

Planning Permission

Name and address of applicant

Manby BGE Ltd
101 New Cavendish Street
1st Floor South
London
W1W 6XH

Name and address of agent (if any)

Reading Agricultural Consultants
Gate House
Beechwood Court
Long Toll
Woodcote
RG8 0RR

Part I - Particulars of application

Date of application:
5 May 2023

Application No.
N/113/01243/23
LCC Ref. No.
PL/0037/23

Particulars and location of development:

To construct a gas to grid anaerobic digester and fertiliser production facility comprising of nine digester/fermentation tanks; feedstock reception/straw processing and storage building; digestate separation and fertiliser production building; biogas upgrade plant; emergency gas flare; odour control and condensing unit; gas entry compound/unit other ancillary plant and equipment and underground pipeline connecting to National Grid at Land at Manby Airfield, off Manby Middlegate, Manby

Part II - Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 and having taken into consideration the environmental information submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority (WPA) within seven days of such commencement.

Date: 28 March 2025

County Offices, Newland,
Lincoln, LN1 1YL

N McBride

Head of Planning
Lincolnshire County Council

1. **There may be pre-development conditions attached to this notice and if these are not complied with before development commences then you may not have been deemed to have been granted planning consent.**
2. **This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Written notification of the date the commissioning and testing phase of the development hereby permitted has been completed shall be sent to the Waste Planning Authority (WPA). Such notification will be given within seven days of the completion of that phase.

Reason: To enable the WPA to monitor operations and the development hereby permitted.

Approved Documents & Drawings

3. The development hereby permitted shall be carried out in strict accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the supporting Environmental Statement (including supporting technical appendices) and the drawings set out below, unless otherwise agreed in writing with the WPA, or where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions:

Documents

- Planning application form, Design & Access Statement and Statement of Community Involvement (received 9 May 2023)
- Planning Statement (dated 23 June 2023)
- Environmental Statement (inc. appendices) & Non-technical Summary (received 9 and 17 May 2023)

Drawings/Plans (all received 9 and 17 May 2023)

- Drawing No. RAC/8951/01 – Location Plan
- Drawing No. RAC/8951/03 – Gas Pipeline Alignment and HDD Pit Locations
- Drawing No. RAC/8951/04 Rev.A – Site Plan
- Drawing No. RAC/8951/05 – Reception and Straw Building - Elevations
- Drawing No. RAC/8951/06/S1 Rev.A – Digestate Separation and Fertiliser Production Building – Side Elevations and Floor Plan
- Drawing No. RAC/8951/06/S2 Rev.B – Digestate Separation and Fertiliser Production Building – End Elevations
- Drawing No. RAC/8951/07 – Tanks, Stacks and Silos – Elevations
- Drawing No. RAC/8951/08 - Technical Buildings Elevations
- Drawing No. RAC/8951/09 - Ekogea Micronisation Building – Elevations
- Drawing No. RAC/8951/10 - Biogas Upgrade Equipment – Elevations
- Drawing No. RAC/8951/11/S1 - Elevations As Proposed (Reception & Office)
- Drawing No. RAC/8951/11/S2 Rev.A – Plans As Proposed (Reception & Office)
- Drawing No. RAC/8951/12 Rev.B - Odour Unit, Flare and Condenser – Elevations
- Drawing No. RAC/8951/13 - Digestate Separation and Fertiliser Production Building - Roof Plans
- Drawing No. RAC/8951/14 - Gas Pipeline Compression and Chilling Equipment – Elevations
- Drawing No. RAC/8951/15 Rev.B - Grid Entry Compound Layout and Elevations
- Drawing No. RAC/8951/16 Rev.B – Site Elevations

Reason: To ensure that the development is carried out in an acceptable manner and

for the avoidance of doubt as to the development that is permitted.

Permitted Tonnages & Feedstocks

4. The feedstock materials for the anaerobic digestion plant shall be restricted to no more than 305,000 tonnes per annum comprising of cattle/pig manure, chicken litter and straw and no more than 50,000 tonnes per annum of organomineral fertiliser additives. All materials brought to the site shall be weighed at a weighbridge within the site and weighbridge records shall be retained for at least two years and be available for inspection by the WPA upon request.

