PROPOSED ANAEROBIC DIGESTION PLANT TO REPLACE BIO-DIESEL PLANT IN ENERGY RESOURCE CENTRE, AND HEIGHTENED CHIMNEY (39M) FOR ELECTRICITY GENERATING ENGINES

LAND ADJOINING FACTORY OFF FELTHOUSE LANE, CHEDDLETON

PLANNING STATEMENT

FOR

JOHN POINTON AND SONS LIMITED

OUR REF: 09/2796/C/W

APRIL 2010

the GRAHAM BOLTON PLANNING partnership limited

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Prepared By:		G J Bolton Director
Checked By:		Fiona Child

CONTENTS

APPENDICES

A Overall ERC/CRF proposals and AD Plant location plan – Ref 2003-1192-40

B John Pointon and Sons Ltd Liaison Group Committee Minutes 22 January, 2010

1. INTRODUCTION

1.1 This Planning Statement is in support of an application by John Pointon and Sons to develop an Anaerobic Digestion Plant together with associated facilities and a heightened chimney (39m) for the electricity generating engines previously approved as part of the Energy Resource Centre (ERC) and Community Recreational Facility (CRF) proposal under planning application ref: 08/01715/FUL; this is for a site within the ownership of the Company to the east of and adjoining the existing factory site off Felthouse Lane, Cheddleton. The details of the proposals are given in the section entitled "Planning Proposals".

1.2 In January 2009 the Planning Applications Committee of Staffordshire Moorlands District Council was minded to approve a scheme for an Energy Resource Centre and Community Recreational Facility subject to reference to the Government Office for the West Midlands and completion of a Section 106 Agreement. The Government Office had no comment and has left the application to be determined by the Council but the notice of planning permission has not yet been issued because of the non-completion of the Section 106 Agreement. The non-completion of the Section 106 Agreement does not relate to issues of principle but other matters which are now resolved.

1.3 The proposal which is the subject of this planning application for an anaerobic digestion plant and a heightening of the previously "approved" chimney is wholly within the context of the previously submitted scheme and the implementation of that scheme, which also includes community recreational facilities, a revised access on to Cheadle Road and the closure of the present westerly end of Felthouse Lane and its access with that main road. The proposed AD plant is in substitution for the bio-diesel plant element of the ERC as explained later.

1.4 Also accompanying this planning application is a full Environmental Statement (ES) as the proposed Anaerobic Digestion plant constitutes an EIA development, as detailed in the Introduction to the ES; a Non-Technical Summary to the ES is also submitted. The ES and Planning Application are accompanied by the following reports:

- Addendum to previously submitted Transport Statement
- Landscape and Visual Impact Appraisal – updating and re-consideration
- Addendum to previously submitted Noise Assessment
- Air Quality Impact Assessment including Odour Assessment

1.5 The planning application identifies the site edged red which is the subject of this planning application, together with extensive areas edged blue which is land within the ownership of the Company, with the exception of a small area of land adjoining Felthouse Lane and the lane itself which are owned by Directors of the Company.

1.6 As part of the preparation for this planning application, there have been discussions with officers of Staffordshire Moorlands District Council. The ERC and CRF scheme was the subject of extensive consultation with the local community, which included the distribution of brochures, the holding of an open day with presentations and a website providing general details of the proposed development. As the current proposal is essentially to substitute one element of the ERC proposal with a different industrial process, and also due to time constraints imposed following a successful grant application, no further direct consultation of the community at large similar to that previously conducted has been undertaken. However, the local liaison committee has been informed and consulted as referred to in the chapter on Community Consultation.

2. OVERVIEW OF THE PROPOSED DEVELOPMENT

2.1 John Pointon and Sons Limited is one of few rendering plants in the country, and also the largest single plant in the country. The last decade has been extremely challenging for the industry with the advent of the BSE crisis, followed by various animal disease problems, and notably the Foot and Mouth outbreak in 2001 when the rendering industry played a major part in resolving the crisis in the treatment and disposal of animal carcasses and animal by-products. However, this industry was turned upside down with the loss of its traditional market outlets for meat and bone meal, as animal feed, and tallow in certain industries with the result that rather than paying for material the industry has had to charge abattoirs, processors and ultimately farmers for treating the material.

2.2 After this decade of turmoil, the industry is now on a more stable base and regulatory changes are less frequent. Along with others in the industry, John Pointon and Sons Limited see the future in the use of certain of their products – meat and bone meal and tallow generally from non-Category 3 material (animal by-products otherwise fit for human consumption) – as an energy resource. MBM has a high calorific value and can be used in power stations and other high consumers of fuel, such as cement kilns, and tallow can be used either directly as a fuel or converted into bio-diesel. The Company also processes by rendering food waste from commercial and industrial sources which for various reasons is not useable or simply surplus, and this too can be used for energy generation either in its rendered form as a constituent of MBM or more directly by processing in an anaerobic digestion plant.

2.3 The Company proposed in its ERC and CRF scheme to build an energy resource plant which, amongst other things, would utilise tallow to produce bio-diesel. The Company has now concluded that this element of the ERC scheme is not viable and will not be in the foreseeable future. This is due to the under-cutting of the price of bio-diesel by subsidised bio-fuel from North and South America resulting in an over-capacity and lack of viability of such plants in Europe and the UK, including

consented schemes which have not been built. Consequently, the bio-diesel element of the ERC will not be built.

2.4 The Company intends to use the site of the bio-diesel production plant for an Anaerobic Digestion (AD) plant instead – it is this proposal which is the subject of the current planning application. This will process the food waste that the Company currently processes in the rendering lines and additional material from commercial and industrial (non-municipal) sources. The application includes a reception and pre-processing treatment building, associated plant and equipment, odour abatement facility (a bio-filter bed), a gas storage tank and two Combined Heat and Power engines fuelled by the gas produced by the AD plant. The application also proposes a heightened chimney of 39m for the tallow fuelled electricity generating engines in lieu of the previously proposed 30m chimney, which formed part of the ERC submission.

2.5 The proposal for an AD plant cannot be developed without the implementation of the ERC and CRF scheme. Not only would there be policy objections for the isolated development of a single industrial facility on a green field site but in practical terms it would be isolated and without access as the submitted planning application is purely for the proposed AD plant together with the site of the proposed heightened chimney for the tallow fuelled electricity generating engines. As a consequence, it is accepted that if approved this scheme for an anaerobic digestion plant will be conditioned so that it will not proceed without the implementation of the ERC and CRF scheme. Additionally, as a consequence of this dependence upon the ERC/CRF scheme there is no requirement for a separate Section 106 Agreement as that which is pending as part of application ref. No. 08/01715/FUL is amended to reflect the substitution of the bio-diesel production facility by the proposed AD plant.

3. DEVELOPMENT PROPOSALS

3.1 The description of the proposed development is:

> *"Development of an anaerobic digestion facility in place of a bio-diesel production plant included in planning application ref no 08/01715/F (for and Energy Resource Centre), including a 39m chimney for the electricity generating engines in place of the 30m chimney previously proposed."*

3.2 The submitted plans with this application are:

2003-1192-40	Location Plan
2003-1192-39	Site Plan
2003-1192-32F	ERC/AD Plant Site Plan
2003-1192-34B	Process Building
2003-1192-35B	ERC/AD Plant – Site Sections
2003-1192-36	Filter Bed Details
2003-1192-37	Sub Station Building
2003-1192-38C	External Plant
1521/02/F	Landscape Masterplan

3.3 Energy Resource Centre

3.3.1 The site of the proposed Energy Resource Centre (ERC) lies immediately adjoining the south east of the main factory site and to the north east and adjoining the site of the water treatment plant. The site of the AD planning application is within the area of the ERC and is illustrated on drawing 1192-39, with the location plan shown on drawing 1192-40.

