



LAND AT BORE HILL FARM, WARMINSTER

**OPERATOR'S FEEDBACK
TO
PLANNING CONSULTATION C-1258090 RESPONSE
SUBMITTED ON 4TH MAY 2022
BY
ENVIRONMENT AGENCY
Ms Ellie Challans
Sustainable Places - Planning Advisor
(Comment No: WC-22-05-234047)**

REF: HOUSING PROPOSALS BY L&G MODULAR HOMES LTD

Application No: PL/2022/00473

Bore Hill Farm Biodigester
Deverill Road
Warminster
Wiltshire
BA12 8FB

Feedback to the EA Comment No: WC-22-05-234047

Introduction

L&G Modular Homes Ltd (**the applicant**) submitted planning application PL/2022/00473 (**the planning application**) in January 2022 after which the local planning authority (**LPA**) initiated a consultation as part of the planning process.

On 4th May 2022 comment number WC-22-05-234047 was submitted by Ms Ellie Challans on behalf of the Environment Agency in response to the application (**EA comment**).

This document is provided to offer feedback in response to the EA comment to ensure that the relevant information forms part of the record to assist the LPA in determining the Application.

Malaby Biogas Ltd (**MBL**) has been the operator of the Bore Hill Farm Biodigester (**the facility**) since May 2012 and operates the facility under a bespoke environmental permit (**EP**) known as a Waste Operation Permit (EAWML 102953) which is issued by the Environment Agency. Throughout the period MBL has managed site operations in compliance with the EP alongside other regulatory controls such as the animal by products regulations (ABPR) administered by the Animal and Plant Health Agency (APHA) with approval reference 45/314/8085/ABP/BIO. It complies with end of waste specification rules set out in the PAS110 according to the AD Quality Protocol (ADQP) under registration no. AD00047 which ensures Quality Digestate material known as Biofertiliser is registered and certified by the Biofertiliser Certification Scheme with registration number BCS0610C24.

MBL is certified under the AD Certification Scheme (ADCS membership no ADCS-0002-18) and operates a quality management system certification under BS EN ISO 9001 and 14001.

Below is general information provided as feedback to the EA comment. Information is given to provide constructive context to support a more comprehensive response to the application consultation by the applicant.

Complaints History

Since it started operating the facility MBL has monitored and provided engagement to all complaints that have been presented. There have been low numbers of complaints substantiated as arising from the facility and a significant proportion of these have been presented by the EA with low levels of detail and slow response times. Wherever possible MBL attempts to engage directly with local residents rather than respond indirectly and/or anonymously via the EA. Events, newsletters and direct proactive engagement methods have been developed which have led to operational changes, increased understanding and reduced levels of complaints. In most cases a constructive dialogue has been established with the very few persistent complainants (less than 5 people across a local neighbourhood of more than

120 households).

Complaint levels are extremely low compared to other waste permitted sites such as transfer stations, landfills, incinerators etc and even the compliant levels at this facility are considered low in comparison with other waste AD facilities. While the facility managers and operators monitor the site for odour on a continual basis as part of ongoing permit compliance, the team recognises that additional measures have been possible to provide additional mitigation. MBL's continual improvement and engagement measures have been recognised by regulators and the wider industry as exemplary and site hygiene standards and design measures are models of best practice.

The reduction in complaints in recent years is highlighted to be a consequence of continued quality enhancements following proactive engagement with previous complainants. Appendix A provides an annual summary of complaints and other engagement types and shows annual analysis and trending of complaint levels. Note the red oval highlighting the declining monthly average of complaints since the elevated peak in 2014. The average number of complaints in 2021 was 0.1 complaint/month compared to a peak in 2014 of 2.4 (still a relatively low number for the type of operation being undertaken and the number of households within 250m).

Detailed graphics of complaints for the most and least complaint years is provided in Appendix A to demonstrate the general low level of complaints as well as the reduction in complaint levels in recent years. It is worth noting that the number of direct household amenity complaints from named parties (Type 1 complaints) is very small compared to the already small volume of Total Complaints. Additionally noteworthy is that most complaints relate to odour noted either in the public realm or at the facility's boundary where the accepted nuisance threshold compared to that within private curtilage is given a lower priority in terms of enforcement. Finally, 2021 was subject to Covid-19 restrictions and saw householders at home for an unusually high period of time compared to pre-covid years. MBL expected to experience higher levels of complaints however continued proactive engagement with local residents and facility management saw a significant reduction in complaints.