Reason: To define the permitted waste streams and to limit the scale of operations in the interests of the amenities of the area.

Pre-commencement Conditions

Construction Activities

5. No development shall take place until a Construction Environmental and Transport Management Plan (CETMP) has been submitted to and approved in writing by the WPA. The CETMP shall include details of measures to be adopted to minimise and mitigate potential impacts during the construction phase including (inter alia):
 - the measures to avoid the pollution and discharge of any substances, including surface water run-off into controlled waters;
 - the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from construction equipment and vehicles;
 - the measures to be adopted during all works to ensure that dust emissions are minimised;
 - details of the measures to ensure vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway (e.g. wheel cleaning facilities);
 - hours of working for construction activities and traffic routes to be taken by HGVs for the delivery of construction materials.

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

Reason: To minimise the impacts of the construction operations and impacts such as noise, dust and light pollution on the local landscape and nearby residents.

Surface & Foul Water Drainage

6. No development shall take place until written details of the surface water drainage scheme and foul water drainage system (which must be substantially in accordance with the principles as set out in the Flood Risk Assessment and Outline Drainage Strategy as contained within Appendix 13.1 of the Environmental Statement) have been submitted to and approved in writing by the WPA. The scheme shall include details of the maintenance

and management of the system after completion and shall be implemented in accordance with the approved details prior to the development coming into operation.

Reason: To ensure surface and foul waters from the development are managed appropriately so as to prevent increased risk of flooding, both on and off site and ensure the surrounding water environment is not at risk from pollution or contamination from any discharges from the site.

Archaeology

7. (a) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the WPA. The scheme of archaeological investigation shall thereafter be carried out and implemented in accordance with the approved details.
- (b) The applicant will notify the WPA of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the WPA.
- (c) A copy of the final report will be submitted within three months of archaeological work being completed to the WPA for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

Noise

8. No development shall take place until details of the noise attenuation and mitigation measures to be implemented as part of the design of the authorised buildings and fitted to mechanical plant and equipment (as identified within Section 8 of the Noise Assessment contained within Appendix 11.1 of the Environmental Statement) have been submitted to and approved in writing by the WPA. The details shall include information to demonstrate and confirm that the external wall / roof and roller shutter doors of each building (excluding the Combined Heat and Power Unit) provide a minimum sound insulation performance of 30dB Rw and details of the acoustic specification for vents to be used in the Combined Heat and Power Unit. The details should demonstrate that operational noise rating levels do not exceed 35 decibels at residential properties. The noise attenuation and mitigation measures identified and approved within the submitted scheme shall thereafter be implemented in full.

Reason: To protect the amenity of nearby residential properties.

Hours of Operation

Construction Phase

9. With the exception of internal building works such as plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of internal fixtures and fittings, unless minor variations are otherwise agreed in writing with the WPA, all vehicle movements and the operation of plant and machinery during the construction/building phase shall only be carried out between 0700 and 1900 hours Monday to Friday and between 0700 and 1300 hours Saturdays. No such operations or activities shall take place on Sunday, Bank or Public Holidays.

Operational Phase

10. Once commissioned and operational the anaerobic digestion plant hereby permitted may operate continuously 24 hours a day, 7 days a week.
11. Except as may otherwise be agreed in writing with the WPA, no HCV's are permitted to enter or exit the site associated with the delivery of feedstock materials and/or the export of the products between 2400 hours and 0600 hours.

Reasons: In the interests of general amenity of the area and to minimise the impact of noise from construction and operations on the site including from passing HGVs on residents living close to the site during the night-time period.

Landscaping & Ecology

12. No vegetation removal may start until a Landscape and Ecology Management Plan (LEMP) has first been submitted to and been approved in writing by the WPA. The LEMP should be substantially in accordance with the principles as shown indicatively on the Landscape Proposal Plan of the Biodiversity Net Gain Assessment contained within Appendix 8.5 of the Environmental Statement and include details of all proposed soft landscaping works and ecological mitigation and enhancement measures to be implemented as part of the development. The Plan should include (inter alia):
 - a. the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and details of the provenance of any seed mixes to be used;
 - b. contain the results of soil testing which shall first have been carried out the area of land which is proposed to be converted into wildflower meadow. The soil testing should establish the nutrient condition of the soil and confirm this as being suitable for wildflower meadow to flourish. If the soil testing results do not demonstrate this then details of alternative proposals for the treatment of this land shall be detailed within the scheme;
 - c. subject to (b), demonstrate how the plan proposals will contribute to the achievement of a minimum of 10% biodiversity net gain in habitat units and a minimum of 55% biodiversity net gain in hedgerow/liner units as indicated in the Biodiversity Net Gain Assessment (contained within Appendix 8.5 of the Environmental Statement);
 - d. detail how the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development;

- e. contains details relating to the number, type and location of bird and boxes that are to be installed on retained trees within the development footprint;
- f. contain details of all permanent fences, walls or other means of enclosure proposed around the main AD Plant site and the Grid Entry Compound (as shown indicatively in Drawing No. RAC/8951/15 Rev.B).

The approved soft landscaping/planting scheme shall be implemented in full in the first available planting season following completion of the construction phase. All trees, shrubs and bushes shall be adequately maintained and all losses shall be made good for the lifetime of the development

- 13. All trees and shrubs not scheduled for removal and which are to be retained as part of the development shall be protected during the demolition/construction works in accordance with the recommendations of BS5387 'Trees in relation to design, demolition and construction – recommendations'. All protection fencing, barriers and measures implemented to protect trees and shrubs shall be maintained during the course of the construction works on site and be removed following their completion.

Reasons: In order to ensure the landscaping proposals and biodiversity enhancements identified to be delivered as part of the development are secured and managed to minimise the long-term impacts of the development on the local landscape.

- 14. No soil stripping or vegetation clearance works shall be undertaken between March and September inclusive unless otherwise agreed in writing with the WPA. If these works cannot be undertaken outside this time, the land affected should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: To protect breeding birds during the nesting season.

Highways & Access

- 15. No building or engineering operations associated with the development hereby permitted shall commence until site access onto the B1200 and the roadway to the site have been improved and the works completed in accordance with details that have first been approved in writing by the WPA. The design of the access improvement works shall be in accordance with the details shown indicatively on Figure 5.2 within Chapter 8 of the submitted Environmental Statement*.

**See Informative for further details.*

- 16. The metalled surface of the site access and any internal routes shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development.

Reasons: To ensure the site access improvements proposed as part of the development so as to ensure safe and adequate means of access to the permitted development is secured and

to prevent mud or other materials from the site being transferred onto the public highway in the interests of cleanliness and highway.

Odour

17. Prior to the acceptance of feedstock materials to the site, an Odour Management Plan shall first have been submitted and have received written approval from the WPA. The Odour Management Plan shall include details of the odour abatement and associated mitigation measures (in accordance with the principles set out in the Environmental Statement) and an associated an odour monitoring scheme, detailing how, where and when odour will be monitored from the site and how any issues identified will be addressed or remedied. The approved Odour Management Plan shall thereafter be implemented in full for the duration of the development.

Reason: To ensure odour emissions from the plant are actively monitored so as to minimise any impacts on the locality and to protect the amenity if local residents.

18. The roller shutter doors to the technical building shall be kept closed at all times except when required to be open for the movement of vehicles in and out of the building.
19. There shall be no external storage on the site of any feedstock materials or resultant solid or liquid digestate at any time.
20. All HCVs entering and leaving the site carrying slurries/liquid feedstock materials shall be suitably sealed so as to minimise the escape of odour in transit.

Reasons: To minimise potential nuisances and impacts of odour from the development on the surrounding area.

