I raise no objections to the proposals.

Comments

The existing access and parking arrangements are to be retained as part of the development proposal.

Unless the LPA advises that the proposals result in a significant increase in vehicle trips, the nature or scale of the site, then there should be no significant adverse effect upon the public highway unless the Highway Authority is advised otherwise.

5.6 Environment & Health Services (FDC) (06/09/24)

Having reviewed the Biomass boiler information request form. I have no objection to the above application.

5.7 Environment & Health Services (FDC) (13/09/24)

Environmental health officers have carried out monitoring for smoke and odours from the biomass boiler, and from more general operations at Agrigrub, on a number of occasions, and have not witnessed sustained or unreasonable levels of nuisance from either source at neighbouring properties.

Local Residents/Interested Parties

5.8 Objectors

Six Residents have objected to the application. All objectors reside along Cross Drove. Objections regarding:

- Biomass boiler – Smells
- Biomass boiler - Smoke
- Biomass boiler - Emissions
- Biomass boiler - Timings of use
- Vehicle movements - Timings of use
- Biomass boiler - Fire Risk in agricultural field
- Site mess
- Unable to use private amenity space
- Health impacts
- Ecology impact

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

- Chapter 2 - Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (NPPG)

- Determining a Planning Application

7.3 National Design Guide 2021

- Context
- Identity
- Built Form
- Movement
- Nature
- Uses

7.4 Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP6 – Employment, Tourism, Community Facilities and Retail
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

7.5 Delivering and Protecting High Quality Environments in Fenland SPD 2014

- DM2 – Natural Features and Landscaping Schemes
- DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
- DM4 – Waste and Recycling Facilities
- DM6 – Mitigating Against Harmful Effects

7.6 Cambridgeshire Flood and Water SPD 2016

7.7 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP3: Spatial Strategy for Employment Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP15: Employment
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP32: Flood and Water Management
- LP34: Air Quality

8 KEY ISSUES

- **Principle of Development**
- **Visual Amenity/Character**
- **Residential Amenity**
- **Flood Risk**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1 Representations indicated that there had been communication with FDC Environmental Health Officers. Further clarification was therefore sought from FDC Environmental Health regarding comments about the Biomass boiler (emissions, smoke, smell). The Environmental Health Officer supplied photos that had been submitted to them for planning officers to look at. Environmental Health confirmed: *'Please note, this evidence is in the context of numerous monitoring visits where smoke and odour from Agrigrub have occasionally been witnessed but not at levels that would breach the relevant provisions of either the Clean Air Act 1993 (dark smoke) or the Environmental Protection Act 1990 (nuisance from smoke and odours).'*

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan 2014 sets out the spatial strategy and settlement hierarchy for the district. The policy states that the majority of growth including job growth in the district should be focused in and around the four market towns. The site is located approximately 2km northwest of Gorefield which would be considered an Elsewhere location in the settlement hierarchy. Policy LP3 states that development in an elsewhere location, will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents (LDDs).

- 10.2 Policy LP6 of the Fenland Local Plan aims to secure job growth within the district whilst retaining and maintaining high quality premises and safeguarding the retail function of market towns.
- 10.3 The submitted Design and Access Statement states that the container and biomass boiler are needed for the running of the agricultural business. The biomass boiler is required to provide a sustainable heat source for growing insects for livestock feed. The container is required to store materials for burning so that they don't get wet.
- 10.4 Therefore, the proposal is for development as part of an existing business operation, employing seven full time employees in the countryside (Elsewhere Location). The business is considered part of an agricultural process; producing protein for feed for livestock demonstrably essential to the effective operation of local agriculture. The principle of the development is therefore acceptable subject to policy considerations considered below.