Environmental Permitting Control

As referenced in the EA comment, new development near the facility does not automatically trigger a review of the EP. MBL's recent application for an Installation Permit offers the ability for the EA to more closely monitor and control environmental emissions such as noise, dust and odour compared to the existing Waste Operation Permit. While the EA comment mentions the facility increasing in size it does not mention that the application is intended to increase the efficiency of the facility while maintaining the same infrastructure. Stating that the facility will increase in size misses the point of the application which relates more to efficiency and the need for additional environmentally sustainable outputs to meet climate policy ambitions (Net Zero 2050, Climate Emergency Declarations & the Global Methane Pledge). Additional activities relating to inputs and outputs will not lead to more construction/expansion of the existing facility elements such as digester tanks or the process building. The changes in the operations will allow for additional utilisation of renewable energy in a clean and quite manner

in keeping with the land use classifications already consented for the site.

Two significant areas of additional control within an 'installation' are:

1. **Best Available Techniques (BAT).** BAT compliance forms part of the Installation Permit and is covered in a 52 page BAT Assessment document appended to the EP variation application.
2. **Industrial Emissions Directive (IED).** IED compliance within the Installation Permit will provide additional monitoring and control of point source emissions at the facility in addition to those already monitored in the Waste Operation Permit.

The Installation Permit will enable the facility to produce carbon negative fuel through filtration, clean up and compression of biogas as a transportable fuel as well as additional capacity to include CO₂ capture under Carbon Capture Use & Storage technologies supported by central government policies, BEIS /DEFRA and Department for Transport rules and regulations. This will introduce additional odour control processes to those already in operation. This process will not rely on additional combustion of gas on site and will ensure a planned transition away from existing stack emissions.

The switch from the current Waste Permit to an Installation Permit will ensure the facility is more tightly regulated and that operational measures and investment in people and processes will benefit local residents.

Contractual Support

As part of the contractual arrangements between the existing landowner and the applicant which will be triggered by the LPA's approval of the planning application, there is a commitment to fund additional mitigation measures necessary to ensure the activities of the facility do not interfere with the reasonable amenity of the residents of the housing that form part of the planning application.

There are terms which will ensure those measures are implemented before 1st occupation in order to ensure appropriately designed solutions are developed to accommodate the design and construction of the housing. This provides a responsive and precautionary approach to managing the facility in a manner that complies with the Mitigation by Design principles set out in the EA comment. Developing a collaborative approach that is preventative, engaging and constructive will ensure that there is a mechanism inherent in the design and operation of activities in close proximity for the benefit of local residents and businesses.

Conclusion

Having reviewed the EA comment and sought subsequent feedback from MBL's EP consultant, this document provides a non-technical summary to provide assurance that the concerns raised in the EA comment can be appropriately addressed through measures already taken. These measures include:

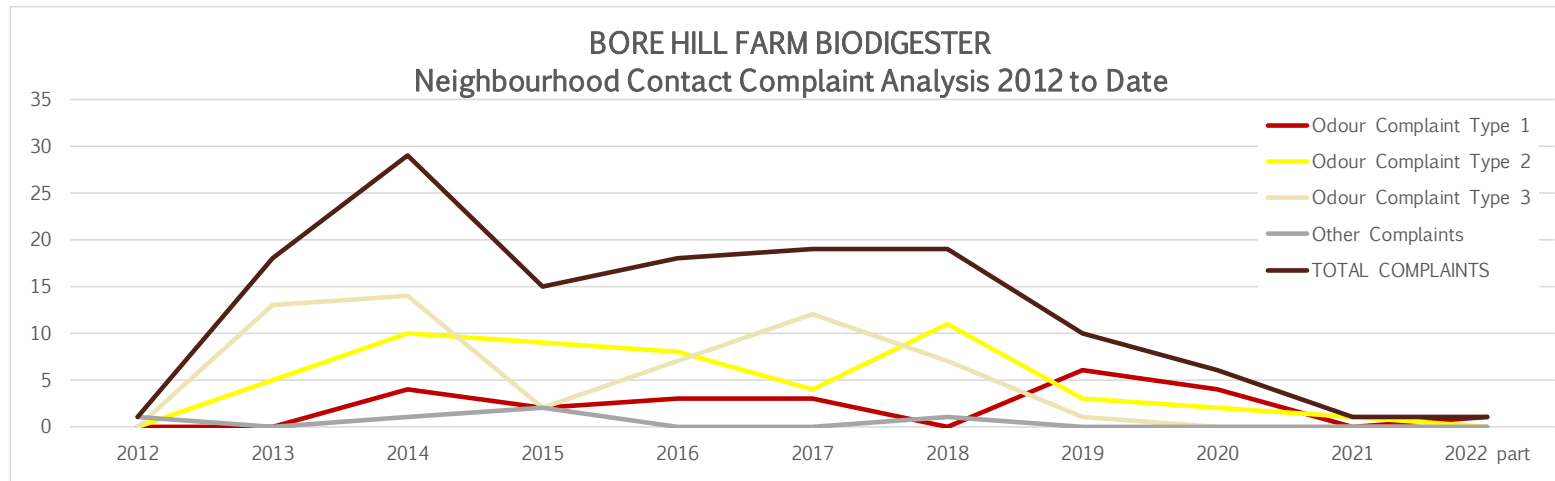
- operational management and stakeholder engagement to reduce complaints from local residents by (a) improving facility performance and (b) proactively identifying critical

sensitive parties within the local neighbourhood and seeking their input to further improve performance.