Noise

21. Within one month of the date of the completion of the commissioning and testing phase (as notified under Condition 2) a detailed noise monitoring scheme shall be submitted to and be approved in writing by the WPA. The scheme shall identify the locations for noise monitoring to be carried out and following approval of the scheme noise monitoring shall be carried out in accordance with the approved scheme. The results of the noise monitoring shall be made available to the Waste Planning Authority within seven days of commencement of monitoring.
22. In the event that the noise monitoring scheme (approved pursuant to Condition 21) indicates that noise levels have exceeded the maximum permitted noise level, the input of feedstock materials into the plant and processing of digestate into fertiliser shall cease and shall not recommence until such time that further noise mitigation measures which shall be firstly approved in writing by the WPA have been installed and employed within the site.
23. All vehicles, plant and machinery operated at the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be

treated as an emergency and should be dealt with immediately. Where a repair cannot be effected within a two days, the vehicle, plant or machinery affected shall be taken out of service.

External Lighting

24. No fixed lighting, including security lighting, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the WPA. The details shall ensure that the lighting is designed to minimise the potential nuisance of light spillage outside of the site, including the public highway and potential impacts on bats. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reasons: In the interests of the amenities of the surrounding area and to protect bats.

Contaminated Land

25. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the WPA. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the WPA.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the WPA.

Reason: To ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out.

Informatives

Attention is drawn to:

(i) Biodiversity Gain Information

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Lincolnshire County Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply:

In this instance the application for planning permission was made before 12 February 2024.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2005); and

- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

- * “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permission, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- (i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan; and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable, the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including an arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
- (ii) The letter from the Environment Agency dated 6 July 2023;
 - (iii) The highway improvement works referred to in condition 15 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority. For further guidance please visit the highway authority's website www.lincolnshire.gov.uk/highways-planning/works-existing-highway;
 - (iv) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and seeking further information to address issues identified/enhancements to the proposal. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015; and
 - (v) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be

brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made either electronically via the Planning Portal at <https://www.gov.uk/government/organisations/planning-inspectorate> or by using a form which can be obtained by contacting the Customer Support Team on 0303 444 00 00). The Secretary of State has a power to allow a longer period for the giving notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by them. Please note, only the applicant possesses the right of appeal.
2. Applicants that want a planning appeal to follow the Inquiry procedure should notify the local planning authority and the Planning Inspectorate at least 10 working days before submitting their planning appeal. Further information and a copy of the template notification form can be found here: <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>

The form should be emailed to Lincolnshire County Council at dev_planningenquiries@lincolnshire.gov.uk and the Planning Inspectorate at inquiryappeals@planninginspectorate.gov.uk
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, they may serve on the council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

FAO: Marc Willis
Lincolnshire County Council
Development Control, Planning &
Conservation
Lancaster House (36) Orchard Street
Lincoln
LN1 1XX

Our ref: AN/2023/134492/01-L01
Your ref: PL/0037/23
Date: 06 July 2023

Dear Marc Willis

**To construct a gas to grid anaerobic digester and fertiliser production facility comprising of nine digester/fermentation tanks; feedstock reception/straw processing and storage building; digestate separation and fertiliser production building; biogas upgrade plant; emergency gas flare; odour control and condensing unit; gas entry compound/unit other ancillary plant and equipment and underground pipeline connecting to national grid
Land at Manby Airfield, off Manby Middlegate, Manby**

Thank you for consulting us on the above application, on 16 July 2023.

Environment Agency position

We have reviewed the plans for the proposed development and have **no objections** to the planning application; however, we would like to draw the applicants attention to the following informative comments:

Informatives

Bespoke Environmental Permit:

The proposed anaerobic digestion plant will require a bespoke permit under Schedule 1, Part 2, Chapter 5.4A(1)(b)(i) of the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know whether the development will meet the requirements to prevent, minimise and/or control pollution to allow an environmental permit to be granted. We will not be able to determine an application for a permit until this information has been provided/demonstrated.

There are a range of issues which will be considered as part of the permitting process. This is due to the development:

- being located very close to a Source Protection Zone 2 area. We will therefore need to consider the facilities in more detail and assess whether the risk to groundwater can be mitigated satisfactorily to grant a permit. If permitting is possible, a detailed risk assessment and further measures are likely to be required to manage risks to groundwater

- storing and treating of waste solids/liquids or sludges within 10 metres of a watercourse. We will therefore need to consider whether surface run-off can be satisfactorily managed to avoid contamination of the watercourse.