3.3.2 The overall site area occupied by the buildings and plant of the ERC is approximately 2.7 ha of which 0.69 ha will be occupied by the AD Plant and is presently a green field, formerly in agricultural use – it has not been used for agriculture for many years and is now degraded pasture land. The site slopes downwards from southwest to northeast towards the Churnet River and Caldon Canal. To the immediate south east, the site is bounded by a track, which is also a public footpath, which provides access from the main factory site to an off-site temporary meal store which lies to the north of the factory and proposed ERC as illustrated on drawing 1192-40. There is a further open field, in the ownership of the Company, to the north of the proposed site; the intention is to plant trees in part of this field area as an additional feature of the ERC scheme and the field may also be used for water attenuation purposes in connection with storm water run-off from the site, which may occur in extreme, 1in100 year events. The lorry park and bio-filters of the main factory site lie to the west of the proposed site of the ERC.

3.3.3 As the site slopes down steeply from southwest to northeast, it will be necessary to excavate to create a stepped site for the proposed development and the layout and arrangement of buildings has been designed to accord with the nature of the site, the need to create suitable sized areas of the site for different activities and the need for all accesses to be of an appropriate gradient for access by HGV's, cars and also pedestrian access from the main factory site, which accords with access for the disabled requirements. Another factor in the eventual ERC layout has been the consideration to site buildings to minimise their visual and landscape impact, for suitable landscaping and to mitigate for loss of an intermittent line of trees across the site.

3.3.4 The AD plant and associated reception building and most plant would be located in the "middle step" of the ERC site as illustrated on drawing 1192-32F; the proposed bio-filter and a sub-station would be located on the lower, northerly "step", taking up a small area of car parking.

The floor space of the proposed AD building, plant and structures is as follows:

Process Building		1660 m^2
Two Digester Tanks	(each)	308 m^2
Buffer Tank		219 m^2
Gas Holder		328 m^2
Filter Bed		422 m^2
Heat Exchangers/Pasteurisation Tanks		137 m^2
CHP Engines		96 m^2
Sub Station		36 m^2
		3514 m^2

3.3.5 Anaerobic Digestion Plant

3.3.5.1 Anaerobic digestion is the process of capturing methane from the decomposition of organic materials. Livestock manures and slurries, sewage sludge and food wastes are the common organic materials. The process produces a bio-gas which can be used to generate heat and / or power or as a transport fuel. The processed organic material reduces to a digestate – approximately 40% of the original volume of the input material, which can be used as a fertiliser and soil conditioner. Anaerobic digestion is a well-proven renewable energy and waste management technology which, as noted in the Policy chapter, is being promoted and accelerated by the Government as a technology with great potential to contribute to climate change and wider environmental objectives.

3.3.5.2 The proposal which is the subject of the planning application is to develop an AD plant which will process food waste which the Company already receives and currently processes via its rendering lines, and also to take in more food waste from commercial and industrial sources, presently largely disposed of via land-fill.

3.3.5.3 The proposal is to utilise the existing food waste which comes into the Company plus newly sourced material which together amounts to approximately 19,800 tonnes in the first year of production, building up thereafter over five years to a total of 50,000 tonnes. By year 5, it is expected that the AD process will provide bio-gas to feed two on-site Combined Heat and Power engines to generate heat and in excess of 13,600MWh of electricity per year, saving 50,000 kg of CO^2 per annum. The residual digestate for use as a fertiliser and soil improver will amount to approximately 20,500 tonnes per annum.

3.3.5.4 Additionally, the input material must be sorted and extraneous material such as bits of metal, grit, etc, removed which are not suitable for processing; these will be removed by magnetic means, a waste dissolver and screening. Approximately 1,500 tonnes of ferrous material, primarily tin cans, will be extracted when the plant is in full capacity, and exported for recycling.

3.3.5.5 Liquid from the process and removed from the digestate will in part be re-circulated into the process as the raw material needs to be in a fairly liquid state for the anaerobic digestion to work appropriately. Residual liquids will be diverted for treatment in the Company's own water treatment plant.

3.3.5.6 The solid digestate produced by year 5, amounting to 20,000 tonnes per annum, will initially be recycled to 625 hectares (1,500 acres) of farmland adjacent to Pointon's facility providing beneficial re-use to agricultural land and displacing the use of inorganic fertiliser products. In due course, once the recycling operation is established, commercial outlets for solid digestate will be developed.

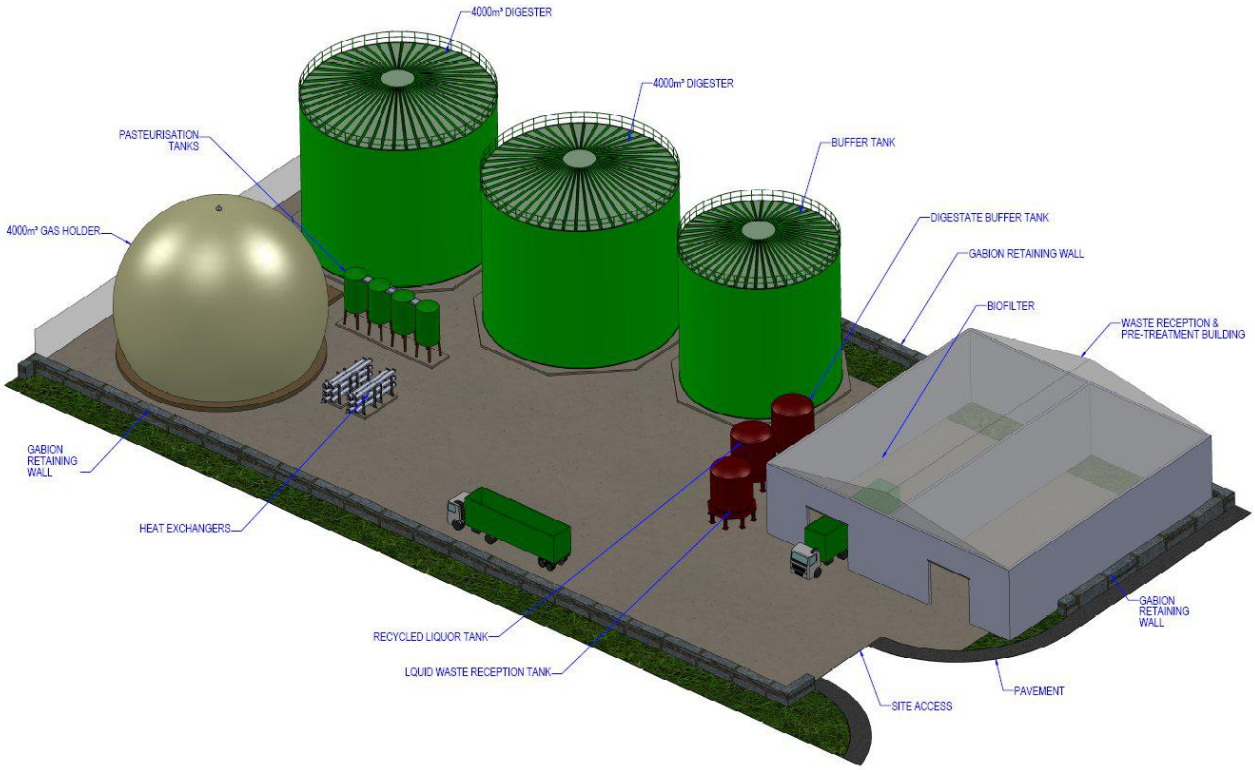
3.3.5.7 The proposed plant will have a total capacity of 60,000 tonnes of food waste but detailed market and technical feasibility studies have led the Company to conclude that it will be able to contract to process 50,000 tonnes of food waste. It is envisaged that the catchment area initially is a 40 mile radius of the site. It is envisaged that this will be a sub-regional facility for the processing of non-municipal derived food waste.