- Developing a mechanism for enabling a permit review process that otherwise would not occur. Seeking to switch the facility from compliance with a Waste Operation Permit to an Installation Permit will provide an evidence-based mechanism to improve regulatory control. BAT and IED compliance alongside application supporting documents will ensure facility operations will not adversely impact new development.
- Embedding a contractual mechanism to support operational improvements within the facility in such a way as to reinforce the development credentials of the planning application to deliver wider neighbourhood benefit.

The EA comment referred to paragraph 187 of the NPPF. Herewith (and with direct p.187 references shown in ***bold italics***) MBL believes that its actions in operating the facility over the last 10 years, in particular its ability to continuously deliver community wide climate benefits and support stakeholders and supply chains during the recent pandemic, demonstrate its commitment to ***integrate effectively*** with local residents and it does ***not place unreasonable restrictions upon them***. Further the measures mentioned above demonstrate its commitment to ensuring ***significant adverse effects*** will indeed be ***suitably mitigated before the development is completed***. MBL is able to ensure that it can apply additional mitigation measures that arise as a consequence of the new development. It has the flexibility to ensure these can be delivered and have been catered for by the combination of the enhanced Installation Permit regime and a legal obligation to implement any enhancements required as a consequence of planning permission being granted.

APPENDIX A – FACILITY COMPLAINT MONITORING & ANALYSIS



	MBL Event/ Feedback	Site Compliment	Odour Complaint Type 1	Odour Complaint Type 2	Odour Complaint Type 3	Other Complaints	TOTAL COMPLAINTS	Monthly Average
General Definition guidance:			Resident complaint. HH amenity complaint	EA/Unnamed complaint. Site boundary / public realm complaint	Local complaint. Anonymous / not reported by EA			
2012	2	0	0	0	0	1	1	0.1
2013	1	0	0	5	13	0	18	1.5
2014	1	1	4	10	14	1	29	2.4
2015	0	0	2	9	2	2	15	1.3
2016	1	0	3	8	7	0	18	1.5
2017	0	0	3	4	12	0	19	1.6
2018	5	4	0	11	7	1	19	1.6
2019	2	1	6	3	1	0	10	0.8
2020	4	0	4	2	0	0	6	0.5
2021	2	0	0	1	0	0	1	0.1
2022 part	1	1	1	0	0	0	1	0.1

Annual Analysis 2012 – 2021

2014

JANUARY							FEBRUARY							MARCH							APRIL						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4	26	27	28	29	30	31	1	23	24	25	26	27	28	1	30	31	1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	2	3	4	5	6	7	8	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	9	10	11	12	13	14	15	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22	20	21	22	23	24	25	26
26	27	28	29	30	31	1	23	24	25	26	27	28	1	23	24	25	26	27	28	29	27	28	29	30	1	2	3
2	3	4	5	6	7	8	2	3	4	5	6	7	8	30	31	1	2	3	4	5	4	5	6	7	8	9	10

MAY							JUNE							JULY							AUGUST						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	1	2	3	1	2	3	4	5	6	7	29	30	1	2	3	4	5	27	28	29	30	31	1	2
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30	31	29	30	1	2	3	4	5	27	28	29	30	31	1	2	24	25	26	27	28	29	30
1	2	3	4	5	6	7	6	7	8	9	10	11	12	3	4	5	6	7	8	9	31	1	2	3	4	5	6

SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6	28	29	30	1	2	3	4	26	27	28	29	30	31	1	30	1	2	3	4	5	6
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
28	29	30	1	2	3	4	26	27	28	29	30	31	1	23	24	25	26	27	28	29	28	29	30	31	1	2	3
5	6	7	8	9	10	11	2	3	4	5	6	7	8	30	1	2	3	4	5	6	4	5	6	7	8	9	10

KEY: MBL Event/Feedback			Site Compliment			Odour Complaint Types			Other Complaint		
ANALYSIS			Covid Restrictions								
No./yr	Av/mo	No. change									
1	0.1	0									
1	0.1	1									
4	0.3	4									
10	0.8	5									
14	1.2	1									
1	0.1	1									

Most Complaints – 29 in 2014

2021

JANUARY							FEBRUARY							MARCH							APRIL						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa