

**ECOTRICITY PLANNING APPLICATIONS 16/00241FUL & 17/00072/FUL
ERECTION OF BIOMASS-BASED ANAEROBIC DIGESTION FACILITY AND
ASSOCIATED WORKS**

**PLANNING APPEALS
APP/G1630/W/17/3174163 & 3177872**

**THIRD PARTY STATEMENT OF CASE PREPARED ON BEHALF OF
SAVE OUR LANES**

12 OCTOBER 2017

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This statement of case is submitted by Save Our Lanes in support of Tewkesbury Borough Council's decision to refuse planning permission for the erection of a biomass-based anaerobic digestion facility and associated works (applications 16/00241FUL & 17/00072/FUL).

This statement of case considers the reasons for refusal put forward by Tewkesbury Borough Council in its decision letters dated 25 October 2016 and 11 April 2017 and provides evidence that the correct planning argument was followed by officers and that the reasons for refusal were sound.

INTRODUCTION

1. An application for planning permission (16/00241/FUL) for the erection of a biomass-based anaerobic digestion facility and associated works was submitted by Ecotricity (Next Generation) Ltd. (the appellant) in 2016 and was refused by Tewkesbury Borough Council on 25 October 2016. This application will be referred to here as the "original application".
2. The reasons for refusal were:

1 The site is located in open countryside within what is a generally flat landscape. The proposed development would exert a strong adverse impact upon the local landscape character and result in significant landscape harm by reason of its unacceptably intrusive industrial character, scale and prominence. The proposed development would therefore conflict with paragraph 17 of the National Planning Policy Framework (NPPF), policy LND4 of the Tewkesbury Borough Local Plan 2006 and emerging policies SD7 and INF6 of the JCS (submission version).

2 The scale and nature of the proposed development and the resulting volume and type of traffic associated with it would have a harmful impact on the character, appearance, and peace and tranquillity of the area. The potential light, air and noise pollution arising from the operation of the anaerobic digestion facility would cause harm to the amenity of users and residents of the local area. Furthermore, the local road network is not suitable to cater for the increased number and type of vehicle movements that would be generated by the proposed development which would be likely to affect the enjoyment and perception of safety of all users of the local highway network. Despite the benefits of the proposal therefore, for these reasons the proposed development would not represent appropriate sustainable development in this location as required by the national planning policy framework, and would conflict with sections 8 and 11 of the National Planning Policy Framework, saved policies TPT1, EVT1, EVT2 AND EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policies SDE7, SD15, INF6 and INF7 of the joint core strategy submission version (November 2014).

3. A Subsequent Application (17/00072/FUL) was submitted that was reduced in scope and throughput. This application was also refused on 11 April 2017. The reasons for refusal were identical to those for the first application with the exception that reference to the joint core strategy had been updated. This application will be referred to as the “revised application”.
4. Both refusals have been appealed and the planning inspectorate has determined to consider the appeals jointly in an informal hearing.
5. This statement represents the views of the community who are affected by the joint appeal proposals. They are represented by an informally constituted group calling themselves Save Our Lanes (SOL).
6. In this statement, the reasons for refusal put forward by Tewkesbury Borough Council will be shown to be sound. Additional supporting information will be provided to clarify certain points and queries made by the appellant.
7. This statement will consider the following aspects of the reasons for refusal:
 - a. Reason one:
 - i. Baseline for the local landscape character
 - ii. harm caused by intrusive industrial character, scale and prominence
 - b. Reason two:
 - i. Baseline for the character, appearance, and peace and tranquillity of the area
 - ii. Volume and type of traffic impacts upon character, appearance, and peace and tranquillity of the area
 - iii. Light, air and noise
 - iv. The suitability of the road network.

THIRD PARTY REPRESENTATION

8. Tewkesbury Borough Council (the LPA) wrote to those who made representations to the original and revised applications informing them of the impending planning appeal and inviting them to provide additional comments to be submitted to the planning inspectorate and copied to the appellant.
9. The original planning application raised considerable public concern from individuals who felt they would be affected by the proposed development. In total, there were 278

representations submitted (241 objecting and 36 supporting). The revised application was also resisted and 192 responses were received (178 objecting and 14 supporting)¹.

