

ITEM A
Marco Taylor
Lands adjacent to 15 Drumslade
Road
Coleraine

C/2011/0341/F
Full Planning

27th May 2015

<u>No:</u>	C/2011/0341/F	<u>Ward:</u>	Dundooan
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands adjacent to 15 Drumslade Road Coleraine		
<u>Proposal:</u>	Proposed erection of agricultural anaerobic digestion facility and feedstock storage area (SILOS) with a Combined Heat and Power Plant unit (CHP) a gas flare stack, boundary fence, staff carpark and associated works to access road (amended access details)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	29.06.2011
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
<u>Agent:</u>	Vision Design 31 Rainey Street Magherafelt / Newline Architects 48 Main Street Castledawson.		
<u>Applicant:</u>	Marco Taylor C/o Agent		
<u>Objections:</u>	12	<u>Petitions of Objection:</u>	3 (14 names in total)
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

**Drawings are available to view on the Planning Portal-
www.planningni.gov.uk**

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the southern side of Portstewart Road between Coleraine and Portstewart Road. The proposed anaerobic digestion facility will be accessed from the laneway which is partially constructed. The existing farmyard where the site is located is set back approximately 700m from the public Road. The farm holding consists of a number of large agricultural buildings and two storey farm dwelling as well as a considerable area of surrounding farm land extending to approximately 62Ha.
- 2.2 The site is located in the rural area as defined in the North East Area Plan 2002 and the draft Northern Area Plan 2016 with the character defined by a small number of individual farm groupings and dwellings in the landscape adjacent to the River Bann.

3 RELEVANT HISTORY

C/2006/1149/F

Proposal: Proposed clubhouse, access road and car parking.

Address: Land to the east of the Bann River, to the south 186-188 Coleraine Road and to the east of 82a-96 Portstewart Road, Portstewart.

Decision: Approved

Decision Date: 04.09.2009

C/2006/1150/F

Proposal: Proposed 18-hole golf course, practice facilities and associated infrastructure.

Address: Land to the east of the Bann River, to the south 186-188 Coleraine Road and to the east of 82a-96 Portstewart Road, Portstewart.

Decision: Approved

Decision Date: 26.02.2010

C/2010/0621/F

Proposal: Erection of 1 No 150KW Wind turbine with a hub height of 24m and a blade diameter of 23m.

Address: 370m South East of 188 Coleraine Road

Portstewart

Decision: Approved

Decision Date: 18.10.2012

C/2011/0435/F

Proposal: Retrospective application for two storey farm dwelling.

Address: 1350m South East of 188 Coleraine Road Portstewart

Decision: Approved

Decision Date: 21.03.2013

4 THE APPLICATION

- 4.1 Planning permission is sought for the proposed erection of an agricultural anaerobic digestion facility and feedstock storage area (SILOS) with a Combined Heat and Power Plant unit (CHP) a gas flare stack, boundary fence, staff carpark and associated works to access road. The anaerobic digester is located on the landward side of the existing farm yard, away from the river. It comprises a number of elements including three tanks, a digester, reception tank, a Hopper, CHP (Combined Heat & Power) container unit, and car parking.
- 4.2 Revisions to the scheme have been received during the processing of the application. This has amended the access to the site, which was initially from an existing laneway, to an access road currently under construction. The access road currently under construction was approved under C/2006/1149/F, C/2010/0621/F and C/2011/0435/F. The size of the tanks now proposed are 6 metres in height (originally up to a height of 15 metres) and the tanks will be flat topped in design, rather than conical as originally proposed.
- 4.3 The amount of earth to be excavated has also been reduced and will be used to help screen the tanks into the landform by cutting

and filling around these. Any residual earth will be mainly used for further landscaping of the site, within the existing land holding, or off site in line with any necessary consents or legislation.

