

HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
THURSDAY 25 JANUARY 2018 AT 10.00 AM**

HERTSMERE BOROUGH COUNCIL

**PROPOSED APPLICATION FOR VARIATION OF CONDITION 2
(PERMITTED PLANS) AND CONDITION 5 (HOURS OF OPERATION
DELIVERIES) ON PERMISSION 0/0262-12 TO VARY THE SITE LAYOUT
AND HOURS OF OPERATION AT COURSERS FARM, COURSERS ROAD,
ST ALBANS, HERTFORDSHIRE, AL4 0PD**

Report of the Chief Executive and Director of Environment

Author: Christopher Martin Tel: 01992 556308

Local Member: Morris Bright

1 Purpose of Report

- 1.1 To consider application 5/2212-17 (CM0937), for proposed variation of Condition 2 (Permitted Plans) and Condition 5 (Hours of Operation Deliveries) on permission 0/0262-12 to vary the site layout and hours of operation at Coursers Farm, Coursers Road, St. Albans, Hertfordshire, AL4 0PD.

2 Summary

- 2.1 Coursers Farm is an Anaerobic Digestion (AD) facility operated by Agrivert Ltd, which processes 48,500 tonnes of biodegradable organic waste per annum, located on Coursers Road within the Green Belt close to Junction 22 of the M25.
- 2.2 Planning permission was granted by Hertfordshire County Council in 2013, with construction beginning in 2015 and operations occurring from 2016.
- 2.3 The site produces digestate which is used as an agricultural fertiliser, with 70% of this material being used within 6 miles of the site. It also produces gas which is fed into generators and produces 3 megawatts (MW) of electricity for the National Grid per annum.
- 2.4 During construction, in line with technical progression and improved operational understanding, amendments were made to the layout of the facility altering it from the plans previously approved. This application seeks to regularise the amended layout, whilst incorporating some additional infrastructure and allowing an extra hour of deliveries in the morning period.

2.5 The determination of the application should focus on:

- Justification for Development
- Green Belt
- Landscape and Visual Impact
- Highways
- Ecology
- Flood Risk
- Neighbour Amenity
- Air Quality

3 Conclusion

3.1 Having considered all the relevant planning matters, it is recommended that permission be granted subject to conditions attached.

4 The Site and Local Area

4.1 The AD facility at Coursers Farm is located between St. Albans and Potters Bar. The site lies within the Green Belt and Watling Chase Community Forest; and is adjacent to the Coursers farm agricultural unit, part of the Tyttenhanger Estate. The site is located approximately 2km north of Junction 22 (London Colney) of the M25 motorway, 2km southwest of Hatfield and less than 1km southwest of the village of the Colney Heath.

4.2 The site measures approximately 5.2 hectares and is bordered to the west by Tyttenhanger Quarry, which is operated by Tarmac. To the east are two large agricultural barns, fields and yards which form the Coursers Farm complex. Coursers Road, forming the northern boundary of the application site, links Colney Heath with the Bell roundabout and the M25.

4.3 Coursers Farm stables are situated directly adjacent to the proposal site. There are three pairs of residential properties, approximately 90m, 140m, and 310m to the northeast of the site along Coursers Road. A Grade II listed building is located approximately 120m east of the site boundary.

5 The Proposal

5.1 In 2013 permission was granted by Hertfordshire County Council for construction and operation of an Anaerobic Digestion facility on land under permission 0/0262-12. The approved development included development of 3 digestion tanks and 5 storage tanks, a waste reception building, site office and welfare facilities, biofilter, weighbridge, gas engine units, transformer, energy crop storage area and feeder, access roads and a car parking area. The hours of deliveries to the site were set at Monday to Friday 8am to 6pm and Saturday 8am to 1pm. The AD process is 24 hours a day.

- 5.2 During the construction phase, a number of amendments were made to reflect technical progression, further operational understanding, requirements by the EA and the discovery of a population of Great Crested Newts that required management and relocation.
- 5.3 This application seeks to regularise the following changes, under Condition 2, which were made to the site: reduction in the number of storage tanks with relocation and an increase in size; relocation of the gas flare; relocation of car park, site office and welfare facilities; reshaping of screening mounds; relocation of the energy crop storage area; and resizing of the bio filter. Alongside these regularisations is the inclusion of installing 4 new battery storage units and the proposal to change the hours of deliveries to Monday to Friday 7am to 6pm, Saturday 8am to 1pm and 1pm to 4pm on 6 nominated Saturdays per annum. Each of the changes will be described in the following paragraphs.
- 5.4 Permission 0/0262-12 allowed the development of 8 (3 digestion and 5 storage), 28m diameter tanks; only 5 of these tanks were built at a diameter increase of 4m and height increase of 3m, taking the diameter to 32m and height to 16.5m. The tanks have also been moved further to the south of the development, as a result of the Great Crested Newts being found and the preference to store digestate material offsite, closer to where it will be used.
- 5.5 The onsite gas flare, which is only used when absolutely necessary, requires to be as close as possible to the gas engines but also needs a 10m exclusion zone from any other infrastructure and as a result of the tanks moving, was moved too.
- 5.6 The location of the car parking spaces has been adjusted in order to keep interactions between staff/visitor vehicles and waste delivery vehicles to an absolute minimum. This improves the safety on site of both vehicle groups and was possible with the adjustment of bunds.
- 5.7 The site office consists of three portacabins organised to connect in a straight line, this is in opposition to the originally proposed two storey site office arrangement. It was considered in the detailed design stage that this organisation of the cabins was in fact the best way to provide a site office and welfare facilities, to include kitchen, toilets, shower changing, boot room and a meeting room. The revised site office has been located as close as possible to the approved position, to the south of the relocated car parking facility and the reduction in height was considered to be beneficial.
- 5.8 The original plans had proposed lower screening bunds, which occupied a larger surface area than those that have been built. The decision to re-profile the bunds and increase their height, in particular those to the East of the site, was to impede as little as possible on the activities occurring on the wider Coursers Farm site. By raising the height and adjusting the profile much more usable flat land for the equestrian business was

available.

- 5.9 The location of the energy crop storage area had to be altered in order to facilitate the required co-location of the digester tanks. The relocated position is further to the south than the original proposal.
- 5.10 Prior to commissioning the facility, Agrivert are required to gain a permit from the Environment Agency; as a result of this a biofilter was proposed to condition the air before it is released back into the atmosphere. The proposed biofilter was deemed insufficient to meet the EA's requirements and therefore the biofilter was increased in size, covered rather than open topped and now features two 3m flu stacks.
- 5.11 Aside from the changes which have occurred to the existing proposed infrastructure on the site, as part of this application it is proposed to construct 4 battery storage units. Each of the battery units would be stored within a green shipping container style unit measuring 2.4m x 12.2m x 2.9m. The battery storage units would provide 5MW of storage capacity and will store excess energy from the gas engines, which is not immediately needed by the National Grid, and can be used to provide immediate energy to the grid when required.
- 5.12 The final proposed change with this application under Condition 5 is to amend the hours of deliveries of material to the site. Currently material can only be brought to site between Monday to Friday 8am to 6pm and Saturday 8am to 1pm. It is proposed to modify these hours to Monday to Friday 7am to 6pm and Saturday 8am to 1pm and 1pm to 4pm of 6 nominated Saturdays per annum.

6 Policy Considerations

6.1 National Planning Policy Framework 2012

- Section 3 Supporting a Prosperous Rural Economy
- Section 7 Requiring Good Design
- Section 9 Protecting Green Belt Land

6.2 Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026

- Policy 1 – Strategy for the Provision for Waste Management Facilities
- Policy 1A – Presumption in Favour of Sustainable Development
- Policy 3 – Energy & Heat Recovery
- Policy 6 – Green Belt
- Policy 7 – General Criteria for Assessing Planning Applications Outside of Identified Locations
- Policy 9 – Sustainable Transport
- Policy 10 – Climate Change

- Policy 11 – General Criteria for Assessment Waste Planning Applications
- Policy 12 – Sustainable Design, Construction and Demolition
- Policy 13 – Road Transport & Traffic
- Policy 16 – Soil, Air and water

6.3 Hertsmere Core Strategy January 2013

- Policy CS13 – The Green Belt
- Policy CS17 – Energy and CO2 Reductions

7 Relevant Planning History

- 0/0262-12: Proposed construction and operation of an Anaerobic Digestion facility – Approved
- 0/1549-17: Construction of an agricultural lagoon capable of storing 30,000m³ of PAS110 compliant digestate fertiliser - Withdrawn

8 Consultations & Representations

- 8.1 Hertsmere Borough Council: has no objection to the regularisation to the layout of the site and extended hours of operation for delivery.
- 8.2 St. Albans District Council: did not formally respond to consultation.
- 8.3 Welwyn Hatfield Borough Council: supports the principle of renewable energy sources subject to potential resulting impacts being controlled. Welwyn Hatfield comments that the proposed variations are not likely to result in significant adverse impacts and therefore does not object to the proposal.
- 8.4 Hertfordshire County Council Highways: does not wish to restrict the grant of planning permission.
- 8.5 Hertfordshire County Council Waste Management: Supports the application as the Waste Disposal Authority holds a contract with Agrivert at the site.
- 8.6 Hertfordshire County Council Landscape Officer: has required the submission of a detailed landscaping scheme.
- 8.7 Hertfordshire County Council Ecology Officer: does not object to the proposal but makes recommendations on tree species for landscaping and reiterates that if Great Crested Newts are found that they must be lawfully dealt with.
- 8.8 Lead Local Flood Authority: has no objection to the proposal.
- 8.9 Ridge Parish Council: did not formally respond to consultation.

- 8.10 London Colney Parish Council: did not formally respond to consultation.
- 8.11 Colney Heath Parish Council: did not formally respond to consultation.
- 8.12 North Mymms Parish Council: Object with serious concerns in respect of the proposed additional hour (7am – 8am) of operating for deliveries at the site. The additional requested time is during the morning rush hour and with the site's close proximity to the M25, A414 and A1, when there are problems on these roads, much of the traffic will re-route through the village of Colney Heath and into Welham Green which will then impact on residents of North Mymms Parish. At 7am traffic is already building up and in this rural location even a few more lorries is unacceptable. It should be noted that no facilities are available at the site for waiting if they should arrive early. Coursers Road at this point is very narrow and is unsuitable for any further heavy traffic.
- 8.13 Environment Agency: has no comment to make on the application.
- 8.14 Historic England: has no comment to make on the application.
- 8.15 Highways England: offer no objection to the proposal.
- 8.16 Natural England: has no comment to make on the application.
- 8.17 Local Member: did not formally respond to consultation.
- 8.18 Neighbours / Publicity: Publicity for this application was as follows:
- 1 site notice was erected on the main vehicular access on 9th November 2017. An advert was also placed in the Herts Advertiser on 16th November 2017.
- A total of 57 properties were consulted and 0 responses have been received from neighbours.

9 Planning Issues

- 9.1 The principal planning issues to be taken into account in determining this application are:
- Justification for Development
 - Green Belt
 - Landscape and Visual Impact
 - Highways
 - Ecology
 - Flood Risk
 - Neighbour Amenity
 - Air Quality

Justification for Development

- 9.2 The need and principal for this facility has previously been considered and deemed necessary within the original application 0/0262-12. This view still remains as the AD facility at Coursers Farm deals with a significant proportion of Hertfordshire's green and kitchen waste, and has a contract to do so for the next 25 years. The facility allows green and kitchen waste to be dealt with in a sustainable manner which produces a natural fertiliser, therefore reducing the need for fossil fuel based fertilisers, and biogas which powers electricity generators providing 3 MW of electricity per annum. It is therefore considered overall that the justification for this development still stands.
- 9.3 However, due to the proposed changes under Variation of Condition 2, it must be considered whether these are appropriate. Overall the site still covers the same footprint as previous and has had an overall reduction in total structure size, whilst still providing the same service as before. The alterations have been borne out of ecological factors, best practice improvements and Environment Agency requirements, which ultimately have enhanced the operation and best practice at the site. Therefore it is considered that the principle and overall impact of the site in terms of its built form and purpose are still practically the same as originally approved and continue to be acceptable.
- 9.4 In regards to the proposed addition of battery storage units at the site, this does not significantly change the purpose of the site. The battery storage will allow the sustainable generation of electricity at the site be better managed and assist in the overall energy security of the region. Due to the relatively minor built mass addition the batteries bring and the benefits they provide in assisting sustainable practices, it is considered the addition of the battery storage is acceptable and justified.
- 9.5 The proposed change to the hours of deliveries under Condition 5 is another element of this proposal which must be considered. The original condition was set to comply with Policy 13 of the Waste Core Strategy, which considers the highway impacts of development. In the interim period several of the District and Boroughs have started to further separate the collection of food waste. This means food waste will be delivered directly to the site and as a result an extra hour is needed in the morning to allow these vehicles to arrive. While it is proposed to have the extra hour of deliveries in the morning, the overall number of vehicle movements will not change and Condition 15 from permission 0/0262-12 will be replicated in this permission. The only objection to this proposal has been raised by North Mymms Parish Council on this extra hour for deliveries, which they deem to be unacceptable for the reasons stated in 8.12. Consultations with Hertfordshire Highways and Highways England have not raised any issues with this extension of hours for deliveries and the amount of vehicles that will operate in this time is very few of the overall total. The adjoining Tyttenhanger Quarry already has vehicle movements from 7am which is considered acceptable. It is

therefore considered acceptable to extend the hours for delivery, as this is expected to have minimal impact.

- 9.6 Overall it is considered that the proposal is compliant with Section 3 of the NPPF Supporting a Prosperous Rural Economy, as it provides jobs within a rural area, as well as Policies 1 (Strategy for the Provision for Waste Management Facilities), 1A (Presumption in Favour of Sustainable Development), 3 (Energy & Heat Recovery), 7 (General Criteria for Assessing Planning Applications Outside of Identified Areas), 10 (Climate Change), 11 (General Criteria for Assessing Waste Planning Applications), 12 (Sustainable Design, Construction and Demolition) of the Hertfordshire Waste Core Strategy and Policy CS17 (Energy and CO2 Reductions) of the Hertsmere Core Strategy 2013.

Green Belt

- 9.7 The site is located within the Metropolitan Green Belt whereby the provision of such a use could constitute inappropriate development as referred to in Section 9 of the NPPF, Policy 6 of the Waste Core Strategy and Policy CS13 of the Hertsmere Core Strategy. Very special circumstances are necessary to be justified to demonstrate that the benefits of the development would clearly outweigh harm to the Green Belt due to inappropriate development and any other harm associated with the proposal.
- 9.8 The previous application 0/0262-12 considered that as the proposal would have significant benefits by producing organic fertiliser, reducing the need for chemical fertiliser, as well as producing electricity by sustainably processing waste food that this substantiated very special circumstances.
- 9.9 These identified very special circumstances all remain and the introduction of battery storage, further enhances these circumstances as it allows for the sustainably produced electricity to be better directed and utilised to its maximum potential based on demand.
- 9.10 Further as the development constitutes a reduction in overall built mass, despite the height increase of the storage tanks, this reduces the impact upon the Green Belt, therefore on balance resulting in a more acceptable situation than the previously approved application.
- 9.11 The application will not be submitted to the Secretary of State, despite being in the Green Belt, as it is considered the application would not have a significant impact upon the Green Belt. It is considered the impact is less than the original application, which was referred to the Secretary of State and was not called in.
- 9.12 Overall it is considered that the proposal complies with Section 9 Protecting Green Belt Land of the NPPF, Policy 6 (Green Belt) of the Waste Core Strategy and Policy CS13 (Green Belt) of the Hertsmere Core Strategy 2013.

Landscape and Visual Impact

- 9.13 It is considered that the 3m height increase of the storage tanks on the site does have a slightly more adverse impact on the landscape and visual impact of the site; this certainly makes it more difficult to screen the development. The layout changes have also resulted in the proposed landscaping originally permitted being changed. It has therefore been recommended by the Council's Landscape Officer that a detailed landscaping scheme is submitted and implemented, in order to bring the new draft landscaping scheme more in line with the visual impact of the rearranged site.
- 9.14 Despite the changes to the layout of the site, the main visual impact of the site remains as a result of the storage tanks. As previously stated the increase in height does negatively impact the visual impact, however the overall number of tanks has reduced. Therefore it is considered that the proposal is still acceptable in design terms and how it affects the landscape, once a new landscape scheme has been submitted and implemented. Therefore it is considered the proposal is compliant with Section 7 Requiring Good Design of the NPPF.
- 9.15 There is a Grade II Listed building approximately 120m to the east of the site. It is considered that the AD Plant does not affect the setting of this building, as the built form of the AD plant is a sufficient distance away. Further Historic England has not raised any objection to the potential impact of the AD on the listed building.

Highways

- 9.16 The overall highway impact of the Coursers Farm AD is considered to be minimal. Under the previous permission Condition 15 specifies a maximum of 54 (27 in, 27 out) movements will occur per day, which is less than 1% of the total vehicle movements on Coursers Road, it is proposed that this condition would remain with this new permission. The entrance and parking at the site are also considered to be good. While there has been concern raised by North Mymms Parish Council regarding vehicle movements occurring earlier at the site, Hertfordshire Highways and Highways England have not objected. Overall it is considered the highway situation has not and will not change significantly and therefore is acceptable. Therefore it is considered the application complies with Policy 9 (Sustainable Transport) and Policy 13 (Road Transport & Traffic) of the Waste Core Strategy.

Ecology

- 9.17 One of the main reasons for the adjustments which have occurred on site and are the subject of this application are as a result of Great Crested Newts being found on site. Therefore new ponds were produced to enhance the population and protect them from the development. This did however mean structures on site had to be moved from their

originally permitted locations. As a result of these changes the ponds have been implemented and the newt population has been protected. The County Ecologist has not raised any issues with this proposal but has reiterated that if newts are found in any other locations they must be dealt with lawfully.

Flood Risk

- 9.18 The site is located within Flood Zone 1 and therefore has the lowest potential risk to flood. In relation to surface water flood risk the site has numerous retention ponds and storage capacity where water captured can be used in the AD process. The proposals have also seen the amount of impermeable land reduced, therefore slightly lowering the risk of flooding. The LLFA and Environment Agency have not objected to the application on this aspect.

Neighbour Amenity

- 9.19 In terms of noise, anaerobic digestion is considered to have a minimal output. The noise atmosphere in the area is dominated by the M25, Coursers Road and Tyttenhanger Quarry, however the AD does not substantially add to this situation. Despite the increase in hours for deliveries, which could raise the noise level slightly, these are still going to be within prescribed day time hours of 7am to 11pm.
- 9.20 Battery storage has minimal noise outputs, with associated noise generated by cooling fans engaged in the process. Agrivert already have similar cooling infrastructure on site, which were considered as part of the original application and not found to be of significant impact. All noise generating operations associated with the battery storage will be fully contained within the containers, and as such the development will have minimal impact on the sites overall noise production.
- 9.21 Odour concerns are generally very typical at facilities such as this. However all potential odour generating sources are contained within a building under negative pressure with quick closing doors, a biofilter helps to reduce odour and the site has an Environmental Permit from the EA which has specific thresholds that they must meet in order to operate. Furthermore the material produced on site achieves PAS110, which one of the criteria of is the odour of material must not breach certain limits. Complaints related to odour at the site have not occurred and there have been no objections from neighbours on this proposal. Therefore it is considered that the potential impact to neighbours is negligible and will not change as a result of this proposal.

Air Quality

- 9.22 As part of the amendments this application seeks permission for, there

has been both an increase in the size of the sites biofilter and the biofilter has been covered as per the EA's requirements. These amendments have both been implemented in order to further reduce the potential for air quality impact, from that permitted by the original application. The majority of vehicles which will be arriving at the earlier period are not HGV's either as smaller vehicles collect the food waste transferred to the site. Therefore it is considered that the proposal complies with Policy 16 (Soil, Air and Water) of the Waste Core Strategy.

10 Summary

- 10.1 The principle of an AD plant in this location was already determined as acceptable in 2012. A number of amendments were made to reflect technical progression, further operational understanding, requirements by the EA and the discovery of a population of Great Crested Newts that required management and relocation. This has resulted in the submission of this application to regularise the built form.
- 10.2 While there have been quite a few changes to the development, overall the function remains the same and the built form still contains the same structures; albeit in different locations and different sizes. The changes have been considered to not significantly change the impact of the facility and in some instances may reduce the impact.
- 10.3 The application also contains the additional request for implementation of battery storage units and an additional hour of deliveries in the AM period. Both of these have both been considered to be acceptable by improving the overall sustainability or having negligible impact.
- 10.4 Overall having taken the balance of all the issues and policy into account, it is recommended that planning permission should be granted subject to the conditions as follows:

11 Conditions

1. **Time Limit for Commencement of Development**
The development hereby permitted shall be begun before the expiration of a three year period commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Act 1990 (as amended).
2. **Permitted Plans**
The development shall be carried out in accordance with the following plans and documents submitted as part of the application:
 - Biofilter Cover & Duct Arrangement – 1000-B215 Rev4 – 06/10/16

- Energy Storage Container Plan and Elevations – 601 RevB – 06/12/2016
- Landscape and Visual Appraisal – CE-CF1155-RP01- 19/5/2017
- Supporting Statement – October 2017
- Site Elevations – 1000C002 – 03/05/17
- Planning Boundary – 1000P001 – 26/01/16
- Traffic Management Site Layout Plan – 1000C012 Rev4 – 26/10/16

Reason: In order to protect the character, appearance and amenity of the site and the surrounding area and for the avoidance of doubt.

3. **Spreading of Digestate**

At least 70% of the digestate (bio-fertiliser) produced from the AD process at the plant site shall be applied to local agricultural land within a 6 mile radius of the site.

Reason: To avoid transporting the product significant distance and to ensure the sustainability of the proposal.

4. **Hours of Operation during Construction**

Construction activities on site shall only take place between:

Monday to Friday: 8am to 6pm
Saturday: 8am to 1pm

Reason: To comply with Policy 11 of the Hertfordshire Waste Core Strategy, that seeks to protect the amenity of the surrounding area.

5. **Hours of Operation (Deliveries)**

The site shall only be open for deliveries of waste and collections of digestate between the following hours:

Monday to Friday: 7am to 6pm;
Saturday: 8am to 1pm; and
1pm to 4pm on 6 nominated Saturdays per annum

Reason: To comply with Policy 13 of the Hertfordshire Waste Core Strategy.

6. **Odour Management**

Measures shall be taken to ensure that any odour that can be substantially attributed to processes being undertaken on site shall not be detected outside the boundaries of the site.

Reason: In the interest of neighbour amenity to comply with Policy 11 of the Hertfordshire Waste Core Strategy.

7. **Landscaping**

Within six months of the date of this permission, a plan showing detailed landscaping including location and type of planting, shall be

submitted to and approved by the Local Planning Authority. The approved plan shall be implemented in full within the first planting season following approval of the plan.

Reason: To protect the amenity of neighbouring land users from the impact of the built form.

8. **Maximum Vehicle Movements**

HGV vehicle movements for waste deliveries to the development shall not exceed 54 (27 in, 27 out) movements per day unless agreed in writing with the Waste Planning Authority or in the event of an emergency.

Reason: To ensure vehicle movements do not exceed the deemed acceptable level.

9. **Tonnage of Waste Processed**

The maximum amount of organic waste to be processed in the approved Anaerobic Digester plant shall not exceed 48,500 tonnes per annum.

Reason: In order to avoid the over-intensive use of the site.

Background information used by the author in compiling this report

Application documents
NPPF 2012
Hertfordshire Waste Core Strategy
Hertsmere Core Strategy
Neighbour representations
Consultee responses