10. It was considered by many in the affected locality that it would be undesirable to reiterate individual responses and that it would be more helpful to the inspector to prepare a single response that represented the majority view. This statement seeks therefore to represent the views of the affected community, though some individuals may wish to submit their own representations as well.
11. A community meeting was held on 18 July 2017 at Sherdons Golf Centre (see **Appendix 1** for the note of the meeting) where it was decided to submit a representation from the community, led by SOL.
12. SOL originally convened as a response to the original planning application which raised significant concerns in the host community. SOL is administered by a steering committee that was and continues to be 6 or 7 people. SOL aimed to make people aware of the impacts of the proposals and to help organise a community-led response. SOL held a public presentation when the proposal first came to light to gain support and now runs a website and shares email communications. (www.saveourlanes.uk).
13. This statement has been prepared by Andrea Pellegram MRTPI MCIWM on behalf of SOL. It has been prepared in accordance with the guidance of the Royal Town Planning Institute. The opinions expressed here are true and based on Andrea Pellegram's professional opinions.
14. Andrea Pellegram is an independent planning consultant with over 30 years' experience in waste planning, development management and community/neighbourhood planning. Andrea Pellegram has coordinated the preparation of this statement on behalf of SOL and has assisted Ashchurch Rural Parish Council (ARPC) in identifying consultants Enzygo who have prepared specialist evidence on traffic and noise impacts.
15. The views in this statement are based on the opinions of local people who live near the proposed development.
16. SOL was encouraged by the LPA'S decision to refuse both applications and to rely upon reasons for refusal that reflected community concerns.

¹ Information on representations was taken from the LPA website. This statement of case will consider the submitted representations in detail and calls to the Inspector's attention that the sum of representations shown in the TBC website do not tally with the SOL analysis. Every effort has been made to be accurate in the representations discussed in this SOC.

APPROACH

17. The appeals' full planning policy context will be discussed in detail in the LPA's statement and will not be repeated here. This statement will refer to relevant planning policy only as it relates to the local community's experience of living in Fiddington and the surrounding area (the catchment area). It seeks to provide additional detail and justification why the reasons for refusal were sound.
18. The supporting evidence in this statement derives from two sources:
 - a. Matters of amenity and character are discussed from the perspective of residents.
 - i. SOL has provided additional clarification of these concepts by way of analysing the original representations made to the planning application, using data publicly available on the Tewkesbury BC website;
 - ii. a survey was undertaken in response to questions raised by the appellant in their original statement of case to clarify points made therein.
 - b. Technical analysis has been provided by Enzygo. This will be submitted separately by ARPC in support of their representation to the two appeals. Some reference will be made to those studies here since the Parish Council has actively supported SOL in pursuit of their mutual objections to the proposed developments.

REASON ONE: LANDSCAPE CHARACTER

INTRODUCTION

19. The appellant has used different lines of reasoning in its response to matters of landscape character relating to both applications. This SOC will therefore consider the two separately and discuss common themes.

ORIGINAL APPLICATION

20. The appellant submitted evidence as part of the planning application in its landscape and visual assessment. The landscape officer responded regarding the original application on 27 April 2016.
21. The landscape officer's comments were influential in helping the planning committee formulate its reasons for refusal for both applications. In particular, the landscape officer commented (29/7/2016):

Views:

I conclude that in middle distance and long distance and elevated views (from the AONB), the proposed development would appear filtered through layers of existing hedgerows, farmsteads and tree groups or would appear as part of the wider “patchwork” of isolated developments across the vale. In this respect it will not be prominent.

I conclude that local views from the network of rural lanes and from isolated dwellings and footpaths will be harmed due to the scale, form and proximity of the development. The scheme will inevitably exert a strong local influence in views. Bunds and screen planting will soften the impact, however, the facility will be obvious and it will break the skyline. These effects will be very local (a number of vantages from the immediate site boundary out to approximately 1km represented by viewpoints 2, 3, 7, a and b as well as stretches of the lane between viewpoints 7 and c).

Landscape character:

I conclude that despite the proximity to the m5 motorway, this is a distinctly rural landscape. It is typical of the “intimate field pattern” associated with the local villages on this part of the Vale Of Gloucester. The local area around Fiddington displays a typical pattern of rural lanes, small settlements, enclosed fields, occasional mature tree groups, isolated farmsteads and dwellings. I believe that the influence of the urban edge of Tewkesbury and the influence of commercial land uses associated with Ashchurch is limited here.

I generally agree with the LVIA in its conclusions as to the sensitivity of the surrounding landscape. However, when considering the local context I am inclined to suggest a slightly elevated “value” due to its proximity to the community in Fiddington and their natural pride and interest in the setting of their village. I am also inclined to suggest a slightly elevated “susceptibility” to this kind of development. This is due to the possible “industrial” connotations of this process and plant. It is also due to the locally unprecedented scale and form of development.

Within this local area, there will be clear views of the AD plant from a number of vantages that will be unavoidable when moving through and within the area. Whilst the development form, new earthworks and planting will undoubtedly reduce the visual impact of the development, it will be clearly visible from the local network of rural lanes. It would be locally prominent, conspicuous and would exert an adverse impact upon the local landscape character. (by local, I mean the area immediately surrounding the site out to a 1km radius of the site)

(Emphasis added).

22. The appellant's statement of case (original SOC) criticised the landscape officer's comments and approach (para. 5.5 ff original SOC). The original SOC is especially critical of the landscape officer's support of local community sensitivities to the development (para. 5.15 original SOC) and dismisses the community's pride and interest as having no "obvious relevance to the criteria for assessment of sensitivity".
23. Pride and interest is the most important criteria for assessing landscape impact from the community's perspective. This is a fundamental point of disagreement with the appellant. It will be shown below that the local community places great importance in the quality of the local landscape which is a fundamental aspect of people's enjoyment and way of life. As such, it must be considered a key assessment factor.
24. The appellant goes on to question whether the strong local influence in views identified by the landscape officer amounts to harm (para. 5.22 original SOC) and also questions how significant landscape harm can be proven since "no distinction is made between the various elements of the development in terms of building or infrastructure, or whether the perceived intrusion is derived from matters of height, appearance, (in term of colours or materials), etc. (para. 5.25 original SOC).
25. The appellant then puts forward an argument for the industrial character as a natural necessity of modern farming practice which requires large scale to be viable (5.33 original SOC) and states that the landscape can accommodate the development (para. 5.34 original SOC). The appellant concludes that any harm would be local and would be adequately mitigated by bunding and landscape planting (para. 5.38 original SOC).
26. SOL consider these lines of argument to be a gross over-simplification of the landscape harm that will be caused by the proposed development. In the appellant's response regarding the original and revised applications, the appellant has raised several issues that SOL wish to address, namely whether:
 - a. pride of place is a suitable measure of weight to be given to the landscape assessment and harm that might be caused;
 - b. the buildings and structures proposed would cause unacceptable local landscape harm;
 - c. the landscape mitigation offered is sufficient to overcome unacceptable landscape impacts;
 - d. issues of viability are enough to override harm in this case.

BASELINE FOR THE LOCAL LANDSCAPE CHARACTER

27. The local landscape has been described in the appellant's LVIA and will not be repeated here. The landscape officer was generally content with that analysis.
28. The Inspector will visit the site and will observe that the proposal site is very flat and surrounded by low hedges. The surrounding area is also very flat and lanes are lined with trees and high rough hedges that are approximately 1.5 metres in height. The photos below illustrate (a) the site, and (b) the character of the local lanes.



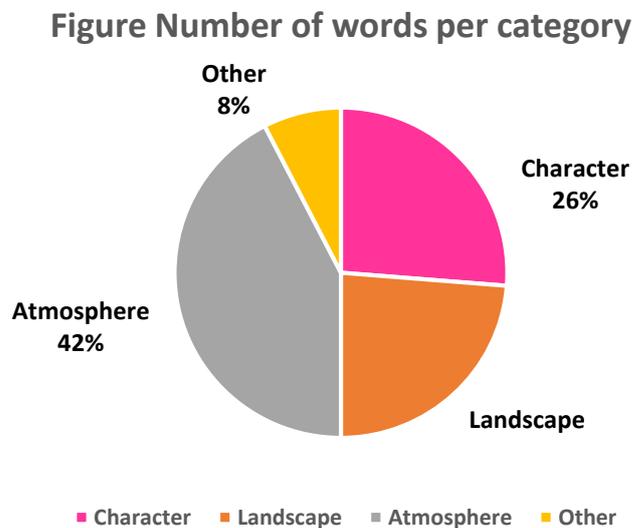
29. The landscape officer's assessment of local impacts must be taken in the context of the very flat and rural nature of the area immediately surrounding the proposal site.
30. The appellant has not considered how the community valued the local landscape and the original SOC'S analysis is therefore deficient and based on unfounded assumptions.
31. To address these shortcomings, SOL asked its members to provide evidence, from the local perspective, how the community value their local landscape.
32. In July 2017 and in response to the appellant's original SOC, SOL surveyed its members. **Appendix 2** shows the location of the respondents' homes and summarises their concerns. This survey illustrates how people feel about the local area and how they

value their landscape. In total, 90 surveys were completed: 55 of the respondents had objected to the original planning application.

33. The respondents were asked to write three words that described how they felt about the landscape. The question was open-ended and did not seek to guide responses in any direction. The response are summarised as:

Character	Simple, unspoilt, homely, natural, timeless, traditional, undeveloped, pastoral, rural, sympathetic, passion, green, fields, functional, unpolluted, private
Landscape	Pretty, attractive, beautiful, picturesque, scenery, views, idyllic, outlook, countryside, flat, wildlife, colourful
Atmosphere	Tranquil, calm, peaceful, quiet, relaxed, private, pleasant, escape, happy, refreshing, restorative
Other	Precious, irreplaceable, legacy, protected, disappearing, everyone, diminishing, resource

34. It is important to consider the words put forward in the open-ended question. Other words such as “workplace”, “urban area”, “agricultural”, “commercial”, “busy”, “bustling” were not used.
35. The chart below shows the frequency with which the categories were raised by respondents (in number of words per category).



36. The survey data shows words about atmosphere were the most frequent, followed by words about landscape and character. This can be taken as evidence that local people value the tranquil and pleasant landscape for its intrinsic beauty and quality in support of the views offered by the landscape officer.
37. Further evidence why the landscape and rural character is important to local people can be found in the evidence base for the emerging Ashchurch Rural Neighbourhood

Development Plan. Though the NDP is arguably not material, the background papers provide an indication of what is important to local people.

38. In q3 of the environmental evidence ([environment evidence to NDP](#)) parishioners were asked to explain why green spaces are important to them. Most comments (26) related to 'keeping the rural feel/identity of the parish'. 22 comments mentioned 'enjoying and preserving the natural environment/wildlife'. The results indicate that the rural identity is important to local people. Comments from school children also showed that they valued walking their dogs along the lanes (Table 3).
39. In q6 of the environmental evidence to the emerging NDP, when asked what things residents liked most about the Ashchurch Rural PC, the top five topics were as follows:
- Rural nature/environment – 39 comments
 - Community feel and friendliness – 22 comments
 - Access to countryside – 22 comments
 - Green spaces- 19 comments
 - Peaceful and quiet – 17 comments
40. The appellants' first concern, that the landscape officer did not define "pride and interest", has been addressed in this analysis. SOL concludes that the landscape officer was correct to place additional weight on the landscape impacts because of the community's pride and interest. Pride of place is a suitable measure of weight to be given to the landscape assessment and harm that might be caused.

HARM CAUSED BY INTRUSIVE INDUSTRIAL CHARACTER, SCALE AND PROMINENCE

41. The planning committee, in its reason for refusal one, determined that the harm caused by the intrusive industrial character of the development was unacceptable. The appellant has argued that the harm can be mitigated with bunding and landscaping.
42. The proposed development consists of the following principal elements (maximum dimensions are provided within brackets for each element):
- a. X 3 primary digesters (up to 26m diameter x up to 10.3m height from ground level); x 1 secondary / post digester (up to 32m diameter x up to 13m height from ground level);
 - b. X 3 final storage facilities (up to 35m diameter x up to 13.5m height from ground level);
 - c. a silage store / clamp (approx. 130m length x 90m width;
 - d. 3m built height for the walls of the clamp – silage will be filled, stored and covered, to a maximum height of 6-7m, where storage heights are likely to vary throughout the year and tractor loading movements may be visible above this at certain times of the year);

- e. On-site equipment including solid matter loading systems (feed hoppers), biogas desulphurisation and a biogas upgrading unit (all less than 6m high) and one offgas flare (maximum 8m height)

43. The diagram below shows that these large structures are separated from Walton Cardiff Lane and Tyrefield Cottage by a field. It is proposed that that a bund will be placed along the perimeter of the operational area and that this will be landscaped to soften the impact. There will be no bund to screen the operation from the south and the only screening will be provided by a ragged hedge.



44. Residents of Tyrefield Cottage (identified with blue circle), Tinpenny Farm, Bury Orchard, Fiddington House Farm, Rectory Farm, Oak Barn, New Barn Conversions are concerned and distressed that the development will be a prominent feature, changing the character of their residential environment and having a material impact upon their lives.

45. The photo below was taken from Walton Cardiff Lane outside Tyrefield Cottage. It illustrates how the owner anticipates the development will affect him. The proportions of the impact are illustrated in the photo in the centre though this photo-montage has not been verified to be to scale. Residents of Tyrefield Cottage will see the

development from the back garden and from the upper storey windows of the property at all times of the year.



46. Likewise, Walton Cardiff Lane and PROW AAS/4/1 are regularly used by local people and visitors for recreational purposes such as walking, running, cycling and horse riding. Part of the recreational experience is the enjoyment of the landscape. Walton Cardiff Lane has hedges on either side of the road. The hedges are of variable height and punctuated with gaps and openings. These provide views into the proposal site. There can be no doubt that people who use the lanes for recreation will see the development. The digesters will be clearly visible over hedges and over the landscaped bund. Even if the gaps in the hedge were to be filled, it is very likely that the digesters would be clearly visible from multiple vantage points from private residences and the public roadway.



47. Agricultural development in the vicinity of the proposal is very “low key” and buildings are in traditional style with pitched rooves and made from wood, brick, and render. The photos below illustrate development typical of the area: (a) a local equestrian enterprise (b) a cluster of farm buildings

(a) a local equestrian enterprise (Abbey Dressage)



(c) cluster of local farm buildings



48. Local development is generally traditional, peaked rooved with straight sides in colours that blend into the landscape. The proposal (set out in the photo below from the application) introduces alien round shapes and colours which will appear large and dominating and wholly out of character with what is currently in the area.



49. The proposed mitigation is unacceptable because it will not reduce the impact but rather replace it with another alien form. The landscaped bund will not appear to be natural since the remainder of the area is flat and though it may obscure part of the view of the digesters, it will appear equally incongruous. The entire area is very flat. No

amount of planting will make the long and narrow proposed 4m high bund seem a natural component of the countryside. The mitigation is therefore not sufficient to overcome unacceptable landscape impacts nor it is appropriate in this location.

50. The Inspector is respectfully asked to make special note of the visual gaps in hedges and openings around that proposal site that will enable local residents and countryside users of the lanes to have clear views of the proposed development.
51. The height of the digesters and the bund will be prominent from a number of public and private vantage points and will introduce alien forms into the local landscape that will have a negative impact. Even where hedges exist or are planted, they will not be high enough to completely hide the proposals.
52. It is in this regard that the harm to the landscape is most material. Not only will the proposed development be visually prominent from many sensitive locations, it will introduce jarring, alien and unacceptable industrial character into the countryside. Therefore, the buildings and structures proposed would cause unacceptable local landscape harm.
53. The appellant argues in para. 5.33 of the original SOC that modern agricultural enterprises often require a significant scale to be viable. That may well be the case, but this alone is not justification for an unacceptable development that causes significant harm to the landscape and peoples' enjoyment thereof.
54. As many of the objections state, the pipeline to which the development will connect runs over hundreds of miles. If a development of this scale is required and that had the potential to cause this level of harm, it would have been reasonable for the appellant to consider alternative sites. However, no case was made why the landscape and other negative impacts should on balance be overridden by the need for a large-scale facility at this site.
55. Without this evidence, it is difficult to understand the appellant's point in this regard. Therefore, issues of viability are not enough to override harm in this case.
56. SOL have analysed all the third-party representations made to the application posted on the Tewkesbury Borough Council website. This is summarised in **appendix 3**. This shows that with regard to the original 2016 application, out of 241 representations, 199 (83%) mentioned character change as a reason for their objection and 181 (75%) mentioned landscape. These matters are clearly of great concern to the community in Fiddington and across the M5 in Walton Cardiff and Wheatpieces/Walton Cardiff housing estate and Tredington.