The expected input material is primarily expected to be waste chocolate, pet food, pastry, sludge, and blood and also miscellaneous food waste.

3.3.5.8 The primary constituent elements of the proposal are:

- Reception and pre-processing building, in which extraneous material will be extracted; this building will be kept under negative pressure as potential odours will need to be extracted and abated;
- Two anaerobic digestion tanks of 20.3m in height;
- A storage buffer tank;
- A spherical gas storage tank;
- Two CHP electricity generating engines;
- An emission stack, 23.2m in height, and containing two flues to disperse the exhaust from the CHP/electricity generating engines and a stand-by flare short stack;
- A bio-filter, to abate odours extracted from the reception and pre-treatment building;
- Electricity sub-station;
- Various items of plant including heat exchanges;
- and as part of the application, but not part of the AD plant, the revised proposal for the chimney to the tallow fuelled electricity generating engines at 39m in height.

A generic visual representation of an anaerobic digestion plant is given below:



3.3.5.9 The scheme for an anaerobic digestion plant with associated equipment and CHP engines has been approved for grant assistance by Advantage West Midlands for WRAP funding under the Food Waste Treatment Capital Grant Programme, 2009-12. As a consequence there is now an urgency to develop the technical aspects of the scheme and obtain planning permission to allow this proposal to proceed to be completed by the end of 2011.

3.3.6 <u>Chimney for tallow fuelled electricity generating engines</u>

3.3.6.1 The tallow fuelled electricity engines, which is an element of the ERC scheme, are to be housed within a substantial building, with exhaust emissions dispersed via a tall chimney with a diameter of 3m, including lagging. The 30m height of the chimney proposed in the ERC scheme was determined following an air dispersal modelling

exercise and the need to ensure dispersion of all emissions to comply with air quality standards. However, with the addition of two AD gas powered electricity generating engines, and particularly the arrangement and size and disposition of buildings and tanks (AD reception building and process and gas storage tanks), the chimney needs to be higher than originally proposed. The current application includes the proposal for this chimney to be 39m in height. The chimney will, however, still be lower than the main boiler chimney on site due to the fact that the ERC site level is substantially lower than the main factory site.

3.3.6.2 The ERC proposal includes for extensive bunding and landscaping around the ERC and CRF site which provides for containment and visual mitigation. The bunding will also use some of the material which needs to be cut from the site to create the appropriate levels. Other cut material is to be used in the formation of the embankment linking the proposed new access road onto Cheadle Road with the eastern end of Felthouse Lane and also with extensive additional bunding and landscaping around the Community Recreational Facilities. With the introduction of the AD plant, the landscaped has been slightly amended. This is shown on the Landscape Master Plan, 1521-02RevF.

4. SUPPORTING DOCUMENTS INCLUDING DESIGN AND ACCESS STATEMENT

Design and Access Statement

4.1 A separate Design and Access Statement is submitted as part of this planning application.

4.2 It is recognised in the Design and Access Statement that the proposed AD plant is in substitution for a previously proposed bio-diesel production element of the Energy Resource Centre and design and access assessment needs to be in the context of the overall proposal for the ERC/CRF scheme. The proposed AD reception and pre-treatment building is of similar scale and design to those previously proposed and "approved" while the large tanks which are an essential element of the AD plant will be seen in the context of the proposed ERC scheme and also the existing substantial buildings on the Pointon's site which sit above the lower site of the ERC scheme and AD plant.

4.3 Access to the AD plant will be as previously proposed to the bio-diesel plant as part of the ERC scheme.

Transport Assessment

4.4 Singleton Clamp and Partners, Consulting Engineers and Transportation Planners, have produced an Addendum to the Transport Assessment submitted with the ERC/CRF planning application. The Addendum directly addresses the proposal for the AD plant and the traffic consequences, and is more fully explained within the Environmental Statement.

4.5 The Addendum to the Transport Assessment concludes that when in full operation the AD plant will have a maximum traffic impact of just an additional 48 heavy vehicle movements per week. Consequently, the change from a bio-diesel production facility

to an anaerobic digestion plant does not change the conclusions of the Traffic Statement and the proposed change can be approved from a highway and traffic point of view.

Noise

4.6 A Noise Addendum Report has been produced by WSP Environmental UK. This is an Addendum to the previously produced report from WSP Acoustics entitled, Proposed Recreational Facilities, Site Access Road and Energy Centre – Noise Assessment Report, August 2008.

4.7 The Addendum Noise Report is referred to in more detail in the ES but concludes that noise breakout, giving rise to noise levels at noise sensitive receptors, will approach or achieve the BS4142 situation as being *"a positive indication that complaints are unlikely"*. Noise associated with the envisaged additional heavy goods vehicle movements will not result in any significant impact. Noise from external plant is predicted to be only of "marginal significance" and significantly below the condition described in BS4142.

4.8 Overall the proposed development is predicted to give rise to minor or negligible noise impact and that noise need not be considered a determining factor in granting planning permission.

Landscape and Visual Impact Appraisal (LVIA)

4.9 The Appleton Group prepared a Landscape and Visual Impact Appraisal in June 2007 in support of the ERC/CRF proposal. With the current proposal to substitute the bio-diesel production facility with an AD plant, The Appleton Group have undertaken a full review of the Landscape and Visual Impact Appraisal, including revisiting the site and appropriate viewpoints, and re-assessed the impact with the proposed AD plant and higher (39m) chimney for the tallow fuelled electricity generating engines. Their revised Landscape and Visual Impact Appraisal (rev. D) is submitted as a supporting

document and is referred to in more detail within the accompanying Environmental Statement.

4.10 The LVIA concludes that the re-assessment of the amended ERC/CRF development, with the inclusion of the AD plant and higher chimney, will not result in any overall major adverse impact in landscape and visual amenity terms, subject to the mitigation proposals set out in the revised Landscape Masterplan, ref. 1521/02 rev. F.

4.11 It is further concluded that there will be overall beneficial impacts in landscape resource and character terms as a result of the mitigation works, leading to better screening of the existing plant with only minor adverse impacts to the amenity of the users of the footpath immediately to the east of the ERC.

Air Quality Impact Assessment (AQIA)

4.12 An Air Quality Impact Assessment, prepared by Enstec, was submitted in support of the ERC/CRF scheme. The change in process (to an AD plant) with additional combined heat and power engines and a different and larger arrangement of buildings and external plant (digester and storage tanks) necessitated a review of the AQIA.

4.13 A new AQIA has been prepared by The Airshed, Specialist Environmental Consultancy for Air Quality, Odour and Environmental Noise. Their report and assessment is submitted as a supporting document and is referred to in more detail in the accompanying Environmental Statement.

4.14 The AQIA concludes that with the height of the tallow fuelled electricity generation engines' chimney being increased to 39m, and the proposed 23.2m stack for the AD plant's CHP engines, then the predicted increase in emissions is of marginal adverse significance or less at all receptors. It is further concluded that the proposed AD plant is unlikely to significantly affect vegetation or sensitive eco-systems.

4.15 In respect of odour, emissions from the bio-filter bed are predicted to exceed the Environment Agency's draft odour benchmark but would be insignificant if a stack venting the bio-filter is erected to a height of approximately 20m, though at a height of just 5m it would result in perceived odours below the EA benchmark.