- 4.4 The revised scheme is much more in keeping with the height of the existing farm buildings on the site, and will reduce the extent of the visual impact from the public viewpoints of the river and the railway. The proposed tanks will now have an appearance more akin to an agricultural storage unit, such as a slurry tank. The revised access takes vehicles accessing the AD away from the private laneway at Drumslade Road with a direct access onto the Portstewart Road.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twelve (12) objectors** making representation on this proposal have been received from 3 Drumslade Road, Coleraine, 8 Drumslade Road, Coleraine, 8a Drumslade Road, Coleraine, 19 Drumslade Road Coleraine, 82 Portstewart Road, Coleraine, 84 Portstewart Road, Coleraine, Causeway Coast Communities Consortium, Seatons Marina, Brennan Associates (on behalf of residents of Drumslade), The Honourable The Irish Society, and an anonymous letter objecting to the application. There has been **three (3)** letters of petition representing 3 Drumslade Road, Coleraine, 8 Drumslade Road, Coleraine, 8a Drumslade Road, Coleraine, 19 Drumslade Road, Coleraine, 82 Portstewart Road, Coleraine, 84 Portstewart Road, Coleraine objecting to the application.

The reasons for objecting include:

- Access arrangements
- Traffic/road safety issues
- Smell and noise impact; amenity issues

- Visual impact of development in terms of scale and suitability of the development, and impact on surrounding area
- Grid Connection
- Land ownership issues
- Conflict with previously approved golf course and future uses
- Contrary to planning policy
- Inaccurate figures provided by applicant

Internal

5.2 **Transport NI:** Has no objection to the proposal subject to conditions.

Health & Safety Executive: Has no objection to this proposal.

Environmental Health: Has no objection to the proposal subject to conditions.

DARD Veterinary Services: Has no objection to this proposal.

NIEA Industrial Pollution and Radiochemical Inspectorate: Has no comment to make.

NIEA Water Management Unit: Has no objection in principle and suggested informatives.

NIEA Natural Heritage: Has no objection in principle to the proposal subject to conditions.

NIEA Historic Buildings Unit: Has no remit to comment on this application.

NIEA Historic Monuments Unit: Has no objection to this proposal.

NIEA Land and Resource Management Unit: Has no objection to this proposal.

Rivers Agency: Has no objection in principle and suggested informatives.

NIEA Landscape Architects Branch: Has no objection to this proposal.

6 MATERIAL CONSIDERATIONS

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”
- 6.2 The development plan is:
- North East Area Plan 2002
 - draft Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 Due weight should be given to the relevant policies in the development plan.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

PPS 1 General Principles

PPS 2 Natural Heritage

PPS 11: Planning and Waste Management

PPS 18: Renewable Energy

North East Area Plan 2002

draft Northern Area Plan 2016

Supplementary Planning Guidance

Best Practice Guidance to PPS 18 – Renewable Energy

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: Impact on AONB, PPS 18 and PPS 11 which cover issues relating to public safety, human health and residential amenity, visual amenity and landscape character, Local nature resources and feedstock; and access/traffic.

Planning Policy

- 8.2 The site is located within the Binevenagh Area of Outstanding Natural Beauty.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.
- 8.4 PPS18 Renewable Energy is supportive of projects for generating renewable energy providing they will not result in:
- (a) public safety, human health, or residential amenity,
 - (b) visual amenity and landscape character;
 - (c) biodiversity, nature conservation or built heritage interests;
 - (d) local natural resources, such as air quality or water quality;
 - and
 - (e) public access to the countryside
- 8.5 PPS 11 Planning and Waste Management requires that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that specific criteria are met. A number of these criteria are similar to those assessed under PPS18 in para 8.4. PPS 11

also provides the policy relating to waste collection and treatment facilities and sets out the circumstances where such facilities will be granted planning permission

- 8.6 PPS 21: Sustainable Development in the Countryside allows for renewable energy projects in accordance with PPS 18 and expects such proposals to satisfactorily integrate into the countryside and to not affect the rural character.
- 8.7 Policy NH6 of PPS 2: Natural Heritage provides the policy context for proposals in Areas of Outstanding Natural Beauty.