Visual Amenity/Character

- 10.5 Policy LP16 (d) of the Fenland Local Plan 2014 supports development subject to criteria it states that the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.6 The site is located in an elsewhere location (as set out above) and surrounded by agricultural fields and agricultural buildings. The main building on site is a large agricultural building permitted under application F/YR00/0218/AG1. The proposed biomass boiler, container and concrete slab are positioned no more than 11m away from the main agricultural building to the east and southeast. The biomass boiler is located between the container and the main building. The site is set back from the main road along Cross Drove more than 200m. Therefore, there would be limited view of the container or biomass boiler from the road. The proposed development is considered small in scale when set against the large agricultural building and would appear as part of the agricultural business complex.
- 10.7 Owing to the above the proposed development is not considered to harm the character of the rural location or the street scene and would therefore be considered acceptable under policy LP16 (d) of the Fenland Local Plan 2014.

Residential Amenity

- 10.8 LP16(e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. LP16(l) states that development proposals should identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.
- 10.9 The closest neighbours are located to the northeast of the site more than 200m away from the proposed development. The submitted documents show no external lighting therefore no harm in terms of light pollution is anticipated. Owing to the distance between the proposed development and the closest residential properties no harm in terms of loss of privacy or loss of light is anticipated. The application is retrospective and no mention of harm in terms of noise has been

indicated. Upon planning officer site visit there was not any increased noise evident.

10.10 Concerns have been raised by local residents in respect of emissions from the biomass boiler. As stated by the Environmental Health Officer they have not witnessed any sustained or unreasonable levels of nuisance from either source at neighbouring properties. However, statutory nuisance is not intended to secure a high level of amenity per se, but instead it is a basic safeguarding standard intended to deal with excessive emissions. Furthermore, significant loss of amenity can often occur at lower levels of emission than constitute statutory nuisance. In such a context it is therefore important to consider loss of amenity in its wider setting and not just from the narrow perspective of statutory nuisance. In terms of residential amenity, the applicant has submitted a 'Biomass boiler request form' as required by Environmental Health. The form sets out the nature of the operations (burning of logs to provide power) and the mitigation and management measures the existing business has in place on site to prevent harm to neighbouring amenity, including:

- Inspection/maintenance regime - daily, weekly and 6 monthly
- Annual service and inspection
- What fuel can be used and how this complies with standards
- Fuel moisture content and testing
- Daily monitoring of wind direction and smoke production
- Maintaining a complaint system

10.11 The measures are considered to provide best practicable means of minimising adverse amenity impacts from day-to-day operation of the boiler. The Council's Environmental Health teams has reviewed the document and liaised with the planning team, setting out that subject to condition(s) securing compliance with these measures, they have no objection, raising no concerns over any the potential for any severe amenity impacts.

10.12 Therefore, subject to a condition requiring the aforementioned steps as set out in the management and maintenance plan to be complied with, any potential issues of severe harm to neighbouring amenity from emissions from the biomass boiler are considered sufficiently mitigated against, in compliance with policy LP16(I) of the Fenland Local Plan, 2014. Furthermore, the development is not anticipated to result in any unacceptable harm in respect of noise, light pollution, loss of privacy or loss of light and therefore the proposal is considered acceptable under policy LP16 (e) and (I) of the Fenland Local Plan 2014.

Flood Risk

10.13 Policy LP14 of the Fenland Local Plan 2014 all development proposals should adopt a sequential approach to flood risk from all forms of flooding. In addition to the requirements of the NPPF and associated technical guide, all applications for relevant developments must include a drainage strategy.

10.14 The site is located in Flood Zone 3 (High Risk). The proposed development is associated with an agricultural business is considered a less vulnerable use as set out in the Cambridgeshire Flood and Water SPD. The business is existing on site and therefore there can be no sequentially preferable location for it to be located. Therefore, the sequential test is considered passed.

10.15 The IDB and the Environment Agency were consulted as part of the application, and they have no outstanding objection to the proposals. However, the

Environment Agency state that an Environmental Permit must be obtained from them. As the application is retrospective this will be conditioned to be applied for within 3 months of the determination of the application.

- 10.16 Owing to the above the proposal is considered acceptable under policy LP14 of the Fenland Local Plan 2014.

Biodiversity Net Gain (BNG)

- 10.17 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.18 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application is retrospective.

11 CONCLUSIONS

- 11.1 The principle of the proposal for a biomass boiler, container and concrete pad on the site of an existing agricultural business in an elsewhere location is considered acceptable in terms of policy LP3 and LP6 of the Fenland Local Plan 2014.
- 11.2 The proposal is considered acceptable under Policies LP12 and LP16 (d) of the Fenland Local Plan 2014 as it is not considered to harm visual amenity owing to its small scale in association with an existing agricultural business, located more than 200m away from the road. It also not considered to harm the character of the rural location owing to its existing agricultural function.
- 11.3 The proposal is considered acceptable under policy LP16 (e) and (l) of the Fenland Local Plan 2014 as it is not considered to harm residential amenity in terms of significant increased noise, light pollution, loss of privacy or loss of light owing to the more than 200m distance between the proposed development and neighbouring dwellings. Any potential harm to neighbouring amenity in terms of emissions from the biomass boiler is considered appropriately mitigated and managed against subject to a condition requiring compliance with the submitted 'Biomass boiler request form'.

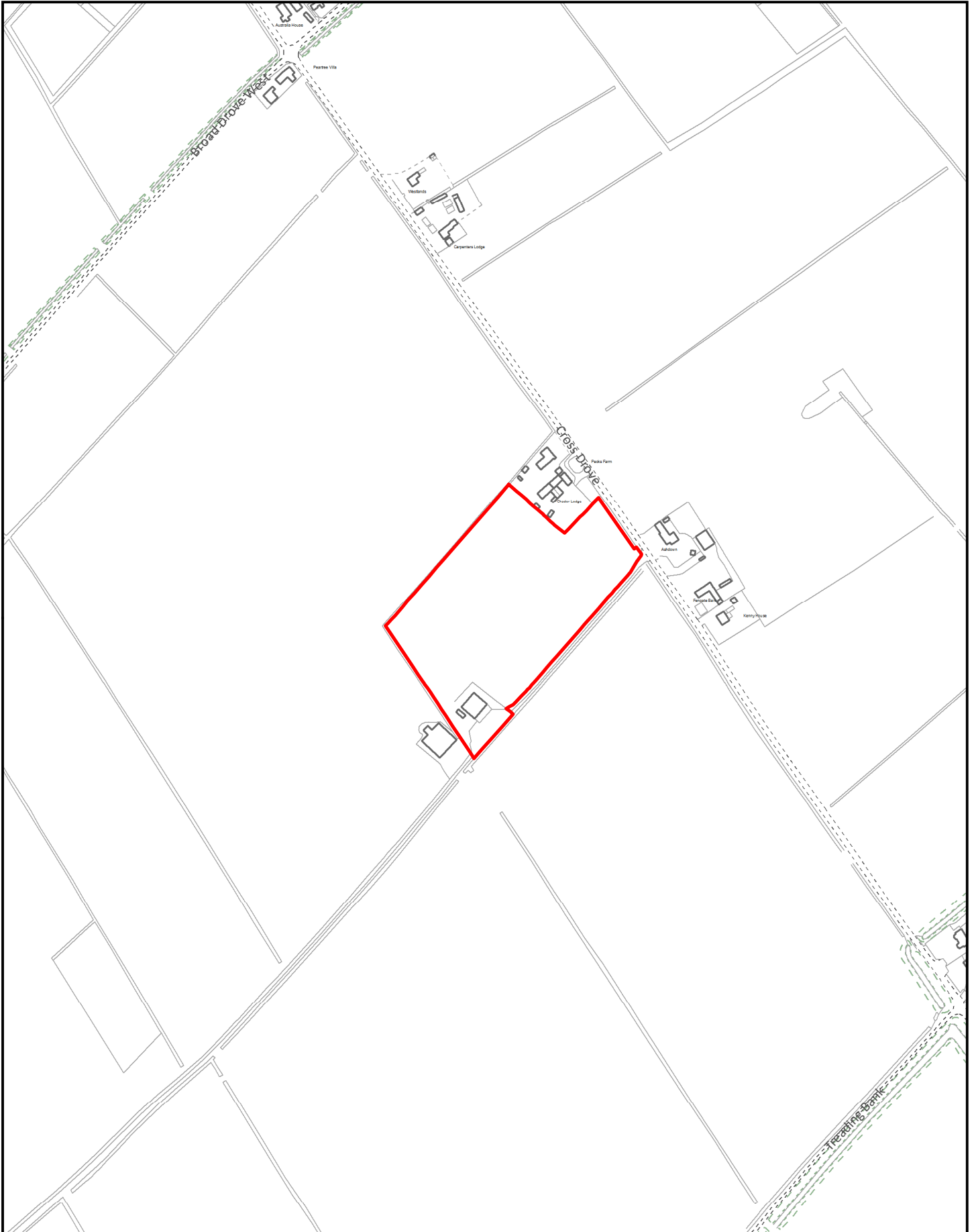
12 RECOMMENDATION

- 12.1 GRANT, subject to the following conditions

Proposed Conditions:

1	<p><i>Mitigation and management</i></p> <p>The biomass boiler shall be operated in strict accordance with the mitigation and management measures as set out in sections h, m, t, u, w and x, of the 'Biomass boiler request form' which cover the following points:</p> <ul style="list-style-type: none">• Daily de-ash of the boiler as set out at section (l)• Weekly cleaning of the boiler, chimney box and flue as set out at
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	<p>section (i)</p> <ul style="list-style-type: none"> • Scheduled inspections as set out at section (m) • All fuel used in the biomass boiler must comply with CEN/TS 335 standard. • Fuel must have a moisture content of <15% and be regularly tested for moisture content before use. • Daily monitoring of wind direction and smoke production. • A complaint system must be maintained including a dedicated email address for residents to report smoke and odour issues. • Maintain appropriate records of the above maintenance and management and ensure they are available for inspection on request by the Local Planning Authority. <p>Reason: In order to protect and manage residential amenity in accordance with policies LP2 and LP16 of the Fenland Local Plan, 2014.</p>
2	<p><i>Approved plans</i></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents</p>



Created on: 21/08/2024

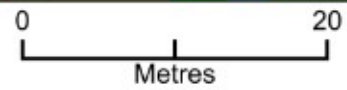
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Site Plan for PP-13173094



Plan Produced for: Joe Halstead

Date Produced: 24 Jun 2024

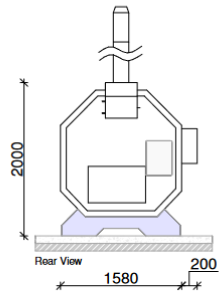
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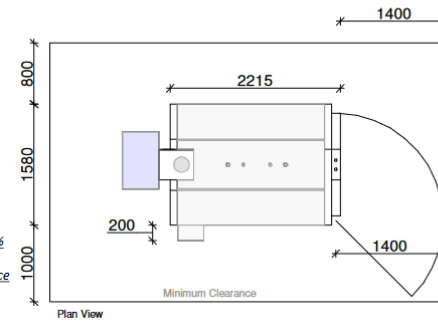
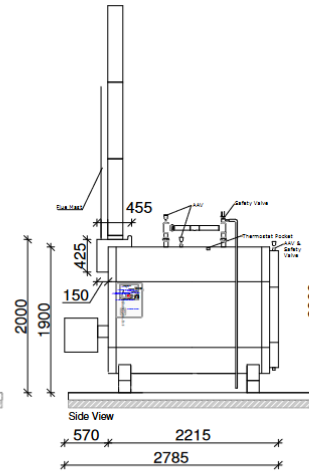
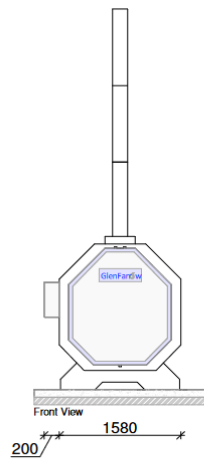
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GF210 Rear Elevation



Note:
- Dimensions are in millimeters.
- Dimensions of the boilers and container might vary $\pm 5\%$



Note:
- Dimensions are in millimeters.
- Dimensions of the boilers and container might vary $\pm 5\%$
- These are the minimum clearance distances required.
Leaving additional space would provide yourself and service engineers increased access to work around the boiler.

Scale 1:100 at A4