In order to assess the risks identified above, we will require the following information:

- Hydrogeological risk assessment
- Dispersion modelling of emissions and impacts
- Techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, energy, accidents, noise and monitoring
- Emission benchmarks for combustion products, temperature and pH
- Air quality impact assessment, including odour and Habitats Regulations Assessment

Odour control:

To reduce the risks to people and the environment and obtain a permit the design and/or layout of the buildings may need to change in order to accommodate closed systems to store and treat waste/digestate/feed material(s) for the control of odour.

- the design and/or layout of the buildings may need to change in order to accommodate an appropriate location/height for the major emission point(s).
- the design and/or layout of the buildings may need to change in order to accommodate an appropriate hardstanding/bunding to control surface run-off.
- the design may need to include abatement technology to reduce the impact of the development beyond Best Available Techniques (BAT). This could include, but is not limited to, e.g. negative aeration, biofilters, scrubbers etc.

Parallel tracking:

We encourage that the developer considers parallel tracking the planning and permit applications; parallel tracking offers the best option for identifying and, where possible, resolving issues at the earliest possible stages. This may avoid the need for post permission amendments to the planning application. We would welcome joint discussions with the applicant and planning authority.

The permit is also likely to control the following activities/emissions/processes:

- Storage of waste
- Physical treatment of waste
- Raw material storage
- Digestate storage
- Surface water collection and storage
- Heat and electrical power supply
- Emergency Flare
- Gas Storage

Groundwater Geological Context:

The site is situated upon a principal aquifer, the Ferriby Chalk Formation, but this is confined by a significant depth of overlying low permeability drift deposits. As stated, the development will require an environmental permit which will require a more detailed hydrogeological risk assessment to be produced.

Foul drainage:

Any discharge from a package treatment plant with a maximum volume greater than 5 cubic metres per day to a watercourse or greater than 2 cubic metres per day to a drainage field is likely to require an Environmental Permit. Based on the scale of the

existing/proposed development it is likely that an Environmental Permit is required.

The applicant should note that operation of a package treatment plant without an Environmental Permit could be an offence under the Environmental Permitting (England and Wales) Regulations 2016.

The Applicant is advised to check the guidance for package treatment plants at: [Septic tanks and sewage treatment plants: what you need to do: Your property has an existing discharge - GOV.UK \(www.gov.uk\)](#) and if necessary apply to the Environment Agency for an Environmental Permit via: [Septic tanks and sewage treatment plants: what you need to do: Apply for a permit - GOV.UK \(www.gov.uk\)](#)

Waste activities:

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of waste, the law requires waste to be dealt with responsibly and that it is only given to businesses authorised to take it.

The [Waste Duty of Care Code of Practice](#) applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

If you intend to transport waste yourself then you need to be registered as a carrier of waste. This can be done here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

Section 2.1.4 of the Design and Access Statement, ref: '8951 Manby BGE', dated May 2023, prepared by Reading Agricultural Consultants Ltd states 'the Proposed Development will import 50,000t of organomineral fertiliser additives'. It is not specified what the organomineral fertiliser will consist of, if it is derived from waste products, such as soils or manufacturing by-products, then waste controls and the Duty of Care Code of Practice will apply.

It is stated in section 4.7.5 that fertiliser additives will be added to the separated solid digestate. It does not define what the additives will be. If the additives are derived from waste products such as manufacturing by-products or soils, then waste controls will apply and any Environmental Permit that is applied for must allow these additives to be accepted onto site.

Table 4.1 of the design and access statement lists a 'soils separation building'. There are no further references to the separation of soils in the plans, the movement of soils onto site or off site is likely the movement of waste, therefore waste controls and the Waste Duty of Care Code of Practice would apply.

Section 3.12.4 of the Planning Statement, dated May 2023, states that the 'soils at the main anaerobic digestion plant site will be appropriately restored in accordance with Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'; if soils are to be moved off site at any time during the construction of the plant, the soils will be considered as waste and The Environmental Protection (Duty of Care) Regulations 1991 will apply.

The site plan appears to be adjacent to the restoration permit for Manby airfield held by Grantham Industries Limited, permit number AB3107MU. The boundary between the two operations should be distinct and clear.

Flood risk activity permitting:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

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