Background of Anaerobic Digestion

- 8.8 Anaerobic Digestion is the process by which plant and animal material (biomass) is converted into useful products (biogas and digestate) by micro-organisms in the absence of air. Biomass is placed inside sealed tanks and naturally occurring micro-organisms digest it, releasing biogas (a mixture of methane and CO₂) that can be used to provide renewable energy and produce digestate that can be used as fertiliser and soil conditioner.
- 8.9 In terms of the promotion of more sustainable energy Para 3.1.3 of Best Practice Guidance to PPS18 states that the process of anaerobic digestion has the benefit of using waste substances that are otherwise difficult to dispose of in an environmentally acceptable manner while producing energy which is effectively carbon neutral. This is due to the fact that the carbon released is approximately equal to the carbon absorbed from the atmosphere by the plants which constitute the origin of the organic waste.

Impact on AONB

- 8.10 Designation as an Area of Outstanding Natural Beauty does not necessarily prevent of development. However the first principle of practice is any scheme that would be detrimental to

environmental quality should not be permitted. The main views of this proposal will be from the River Bann, and the railway line on the opposite side of the river. Revisions have been sought which reduce the visual impact of the proposal and there is nothing to suggest this proposal would result in a detrimental impact on the AONB.

Consideration of Planning Policy Statement 18

Public safety, human health and residential amenity.

- 8.11 In terms of public safety the sealed nature of the digestion process is noted which can significantly reduce odour. The proposal will also be grouped within an existing farmyard and the application process has resulted in a significant level of consultation with other agencies with no concerns raised. Furthermore the amended access arrangements has resulted in the relocation of the access away from the laneway originally proposed along Drumslade Road and will involve a limited increase in traffic movement. As there has been no objection from consultees, in particular NIEA and Environmental Health it would indicate that the potential impact on neighbouring properties is limited.
- 8.12 There is also a requirement for the facility to be appropriately licensed and controlled. The facility will be required to operate in accordance with conditions outlined in any licence/permit issued by NIEA Land and Resource Management, a licence will only be granted if NIEA concludes that the environmental impact from the operation would be acceptable. Mitigation will be in place to ensure no adverse impact on human health or amenity.

Visual amenity and landscape character

- 8.13 The proposal has been revised to show the tanks at a maximum of 6 metres from ground level (Previously up to 15 metres). These will be visually linked and viewed with the existing farm complex and will integrate to an acceptable degree with the existing farm buildings. The amount of cut and fill would also

assist with visual integration and the landscaping proposals will help soften and aid integration. NIEA Landscape Architects has also concluded that the level of visual impact is acceptable. As the proposal is now more in keeping with the height of the existing farm buildings on the site, the visual impact has been significantly reduced from the main public viewpoints of the River Bann and the railway. It is unlikely there will be any critical views from the road network given the setback from the public road and adjoining properties.

- 8.14 There are no nature conservation or built heritage concerns at the site.

Local nature resources

- 8.15 The proposed facility will not result in an unacceptable impact on local natural resources, including air quality and water quality. The surrounding area is predominately agricultural, with much of the land being used for grazing. Substantial consultation has been carried out and the facility will also be subject to licensing to ensure protection of the environment.

Feedstock

- 8.16 Policy RE 1 states that the proposal should be located at, or as close to the source of the resource needed for that particular technology. The agent has confirmed that the feedstock for the facility will be provided from the farm-holding. The agent also forwarded additional information relating to the nature of feedstock, its volume, potential additional traffic movements from outside the site if the additional lands in the applicant's ownership, but not located within this proposal are not available. The required feedstock is approximately 30 tonnes of silage per day, along with cattle slurry which is currently available on site. The applicant has other significant lands at their disposal.
- 8.17 If feedstock was to come from off-site, the agent has confirmed that the maximum intake of 2 deliveries per day (4 traffic movements) would be in the form of 2 tractor & trailer

movements carrying 14 tonnes maximum each. A senior Renewable Energy Technologist at DARD was asked to verify this information. It was advised that a 500Kw AD (as proposed) would require approximately 1.2 acres of land (in the context of Northern Ireland) to produce 1Kw of power, subject to a number of factors, including the land and how this is managed. There was further advice that the figure of 2 silage trailers quoted was reasonable. On the basis of the information and advice from DARD regarding the source of feedstock and vehicle movements, if sourced off site, this appears to be accurate.