4.16 There is no current proposal to erect a stack to vent emissions from the bio-filter bed. There is a general investigation under way in liaison with the Environmental Agency to potentially vent via chimneys all emissions from the covered bio-filter beds at the Pointon's site to improve dispersion. The conclusions of that review will be applied in respect of the bio-filter bed proposed as part of the AD plant scheme and application. It should be noted, however, that the EA odour benchmark is a quantum standard and does not reflect the character of the odour. Consequently, while it may be desirable if not requisite to achieve that benchmark in terms of obnoxious and offensive odours, it is not reasonable to apply the same benchmark to odours which are not offensive. The odours emitted from a bio-filter bed, which are large in quantity but their character which is of an earthy/woody nature, are not offensive.

Conclusion

4.17 In conclusion, none of the supporting documents conclude that there are unacceptable adverse impacts. Such impacts as there are being of a generally minor or insignificant nature when appropriately mitigated, where necessary. The mitigation proposals are included within the current proposal of the AD plant with the exception of the suggested stack to the bio-filter bed as referred to above.

5. COMMUNITY CONSULTATION

5.1 The Company has for some considerable time had regular liaison meetings with the Parish Council. The Company now has a dedicated liaison committee of which Councillors and Parish Councillors, representatives of local residents, the Environment Agency and Animal Health are members together with representatives of the Company.

5.2 In respect of the ERC/CRF scheme, the Company and its consultants engaged in extensive public consultation once the proposal had reached a cogent form. The Company did a number of things:

- An initial courtesy consultation and notification to Councillors prior to a public announcement
- Local notification of the proposed Open Day held at Cheddleton Community Centre
- Brochures circulated to local people illustrating the project
- Paid reply card enabling people to provide an initial response and raise questions
- Dedicated website illustrating the project and also providing an electronic response system
- Open day held on 26 March, 2007, at which there were displays, presentations, answers to the questions raised by people in the response cards and also on the day personnel on hand to explain the project in full

5.3 As noted in the Introduction to this Planning Statement, there has been no further direct consultation with the community at large in respect of this AD proposal. As recorded in the chapter on the Development Proposals, this scheme for an AD plant has been the subject of a grant application to Advantage West Midlands and until the outcome of that application was known, the scheme could not be advanced. Time constraints have prevented preparation of plans and suitable material to enable a full

public consultation to be undertaken similar to that undertaken with the ERC/CRF scheme. However, the AD plant proposal is essentially a substitution of one bio-process with another which has very little different impact than the previously proposed element of the bio-diesel production facility within the overall proposal for the ERC/CRF.

5.4 However, there has been liaison with the dedicated John Pointon and Sons Ltd Liaison Group Meeting, of which Councillors and Parish Councillors, members and local residents. The proposal was reported to the meeting of the Liaison Committee on 22 January, 2010. A copy of the minutes of that meeting is appended at B.

6. CONTEXT FOR APPLICATION

6.1 The relevant context for the submission and consideration of the application has two parts in respect of the ERC. Firstly, that of the rendering industry and secondly that of the particular plant operated by John Pointon and Sons Limited.

6.2 The Overview of the Rendering Industry (see above) outlines the changes the industry has gone through due to certain catastrophic animal health events and consequent regulatory changes. Most specifically, rather than the industry being a very traditional recycling activity, taking the remains of animals and processing them using heat and sometimes pressure to extract the fat (tallow) and produce meat and bone meal which was then, traditionally, fed back to animals, much of the MBM and some of the tallow has been precluded from going into not just animal feed but also a range of other industries due to the problems and concerns raised by BSE.

6.3 The regulatory regime covering the categorisation, handling, storage and treatment of material and the use of the subsequent products is prescribed under a European Regulation (EU 1774/2002) which is directly imported into UK Law without any transitional UK regulations apart from the Animal By-Products Regulations, 2005, which essentially details the enforcement regime for non-compliance of obtaining a license. While both tallow and MBM from Category 3 material (fit for human consumption) has continued to go into various industries as has Category 2 tallow which has gone into the oleochemical industry, there are now fewer changes to the regulatory regime and a greater scientific and technical understanding of what can be allowed and what should be restricted. This has resulted in a significant impetus to utilise products which otherwise have had in the past to be stored or land filled, primarily as waste, for beneficial purposes.

6.4 While it is expected that some meat and bone meal, or processed animal protein (PAP) as certain grades and types are called, may go back into non intra-species feedstuffs, large amounts of meat and bone meal and some tallow do not have an

immediately available alternative use though both materials have a high calorific value. Indeed, as referred to earlier, tallow derived from Category 1 material is used in the rendering industry for fuelling boilers. With the impetus both from heightened concerns about the use of fossil/mineral fuels for generating electricity and as a direct fuel (petrol/diesel) for transport and resulting carbon emissions, together with Government Policy aimed at reducing dependence upon fossil derived fuels, and thus carbon emissions, the rendering industry generally is looking to utilise meat and bone meal and also some grades of tallow as alternative fuels. There are two aspects to this, one is the use of MBM as a fuel to generate power (steam) for use by the rendering plant or generate electricity – Energy Power Resources utilises meat and bone meal in their former chicken litter fuelled power station at Glanford, near Scunthorpe, to generate electricity – or as a substitute fuel for coke or other forms of fuel in cement kilns, and secondly the potential use of tallow as a feedstock in order to create bio-diesel as a substitute transport fuel.

6.5 The approach of each operator in the rendering industry, and in respect to the specific plants under their control, is varied. Pointon's operate the largest rendering plant in the country and process Category 1, 2 and 3 material. The Category 3 material is processed into PAP and tallow which is largely used by the pet food industry. Pointon's Category 1 and 2 material is processed as Category 1 and the MBM produced by Pointon's is currently being shipped off-site, after suitable conditioning, for use by Castle Cement as an alternative fuel in their cement kilns – this MBM is not, therefore, presently available for use by Pointon's for use either in a burning plant to raise steam or in order to be used to generate electricity directly or by sale to some other third party. Category 1/2 tallow is primarily currently used in the Company's main boilers as a fuel.

6.6 However, having regard to what is permissible under EU Animal By Products Regulation 1774/2002, the intention is to utilise tallow, potentially both Category 1/2 and Category 3 tallow, as a fuel for the ERC proposed 5MW engines to create electricity.

6.7 Consequently, the context for the ERC development is the move by the Company, encouraged by Government policy and a more stable regulatory regime, to better utilise the products of rendering by generating electricity from non-fossil fuel, and also to better use the raw material input to reduce it and also generate electricity.

6.8 The proposal which is the subject of the current planning application, to construct an anaerobic digestion plant in place of the formerly proposed bio-diesel production plant, continues to reflect the Company's intention and move to making better use of both its products but also of the raw material inputted in line with the regulatory context and Government policy. Anaerobic digestion in particular is being encouraged by the Government and, as referred to in the chapter on policy, the Government (Defra) recently published an "Implementation Plan" for accelerating the uptake of anaerobic digestion in England. The substitution of the bio-diesel production plant with the AD plant has the benefit of putting the existing food waste collected by the Company through a more appropriate treatment process, rather than rendering, reducing it in quantity while deriving a gas which can be directly used for generating electricity, with a resulting remaining digestate available to be used as a fertiliser or soil improver.

7. PLANNING, CLIMATE CHANGE AND WASTE POLICY

7.1 The detailed policy consideration of the proposed development, and in particular the proposal to develop an area of land with the green belt, needs to be considered within the context of national and regional planning policy (Regional Spatial Strategy for the West Midlands) and the extant Local Plan for the area, and also the wider policies to address climate change and waste reduction and recovery which are increasingly at the heart of spatial planning policy.

National Planning Policy

7.2 The starting point for national guidance is in **PPS1 – Delivering Sustainable Development** – which *"... sets out the overarching planning policies on the delivery of sustainable development through the planning system*". The key principles require that sustainable development is pursued in an integrated manner and that development plans contribute to global sustainability by addressing, amongst other things, the potential impact of climate change and the need for policies which reduce energy use and emissions. A spatial planning approach is at the heart of planning for sustainable development and the policy statement encourages policies which will promote high quality inclusive design, clear comprehensive and inclusive access and community involvement in delivering sustainable development and creating sustainable and safe communities.

7.3 PPS1, while reaffirming the plan-led system, refers to the prudent use of natural resources while at the same time recognising the need for a sustainable economic development. This latter aspect will include ensuring that there are suitable locations available for industrial and other forms of development where the economy can prosper, providing for improved productivity and recognising that economic development can deliver environmental and social benefits. Amongst other things, the general approach to sustainable development includes enhancing as well as protecting bio-diversity and natural habitats and the landscape and also addressing the

causes and impacts of climate change, the management of pollution and natural hazards, the safeguarding of natural resources, and the minimisation of impacts from the management and use of resources. **The supplement to PPS 1** is also an important consideration which clearly highlights the Government's commitment and the priority to be given to energy from renewable sources in the efforts to reduce CO^2 emissions and climate change.

7.4 **Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate.** If adopted, this PPS will replace the Climate Change Supplement to PPS1 and PPS 22 because of the significant amount of new legislation and policy that has been put in place that affect planning and the policies that underpin plan making and development management. Research has also revealed that there were considerable inconsistencies between targets and policies across the regions and that the implementation of the planning and climate change supplement to PPS1 has been patchy. The intention of the new draft PPS is, therefore, to focus on a clearer set of outcomes.

7.5 Draft policy LCF1.4 proposes inter alia that local planning authorities should secure greater integration of waste management with the provision of decentralised energy and district heating networks based on renewable energy from waste, surplus heat and biomass.

7.6 Policy LCF2.1 requires Regional Strategies to inter alia provide for energy, in particular heat, to be gained from existing decentralized energy systems, including those integrated with waste management, or where there are clear opportunities for new or extended decentralised energy systems.

7.7 Regional Strategies are also to be required to set ambitious targets for renewable energy and a clear strategy to support their delivery.

7.8 LCF14.2 recognises that elements of many renewable energy projects will comprise inappropriate development in the green belt and, as a consequence, developers will have to demonstrate that very special circumstances exist that outweigh the harm arising from that inappropriate development. The policy also recognizes, however, that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

7.9 **PPS4 – Planning for Sustainable Economic Growth** has now replaced PPG4. Policy EC2, Planning for Sustainable Economic Growth, requires regional and local planning authorities to ensure that Development Plans have a clear vision and strategy which positively and pro-actively encourages economic growth. EC2.1b refers to the support of existing business sectors and also for planning authorities to be flexible enough to accommodate developments not anticipated in the plan and allow a quick response to changes in economic circumstances. EC10.1 requires that planning applications that secure sustainable economic growth should be treated favourably while criteria (a) of EC10.2 requires assessment of the proposal to limit carbon dioxide emissions and minimise vulnerability and provide resilience to climate change. Policy EC11 notes the need to take full account of any longer term benefits and also whether the proposals help to meet the wide objectives of the Development Plan.

7.10 **PPS7 – Sustainable Development in Rural Areas** indicates that new development should be focused in or near to local centres where employment, housing and other facilities are in close proximity to each other. However, it also highlights that allowing some limited development in, or next to, rural settlements which are not designated as local service centres may be appropriate in policy terms in order to meet local business community needs. In general, there is a need for local planning authorities in their Local Development Documents to find suitable sites for economic development. LDDs should also detail the criteria for permitting economic development in various locations including policies for the future expansion of businesses if there is to be a healthy and diverse economy in rural areas.

7.11 **PPS10 – Planning for Sustainable Waste Management** provides the Government's planning guidance within its overall policy objective on waste which is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Planning authorities are requested to help deliver sustainable developments through driving waste management up the waste hierarchy, which includes providing a framework in which communities take more responsibility for their own waste, help implement the national waste strategy and help secure the recovery or disposal of waste without endangering human health.

7.12 While the current proposal is for an anaerobic digestion plant, as an adjunct to rather than an extension of the animal by-product rendering plant at Pointons, there are salient policy and legislative considerations in common. Animal by-products and the products of the rendering industry are not "waste" though the regulatory regime forces some products to be treated as waste due to the restrictions placed upon their use following the BSE crisis of 1996. However, the principles of PPS10 can be applied in as far as some of the products of rendering, which otherwise might either have to be stored or land-filled, can be used as a source of energy, in line with the guidance in PPS10. The replacement Waste Framework Directive, 2008//98/EC, which came into force in November, 2008, and which will be incorporated into UK law in December this year, and also the replacement EU Animal By-Products Regulations, EU 1069/2009, also specifically recognise this.

7.13 PPS 10 also notes, amongst other things, that protecting the green belt is important but at the same time regional planning bodies and all planning authorities need to recognise the particular location needs of some types of waste management facilities when either defining green belt boundaries and also in determining planning applications – *"…the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining whether proposals should be given planning permission*" (paragraph 3).

7.14 The Government has laid out in **PPS22 – Renewable Energy** its objectives and national planning policies for the development of renewable energy resources which it considers vital to facilitating the delivery of the Government's commitments to both climate change and renewable energy. Amongst other things renewable energy will assist in the effective protection of the environment, by reductions in emissions of greenhouse gases, and the prudent use of natural resources by reducing reliance on fossil fuels.

7.15 At the outset PPS22 recognises that:

> "*Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily*"

7.16 The key principles also note that the wider environmental and economic benefits of all proposals for renewable energy projects are material considerations to be given significant weight in determining whether proposals should be granted planning permission.

7.17 Attention is drawn within PPS22 to location considerations, including development of renewable energy projects within the green belt. While warning that careful consideration will need to be given to the visual impact of projects and the need to demonstrate very special circumstances, it also notes (paragraph 13) that:

> "…*such very special circumstances may include the wider environmental benefits associated with the increased production of energy from renewable sources*".

7.18 In addition to considering specific designated areas, such as green belts, the national guidance also notes that a sequential approach should not be applied to the consideration of renewable energy projects (paragraph 16).

7.19 Technical Annex 2 deals specifically with anaerobic digestion (AD) which can produce heat and energy of a combination of both and have the benefit of using waste substances that are otherwise difficult to dispose of in an environmentally acceptable manner. It is also effectively carbon neutral and can reduce overall quantities of carbon dioxide released into the atmosphere when it is used to replace energy from fossil fuels. By products may also be put to beneficial use such as compost and liquid fertiliser which in turn can reduce demand for similar products that are produced in a less sustainable way.

7.20 The types of feedstock for an AD include food waste which is suitable for energy extraction and for which the demand is rising as a result of the Renewables Obligation.

7.21 For larger AD facilities the most acceptable sites are likely to be beside existing industrial or wastewater treatment works. As they will draw traffic the impact of traffic movements can be minimised by considering fuel supply logistic to reduce the distances travelled between the feed-stocks, storage tanks, digester and local markets. The process is odorous and it will, therefore, be necessary to include odour control systems

National Climate Change, Energy and Waste Policy

The Climate Changes Act 2008

7.22 This commits the UK to reduce greenhouse gas emissions by 80% by 2050 compared to 1990 levels with an interim target of 34% by 2020.

The UK Low Carbon Transition Plan

7.23 This was presented to Parliament in July 2009 and is the national strategy for climate and energy. The objective is to comply with the Climate Changes Act which will

involve producing electricity from low carbon sources. Emissions from electricity and heavy power sources are to be reduced by 22% by 2020 compared to 2008 levels.

7.24 The target for reducing waste emissions is a cut equivalent to one million tonnes of carbon dioxide by 2020 on top of reductions already predicted. Maximising the potential of anaerobic digesters is one of the methods cited in order to produce more bio-energy.

Renewable Energy Strategy

7.25 This commits the UK to obtain 15% of its energy from renewable sources by 2020.

Developing an Implementation Plan for Anaerobic Digestion

7.26 This was published by Defra in July 2009 following the recommendations of the Anaerobic Digestion Task Group an independent body set up by the government and intended to deliver the objectives of the Anaerobic Digestion – Shared Goals issued in February 2009

7.27 These set the ambition that:

> *"By 2020 anaerobic digestion will be an established technology in this country, making a significant and measurable contribution to our climate change and wider environmental objectives. It will produce renewable energy in the form of biogas that will be used locally or injected into the grid for heat and power and for transport fuel. At the same time, it will capture methane emissions from agriculture. It will also divert organic waste, especially food waste, from landfill. The digestate will provide organic fertiliser and soil conditioner for agriculture and land use. Anaerobic digestion and its products will be used in a way that is both beneficial to the environment and cost effective for that particular location.*

> *"This country will be recognised as a world leader in the cost effective, innovative and beneficial use of anaerobic digestion and in anaerobic digestion technology and expertise. The Task Group will learn from experience both in this country and worldwide, making use of and building upon best practice, and will share our experience with others."*

7.28 To maximise the potential of anaerobic digestion it is essential to make the most of the economic opportunities at each phase. Obtaining the right feed-stocks is crucial and food waste will be an important feedstock for many plants. This may come from source, segregated municipal collections or commercial sources, such as food processors, food service or the retail sector. Also, the anaerobic digestion of renewable bio-plastics offers businesses a useful option for dealing with food packaging waste.

Renewable Energy Strategy - Accelerating the Uptake of Anaerobic Digestion in England: An Implementation Plan

7.29 This policy document, published in March 2010, follows on from the July 2009 publication by Defra referred to above. This document expresses the Government's commitment to encouraging significant growth in the use of anaerobic digestion and follows the careful consideration of the recommendations of the Task Group to develop this proposed Implementation Plan. To achieve faster and more extensive growth in the use of AD, Defra's Policy document addresses the following areas:

- **Creating an economic framework** to enable the market to deliver the increase needed in renewable energy;
- **Creating the regulatory framework** for an appropriate balance between encouraging cost-effective growth in the use of AD, while ensuring protection of the environment and operationally;

- **Building capacity**, which includes the Government's £10 million Anaerobic Digestion Demonstration Programme to increase awareness and understanding of the use of this technology and its products;
- **Research, to Improve Understanding** which includes a new small scale anaerobic digestion development unit;
- **Sharing Global Experience**; and
- **Assessing Progress**.

7.30 The Implementation Plan links together the issues of climate change, renewable energy and waste and also that such developments create "Green Jobs". The policy document notes that energy from waste, such as that from AD, is integral to the Government's desire to manage waste in the most carbon and environmentally friendly way and to produce renewable energy. Recovering energy from waste fully accords with the long term waste hierarchy as well as the relatively more recent issues concerning climate change and the reduction of CO^2 emissions.

Regional and Local Planning Policy

Regional Spatial Strategy for the West Midlands

7.31 The Regional Planning Guidance for the West Midlands became the Regional Spatial Strategy in 2004 and incorporated the Phase 1 revisions which affected the Black Country only. Two further phases were identified as needing to be the subject of revision: phase 2 concerning housing, employment and other issue and phase 3 covering environmental issues

7.32 The phase 2 revision has been the subject of an Examination in Public and the Panel reported on 28 September 2009. The Secretary of State is currently seeking legal advice on the proposed changes but it is expected that it will be published in the near future.

7.33 The Phase 2 revision set out to manage some of the forces affecting the West Midlands some of which have been identified by the Regional Sustainable Development Framework – A Sustainable Future for the West Midlands (2006) which concluded that the Spatial Strategy had to adopt *inter alia* positive measures to address the relative decline in the regional economy in both urban and rural areas with a more balanced and sustainable pattern of development across the region including the rural areas.

7.34 The key objective of RSS remains the balancing of the Government's Sustainable Development Objectives which recognise that climate change is the greatest challenge facing the world today. It is essential, therefore, that planning policies are developed to address the impact of climate change by reducing carbon emissions and also by developing mitigation measures such as the development of renewable energy and managing waste by alternative means to landfill.

7.35 Protection of the environment and prudent use of natural resources are two of the four pillars of sustainable development guiding the RSS which are derived from the Government's sustainable development objectives. The RSS recognises the problems of climate change and the responsibility to help meet national targets for the reduction of greenhouse gases. Specifically, the Strategy encourages the use of more sustainable forms of transport, supports new industries and technologies that address climate change and renewable energy and energy conservation, and promotes the reuse of materials and also sustainable drainage systems.

7.36 Policy QE1 concerns conserving and enhancing the environment in which high standards for sustainable natural resource use and management is highlighted for prospective developers and all agencies. This also extends, via Policy QE6, to the conservation, enhancement and restoration of the region's landscape and protecting, managing and enhancing the bio-diversity and nature conservation resources of the region (QE7). The water environment is also noted as is the importance of air quality.

7.37 Two policies address energy issues, EN1 concerning energy generation and EN2 concerning energy conservation. Policy EN1 states that local authorities in their Development Plans should:

> *"i) Encourage proposals for the use of renewable energy resources, including biomass, onshore wind power, active service systems, small scale hydro-electrics scheme and energy from waste combustion and landfill gas, subject to an assessment of their impact using the criteria in iii) below. Specific policies should be included for technologies most appropriate to the particular area. …"*

7.38 Revision 2 inserts four new Strategic Regional Policies the first of which SR1 deals specifically with climate change and seeks inter alia to reduce the amount of biodegradable waste going to landfill, to provide renewable energy and facilitate efficient waste management.

7.39 Policy SR2 deals with the creation of sustainable communities and requires the provision of environmental infrastructure to support new developments such as inter alia larger scale renewable and decentralised energy generation and the reuse and recycling of waste

7.40 It is intended that the revised Regional Spatial Strategy will become the Regional Waste Strategy for the West Midlands once it is approved by the Secretary of State. The Spatial Strategy proposed to *"deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option".* Policy W1, therefore, proposes that waste should be considered as a resource and each waste planning authority or sub region should allocate enough land in its LDDs to manage an equivalent tonnage of weight to that arising from all waste streams within its boundary taking into account the waste hierarchy. In addition to facilities to reprocess, reuse, recycle and recover waste an

allowance will need to be made for waste transfer stations and, where appropriate, for landfill.

7.41 The background paper identifies the tonnage of waste requiring management in the various waste sectors including commercial industrial and municipal. The objective is to reduce the percentage of commercial industrial waste going to landfill from 42% in 2002 to 25% by 2025.

7.42 The Panel proposed an amendment to Policy W1 to state that waste planning authorities should have regard to the following Regional Waste Strategy principles:

- delivering sustainable development through the application of the over arching policies SR1 to SR4
- seeking to ensure that the West Midlands becomes and remains a zero waste growth region
- promoting waste management up the waste hierarchy by maximising the reduction, reuse, recycling, composting and energy recovery and as a last resort disposal
- regarding waste as a resource
- adopting the equivalent self sufficiency approach for each waste planning authority in the region.

7.43 Each WPA should allocate sufficient land or facilities to management an equivalent tonnage of waste to that arising from all waste streams within its boundary taking into account the waste hierarchy. LDDs should include policies to secure timed provision of facilities capable of dealing with tonnages required close to the source of the waste produced and taking account of cross boundary flows of particular waste streams. In addition to facilities to reprocess, reuse, recycle and recover energy from waste, provision will need to be made for the transfer and transport of waste and where appropriate for landfill.

7.44 Policy W2 therefore requires each waste planning authority or sub region to plan for a minimum provision of new facilities to reprocess and manage waste in accordance with the tonnages set out.

7.45 For Staffordshire and Stoke on Trent the target is a minimum diversion from landfill of 491,000 tonnes in 2010-11 rising to 636,000 tonnes by 2025-26 for municipal waste and for commercial industrial waste 987,000 tonnes in 2010 rising to 1,684,000 tonnes by 2025-26.

7.46 The document identifies that Staffordshire and Stoke on Trent has a treatment gap of 1.25m tonnes and as such needs to make provision for a pattern of sites and areas suitable for new or enhanced waste management facilities in or in close proximity to the MUAs, settlements of significant development and other large settlements as identified in the broad locations for waste management facilities diagram. These locations are well placed to accommodate facilities of a regional and/or sub regional scale.

7.47 Policy W5 covers the location of waste management facilities which should be based on the following criteria:

- ensuring a range of sites of different size and geographical distribution and
- good accessibility to the source of waste arising and/or end users and
- good transport connections including where possible rail or water

7.48 In the first instance such site should be either:

- sites with use rights for waste management purposes, active mineral working site or landfills where the proposal is operationally related to the permitted use and for a temporary period commensurate with the permitted use of the site
- previous or existing industrial land
- contaminated or derelict land

- land within or adjoining a treatment works
- redundant agricultural or forestry buildings and their curtilage

7.49 In every case the proposal should be capable of meeting local environmental and amenity criteria and not pose risks to European and National protected sites.

7.50 Policy W6 covers sites outside the MUAs and other larger settlements and requires waste planning authorities to identify sites for the treatment and management of waste arising from areas of low population and scattered communities and for facilities which need to be at a distance from sensitive receptors. Additional sustainable waste management capacity in rural areas for waste recovery or recycling should be based on effective protection of amenity and the environment with the proposed activity being appropriate to the area proposed.

7.51 Policy W7 covers waste management facilities and open land and states that they should only be permitted on open land, including land within the green belt ,where:

- they are close to the communities producing the waste and
- there are no preferable alternative sites
- it would not harm the openness of land or the objectives of green belt
- it can be demonstrated to be necessary to support an existing essential activity and facilitate other key development
- it would assist in agricultural diversification or
- it would not have an adverse affect the biodiversity and geo diversity of the area.

<u>West Midlands Regional Energy Strategy</u>

7.52 This document is intended to set clear targets for the West Midlands and to set out how the region's energy objectives will be met through partnership working.

7.53 The most effective way to reduce energy emissions is to use less which will require major changes to the way it is produced and distributed as well as used. The document proposes that 5% of energy should be delivered by renewables by 2010 rising to 15% by 2020.

Staffordshire County Council Joint Waste Core Strategy

7.54 This was issued for public consultation in 2008 and states that current estimates indicate that Staffordshire and Stoke on Trent produce around 4.2m tonnes of waste per year of which 614,000 tonnes are municipal and 115,085 tonnes are commercial and industrial. There are currently 212 waste management facilities within Staffordshire and Stoke on Trent varying from large landfill sites to small waste transfer stations and from large waste to energy plants to small composting and recycling facilities.

7.55 The proposed strategic objectives are *inter alia* to reduce the overall contribution of waste management to climate change and safeguard and support high quality design and innovation in waste management facilities whilst protecting and enhancing the natural and historical environment. The relevant plans identify the Pointons site as an area of opportunity for the location of waste facilities.

7.56 The document describes an anaerobic digester as an enclosed facility typically requiring an area of between 1 and 2.5 hectares. The buildings are generally industrial units or agricultural barn type buildings in rural locations. It is recognised that enclosed processes have a number of advantages and comparatively fewer disadvantages as most effects such as air emissions, vermin and litter can be controlled within the building.

7.57 In dealing with the location of particular facilities in the green belt the document at paragraph 5.5 states that National Policy recognises that some types of waste management may be suitable for the green belt and that a number of existing waste

facilities are located within the green belt some of which could be expanded. There may also be other suitable sites in the green belt and a policy might, therefore, be needed in Waste Core Strategy to provide greater certainty.

Staffordshire and Stoke on Trent Structure Plan, 1996-2011

7.58 The key role of the Structure Plan is to provide strategic policies aimed at sustainable development. Separate local plans on waste and minerals have been prepared by the County and Stoke on Trent City Council in cooperation with each other but neither is relevant in this instance; while there are principles within the Waste Local Plan which are relevant, in accordance with PPS10 and PPS22 as Government guidance is now constituted, the proposed development does not involve the use of "waste" or a product derived from "waste" in terms of the legal definition of the term where these are animal by-products or derived products.

7.59 The Structure Plan's aims and objectives include for increasing the prosperity of the locality and maintaining and enhancing environmental quality, the latter including the strategy of protecting and improving the appearance and bio-diversity of the countryside as well as urban areas.

7.60 Policy D2 is a general policy for conserving and where possible improving the quality of life and the environment but which also makes specific mention of more detailed matters such as pollution prevention and the incorporation of sustainable surface water drainage techniques. Policy D7 seeks the conservation of both energy and water. Making more efficient use of energy is one aspect of this policy as is the use of renewable energy resources.

7.61 Policy D5A maintains the general extent and purposes of the adopted green belt while Policy D5B refers to the nationally adopted policy to prevent in appropriated development with the green belt.

7.62 Policy D8 refers to providing appropriate infrastructure facilities in association with development including community services and/or mitigating measures. The forms of provision mentioned include surface water drainage, community facilities and open space and other recreational facilities, high quality landscaping and/or woodland planting and, where protected habitats frequented by protected species is unavoidable, the replacement of significant natural habitats or the introduction of other appropriate mitigation measures.

7.63 Policy E7 provides for existing industry and allowing them to extend or expand *"…unless unacceptable environmental conditions would result*". With regard to landscape, Policy NC2 is a criteria based policy requiring that development should be informed by and sympathetic to landscape character and quality and that proposals which have landscape and visual implications will be assessed against a number criteria. Policy NC5 seeks to ensure the maintenance of bio-diversity while Policy NC11 refers to establishment of new tree and woodland planting. On flood risk, Policy NC10 specifically refers to the unacceptability of the risk of flooding and increase of the risk of flooding elsewhere caused by development.

Staffordshire Moorlands Local Plan

7.64 This was adopted in 1998 and remains the extant Local Plan for the area pending the progression of the Local Development Framework.

7.65 Policy F8 of the Local Plan refers to and is supportive of schemes for power generation from renewable energy sources, but not if in the green belt or if there would be a significant adverse impact upon the landscape or surrounding uses. The policy envisages proposals for wind turbines and expresses concerns about noise. The policy was, however, formed and adopted long before current Government policy which envisages a much wider range of possible projects using renewable energy.

7.66 The site of the proposed ERC lies within the green belt and open countryside area, albeit adjoining the main factory site, and Policies N1 and N2 apply, the latter being the standard nationally applied restraint against inappropriate development within the green belt except where there are very special circumstances; development in the open countryside (N1) will also rigorously protected. Policy N7 also refers to development which might injure the visual amenity of the green belt.

7.67 The Local Plan also refers to the Special Landscape Area and Policy N8 whereby permission will not be given for development which would materially detract from the high quality of landscape. However, there is now a national system of assessment of landscape character areas and specific reference is made to this and the appropriate judgements within the reports of The Appleton Group on landscape impact and visual assessment.

7.68 There are a number of proposals within the Local Plan referring to nature conservation, which are graded from those sites of international importance to those which concern any site of significant nature conservation and value (N15). Policy N20 refers to the need to retain and safeguard existing trees and the planting of new trees. Protection is also afforded to hedgerows (Policy N22) and also specially protected species (N24).

7.69 The Local Plan indicates the Beresford's site fronting Cheadle Road as a committed industrial/employment site. Apart from general development control policies which are criteria based, Policy E10 of the Local Plan clearly states the need for detailed applications for industrial development not to have a detrimental effect on the amenity of nearby houses, to include landscaping, have suitable road access and parking, and not generate traffic which cannot be satisfactorily absorbed into the existing road network.

7.70 The Local Plan also includes a chapter on Recreation and Tourism. Policy R1 indicates the Council's aspirations and intentions to achieve a minimum standard of open space including provision of playing fields and children's play areas.

Staffordshire Moorlands Local Development Framework: The Core Strategy

7.71 This has been through its public consultation but not the Inquiry. One of its objectives is to improve sustainability and criterion (4) of Policy SD1 aims to achieve this by:

- Supporting small and large-scale renewable energy schemes, whether these form part of proposed new developments (including stand-alone schemes), or where they could be incorporated into existing ones, subject to the following considerations:
  - the degree to which the scale and nature of a proposal reflects the capacity and sensitivity of the landscape to accommodate the development, particularly having regard to the Landscape Character Assessment and impact on the Peak District National Park (taking into account both individual and cumulative effects of similar proposals);
  - the degree to which the developer has demonstrated any environmental/economic/social benefits of a scheme as well as how any environmental or social impacts have been minimised (eg visual, noise or smell);
  - the impact on designated sites of European, national and local biodiversity and geological importance in accordance with policy NE1;
  - the impact on the amenity on residents and other interests of acknowledged importance, including the historic environment;
  - the degree to which individual proposals conform to any subsequent local evidence regarding the feasibility of different types of renewable energy

8. PLANNING CONSIDERATIONS AND CONCLUSIONS

8.1 Government policy, now translated in National Policy documents and also within Regional Spatial Strategies and increasingly in Local Plan documents, is to put sustainable development at the centre of spatial planning, including the need to address climate change by reducing CO^2 emissions. Indeed, the key objective of RSS remains the balancing of the Government's Sustainable Development Objectives which recognise that climate change is the greatest challenge facing the world today.

8.2 The Government has made a commitment to obtain substantial reductions in CO^2 emissions and to generate power by means other than using fossil fuels. Energy from waste is particularly highlighted which not only makes use of the resource that would otherwise be disposed of, and accords with driving up the waste hierarchy while potentially reducing CO^2 emissions, but also provides a better framework for the use of generated waste and provides an economic stimulus and jobs.

8.3 Anaerobic digestion of manures and waste foodstuffs is specifically highlighted as a well-proven renewable energy and waste management technology which also reduces greenhouse gas emissions by capturing methane by the decomposition of materials, such as food wastes, producing a biogas which can be used to generate power for use locally or be fed into the grid. The Government specifically seeks to accelerate the uptake of AD in England and has committed funds to achieving this.

8.4 Paragraph 1 (i) of PPS22 that:

> *"Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily".*

8.5 The present planning application seeks to replace a previously approved element of a larger Energy Resource Centre with this anaerobic digestion scheme at a site which

already receives very substantial quantities of animal by-products and also quantities of commercial and industrial food wastes, the latter being the initial feedstock for the proposed AD plant. Consequently, the environmental, economic and social impacts have already been addressed in respect of the current operations to which the proposed ERC and now the AD plant as part of the ERC will be an adjunct rather than a novel form of development at this location.

8.6 The specific impacts of relevance in planning policy terms and in the context of the key principle identified in PPS22 are visual upon the appearance and character of the local landscape, environmental in terms of the additional activity and consequences of it, such as air emissions and odour, social in terms of these environmental impacts and also economic in terms of the job opportunities that will be created. The Environmental Statement accompanying this application addresses the issues of landscape impact, noise, odours and air emissions – in brief, and in the context of the previously approved scheme for the Energy Resource Centre and Community Recreational Facility, no further unacceptable adverse impact is recorded. Consequently, the key policy qualification referred to at 1(i) of PPS2 can be addressed satisfactorily.

8.7 The proposal for the AD plant has specific environmental and economic benefits. Environmentally it diverts food waste from disposal, and the adverse environmental consequences of that, while allowing the production of electricity and use of the digestate for fertiliser and soil improvement. Economically it will produce a saleable and much in demand product of "renewable" energy, make use of a resource which would otherwise be "wasted" and create new jobs. These local considerations need also to be taken in the context that this substantial project will contribute to the need for a much greater output nationwide of renewable energy, leading to the substitution of the use of fossil fuels to the environmental benefit of reduced CO^2 emissions and the impact upon climate change.

8.8 In planning policy terms, Policy W1 of RSS reiterates the importance of considering waste as a resource and the amendment of the policy proposed by the Panel would promote waste management up the waste hierarchy and seek provision of suitable facilities, with Policy W2 requiring specified provision of such facilities.

8.9 At local level the Local Plan is now rather dated and was written long before most of the Government's policy documents on climate change, renewable energy, the waste strategy and the translation of these national statements of policy and action into regional policies.

8.10 By contrast, Policy SD1 of the Staffordshire Moorlands LDF Core Strategy recognises and supports small and large scale renewable energy projects subject to a number of criteria:

- The accompanying Landscape Value and Impact Assessment demonstrates that the proposal will not impact significantly upon either the appearance or character of the local landscape or distant views even in the context of that document's approach which has involved a re-consideration of the whole ERC scheme as amended by the inclusion of the AD plant and heightened electricity generating engines
- The benefits have been demonstrated as have the abatement of potential problems such as noise, odour and visual impact; what minor adverse impacts there may be are out-weighed by the consideration and significant weight that should be given to the environmental and economic benefits of renewable energy schemes
- There is no adverse impact upon European, national or local designated sites of bio-diversity or geological importance
- The impact upon the amenity of local residents has been taken into account and the ERC was the subject of extensive prior consultation; the AD process is wholly enclosed while the pre-processing and reception will be within a building under negative pressure and vented to a bio-filter for abatement, and

- The last criteria is not relevant in the context of this sub-regional proposal to recover energy by anaerobic digestion from commercial and industrial wastes.

Conclusions

8.11 The issues of development within the green belt and impact upon the purposes of it have been addressed in the context of the previous planning application for the ERC and CRF and the considerations of those issues are not altered by the proposed substitution of the bio-diesel facility with the AD plant.

8.12 In the absence of identifiable harm arising from the proposed AD plant in substitution for the bio-diesel production facility, and while noting the proposal for a heightened chimney which is considered in the LVIA and does not occasion any further adverse impact, the wider environmental and economic benefits of this proposal for renewable energy should be given significant weight as noted in paragraph 1(iv) of PPS22.

8.13 There are no significant traffic, noise, landscape or air quality adverse impacts revealed by the supporting studies or Addendums. What minor impacts are revealed can be mitigated as proposed. There are no reasons derived from these considerations why planning permission for this substituted process and heightened chimney should not be granted.

8.14 In the context of the previously approved scheme, and on the basis that that scheme is implemented, there is no reasonable policy objection to this proposal to replace the previously proposed bio-diesel production facility with an anaerobic digestion plant, inclusive of a heightened chimney for the electricity generating engines.

8.15 It is concluded that there are no material reasons why planning permission should not be granted, subject to a condition that it will proceed in the context and development of the ERC/CRF scheme.

APRIL 2010