- 8.18 The wider environmental, economic and social benefits of this proposal as a renewable energy project have been given significant weight in determining whether planning permission should be granted. A key benefit is that the facility will use waste substances that are difficult to dispose of in an environmentally acceptable manner. It will generate heat and electricity and result in reduced greenhouse gas emissions through the use of renewable energy.

Consideration of Planning Policy Statement 11

- 8.19 This proposal is considered to be a waste management facility and therefore be considered within the context PPS11.
- 8.20 As stated under the assessment in relation to PPS18 para 8.10-8.13 the surrounding area is predominately agricultural, with much of the land being used for grazing. There does not appear to be a significant or unacceptable impact on the residential amenity of unrelated dwellings due to noise, odour, increased traffic, or an adverse impact on the environment.
- 8.21 The visual impact is acceptable due to the proximity to the existing farm grouping which provides a backdrop while further mitigation measures include proposed earthworks and landscaping. There is no identified impact on nature conservation or archaeological / built heritage interests and

access / turning is available on site with Transport NI raising no objection in relation to access arrangements.

- 8.22 In terms of the types of waste to be deposited, much of the feedstock is to be delivered directly from the surrounding farm holding to the proposal. Any further deliveries would appear to remain of a frequency which already serves the farm-holding. The material to be utilised is clearly identified (including the relevant European waste codes) and will be subject to licensing from NIEA Land and Resource Management. A licence/permit will only be granted if NIEA concludes that the environmental impact from the operation would be acceptable and reflects the use of Best Available Techniques. Current information would indicate that the proposal will not pose a serious environmental risk to air, water or soil resources and that flooding is not an issue.
- 8.23 NIEA Waste Management Unit has advised of the Silage, Slurry and Agricultural Fuel Oil (SSAFO) and Nitrates Action Programme (NAP) regulations. It is not considered that the proposal will result in the loss of the best and most versatile agricultural land. A large area of land will still remain around the site.
- 8.24 Policy WM 2 details the planning policy relating to waste collection and treatment facilities and sets out the circumstances where such facilities will be granted planning permission.
- 8.25 The first requirement is that there is a need for the facility as established through the Waste Management Strategy and Waste Management Plan. While the Waste Management Strategy does not specifically identify a need for this facility it does include a number of key objectives including to maximise the re-use, recycling and recovery of materials entering the waste stream and ensuring that waste is managed with minimum impact on the environment and public health.

However, the WMS is strategic document which more specifically relates to larger government / council facilities.

- 8.26 Criterion (b) requires that the proposed facility is the Best Practicable Environmental option (BPEO) and the submitted statement of support identifies the current proposal as the BPEO.
- 8.27 In relation to criterion (c) the proposal is suitably located and is adjacent to the group of existing buildings on the farm. The visual impact of the proposal is acceptable and will not result in unacceptable adverse environmental impact.
- 8.28 While criterion (d) is more applicable to regional scale waste collection or treatment facilities, the proposed built development associated with the proposal is appropriate to the nature of the waste to be processed, incorporates measures to maximise energy recovery, and will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled.

Traffic/access concerns

Impact on Drumslade Road

- 8.29 The proposal has been amended to move the access point from Drumslade Road to a recently constructed access off Portstewart Road. In November 2013 Road Service (now Transport NI) confirmed that this access has been constructed in accordance with the previously approved drawings. However, concerns have still been raised that traffic may not use this access and will use Drumslade Road. It has been suggested there are difficulties with Drumslade Road, including its width, condition, alignment, proximity of dwellings, lack of footpaths and the danger to road users. Transport NI has advised that as this is a private laneway, any use of this road would be a civil matter as Transport NI has no jurisdiction over it. It should also be noted that permission has been sought to use an alternative access, not Drumslade Road.

8.30 Consideration must also be given to the limited traffic movements that would be generated along with the fact that there is an established and active farm on the site. The agent has also confirmed that all the feedstock will be transported within the farm holding. Transport NI has raised no objection or concerns on the ability of the access to accommodate the proposed traffic movements.

Other Issues

8.31 Clarification has been provided regarding land ownership which has now been resolved. The applicant has amended the extent of the blue land to comply with what land is currently within their ownership.

8.32 As the proposal complies with PPS 11 and PPS 18, it does not conflict with PPS 21 as the proposal satisfactorily integrates into the countryside and does not affect the rural character.

9 CONCLUSION

9.1 The proposed development is considered acceptable in this location having regard to the draft Northern Area Plan and other material considerations. The amendments to the proposal have resulted in lowering the height of the tanks and reducing their visual impact. The revised access has reduced any potential impact on residents and neighbours from any traffic coming to or from the site. The proposal complies with planning policy and is acceptable in terms of its layout and appearance. In accordance with para 52 and para 59 of PPS 1, no significant harm would be caused to neighbouring amenity and there would be no demonstrable harm. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The waste materials accepted at the facility hereby approved shall be restricted to the European Waste Catalogue Code 02 01 06 animal faeces, urine, manure, (including spoiled straw), effluent, collected separately and treated off-site. The other feedstock materials shall be restricted to grass silage, straw, beet and maize silage.

Reason: In the interests of amenity.

3. In relation to the acceptable Organic feedstocks; silage and maize shall be stored in the covered open clamp with farm animal slurries held in sealed storage tanks.

Reason: In the interests of amenity.

4. The energy crop materials to be accepted and processed shall be restricted to those originated from the associated farm holding only.

Reason: In the interests of amenity of residents living in the surrounding area and in the interests of environmental pollution.

5. The CHP unit as indicated on stamped approved drawing No 03C which was received on 13th February 2014 shall be used only in conjunction with the anaerobic digestion facility hereby approved and for no other purpose.

Reason: In the interests of the character and amenity within this rural location.

6. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the facility becoming operational.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

7. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. Any clearance and demolition works associated with the proposed development shall be carried out outside the bird breeding season (1March to 31 August inclusive).

Reason: To prevent disturbance to assemblage species for which the Bann Estuary SAC/ASSI has been designated.

9. The development hereby permitted shall not be commenced until the access details and laneway have been provided in accordance with the stamp approved drawings no. 01C, 01D, and 06B.

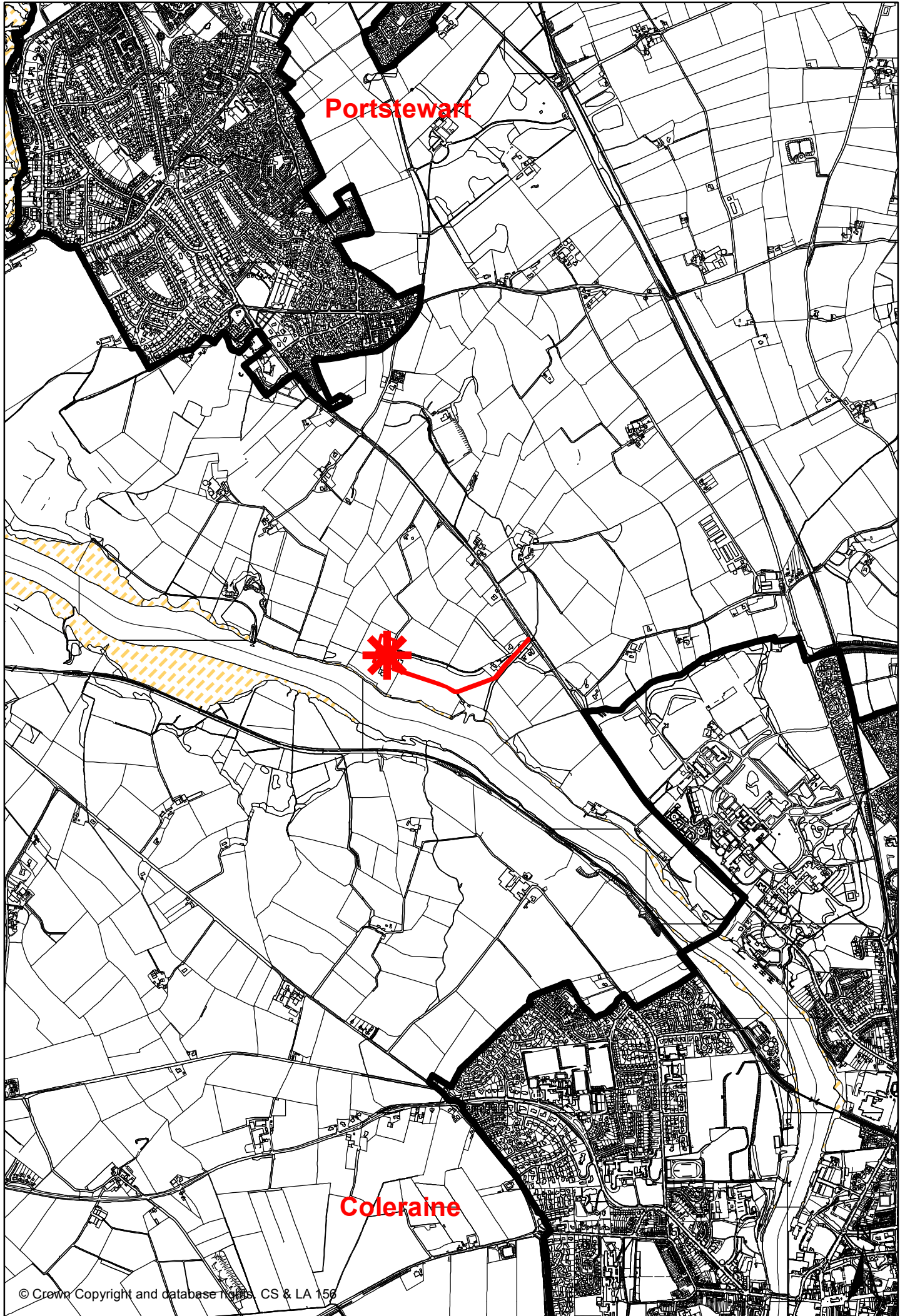
Reason: To ensure there is a satisfactory means of access and for the convenience of road users.

10. Access to the Anaerobic Digester hereby approved shall only be from the access as outlined in red on the stamp approved drawing 01D received 13th February 2014.

Reason: In the interests of road safety and amenity of residents living in the surrounding area.

ANNEX

Date Valid	29 th June 2011
Date First Advertised	8 th July 2011
Date Last Advertised	15 th June 2013
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Drumslade Road, Drumslade, Coleraine, Londonderry, BT52 1SE, Richard Sterling 19 Drumslade Road, Drumslade, Coleraine, Londonderry, BT52 1SE, The Owner/Occupier, 21 Drumslade Road, Drumslade, Coleraine, Londonderry, BT52 1SE, Neville. K Moore 3 Drumslade Road, Drumslade, Coleraine, Londonderry, BT52 1SE, BRENNAN ASSOCIATES 5 Seafield Park South Tullaghmurry East Portstewart Edward Montgomery 54 Castleroe Road Ballyness Coleraine Zoe Seaton 8 Drumslade Road, Drumslade, Coleraine, Londonderry, BT52 1SE, Ray Cheshire 82 Portstewart Road, Ballygallin, Ballysally, Coleraine, Londonderry, BT52 1SD, The Owner/Occupier, 82A Portstewart Road, Ballygallin, Ballysally, Coleraine, Londonderry, BT52 1SD, Brian Walker 84 Portstewart Road, Drumslade, Ballysally, Coleraine, Londonderry, BT52 1SD, Jane Seaton 8A Drumslade Road, Drumslade, Coleraine, Londonderry, BT52 1SE, Owner/Occupier NO NAME / ADDRESS (05-DEC-2011) Zoe Seaton Seatons Marina, Drumslade Road, Coleraine, BT52 1SE The Owner/Occupier, Slipway, 10 Drumslade Road, Drumslade, Coleraine, Londonderry, BT52 1SE,	
Date of Last Neighbour Notification	25 th February 2014
Date of EIA Determination	24 th November 2011
ES Requested	No



Portstewart

Coleraine