REVISED APPLICATION

57. In the statement of case for the revised application (revised SOC) the appellant criticised the planning officer's approach because it was seen to be inappropriate to not consider how the impacts from the revised proposals might differ from the original proposal (para. 5.5 ff revised SOC).
58. The approach taken by the appellant in the SOC (revised) considers the Gloucestershire Landscape Character Assessment 2006 (GLCA) and the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis September 2013 (LCASA). The GLCA was published in 2006 and is now over a decade out of date. A great deal of development has occurred in the local area since that time and SOL consider the LCASA to be more relevant.
59. The LCASA area "f: Wheatpeices to Ashchurch Rural PC" relates to the proposal site. The landscape is classified as settled unwooded vale with medium to low sensitivity and shows that there is a mix of rural and urban features. It states:
- Furthermore the extent to which settlement and infrastructure impacts upon the landscape varies and strongly rural views can be achieved towards the south and east. Although the small settlements of Homedowns, Fiddington, and Pamington are often associated with an intimate field pattern, increase in mature vegetation and buildings of traditional style and material the majority of this landscape type consist of a relatively regular pattern of larger fields bound by low hedges and is subsequently an expansive landscape divided by infrastructure and occasional stand of mature trees.*
60. The appellant argues that the planning officer was confused in responding to the revised application (para 5.18 revised SOC) and sought to throw doubt on the planning officer's conclusions. The appellant criticises the planning officer for misunderstanding the LCASA and ends with the statement that "the [officer's] description does not make any reference to the several and various industrial and commercial developments in the area."
61. The appellant is seeking to throw doubt on what is a very clear situation and, in addition, is misrepresenting the nature of the local landscape.
62. The planning officer was correct to define the local field pattern as "intimate" though it may be argued that the field for the proposed development is indeed larger. What is incorrect in the appellant's argument is to characterise the local area as having "several and various industrial and commercial developments in the area". This is simply untrue. Though there may be urban features along the A46, and a few commercial developments in Fiddington, there are no such developments on the local lanes and PROW in the proposed catchment area. The developments in Fiddington are well screened and unobtrusive which cannot be said of the revised proposal.

63. The LCASA makes it clear that the catchment area is not characterised by large commercial industrial developments and that is precisely why it is so highly valued by local people and visitors.
64. The LVIA for the revised application has chosen a number of vantage points and assigns a “1” or “2” to the properties along Walton Cardiff Lane. This fails to acknowledge the impact that proposal will have on the residential properties there.
65. Figure 4.11 of the revised application shows the “main view” assumed from these properties. This shows that the appellant expects the view to be north of the proposal when in reality, local people’s vantage point will also include the proposal site. The photo below is an excerpt from figure 4.11:



66. As with the original proposal, the landscaping bund will introduce an alien feature in the landscape and it will take a decade to become fully effective as a screen. The revised application has a reduced number of tanks and digesters but their form will still be alien and will not blend well with existing development.
67. The appellant criticizes the officer’s use of the words “strong adverse impact” because it is “broad brush” (paras. 5.24 and 5.25 revised SOC).
68. It is the appellant, not the case officer, whose argument is misconceived. The case officer was correct to refer to the strong adverse impact. The proposal will irrevocably

change the environment of the people who live in and visit the catchment area. The LCASA correctly described the catchment area, whereas the appellant has focused on the proposal site.

69. The area surrounding the proposal site and its wider catchment has been subject to significant change and development in recent years. The Tewkesbury conurbation is growing and developing. Areas such as that around Fiddington and Tredington are important because they provide a refuge for people who live in more densely populated areas. It will be shown below that the catchment area is an important recreational resource and its tranquillity is important. The results of the SOL survey discussed above show that local people value the landscape.
70. The case officer and landscape officer were both correct to take account of the high value placed on the local landscape by residents and visitors to the catchment area. Any changes that would introduce alien and urbanising forms into this sensitive but vulnerable environment will have a “strong adverse impact”.
71. The appellant concludes in para 5.48 (revised SOC) that the hedgerow boundaries around the site combined with buildings and trees “will serve to limit, **to some extent**, the wider visibility of the proposed development” (emphasis added). This statement is an admission that the screening will not be complete and that harm will be caused.
72. In this vulnerable and sensitive landscape, the case officer was correct to pay due regard to special characteristics of the location of the proposal, its catchment area, and its users.
73. The officer did not benefit from a revised comment from the landscape officer and this was criticised by the appellant. However, the revised scheme would lead to harm, as set out above, and the case officer was correct to conclude that this was unacceptable.
74. The appellant criticised officers in para. 5.49 (revised SOC) for confusing “visibility with harm”. Why the appellant takes this line of reasoning is questionable. Visibility and harm are linked in this landscape which is of value to local people and visitors as a visual and recreational asset where any introduction of alien features would cause significant harm.
75. SOL have also analysed all the third-party representations made to the application posted on the Tewkesbury Borough Council website for the revised application. This is summarised in **appendix 4**. The analysis shows that with regard to the original 2017 application, out of 178 representations, 148 (83%) mentioned character change as a reason for their objection and 105 (59%) mentioned landscape. Despite any potential “consultation fatigue” that might prevent local residents from sending a response regarding the second application, the level of objection on matters of landscape and character remained strong.

POLICY CONSIDERATIONS FOR REASON FOR REFUSAL ONE

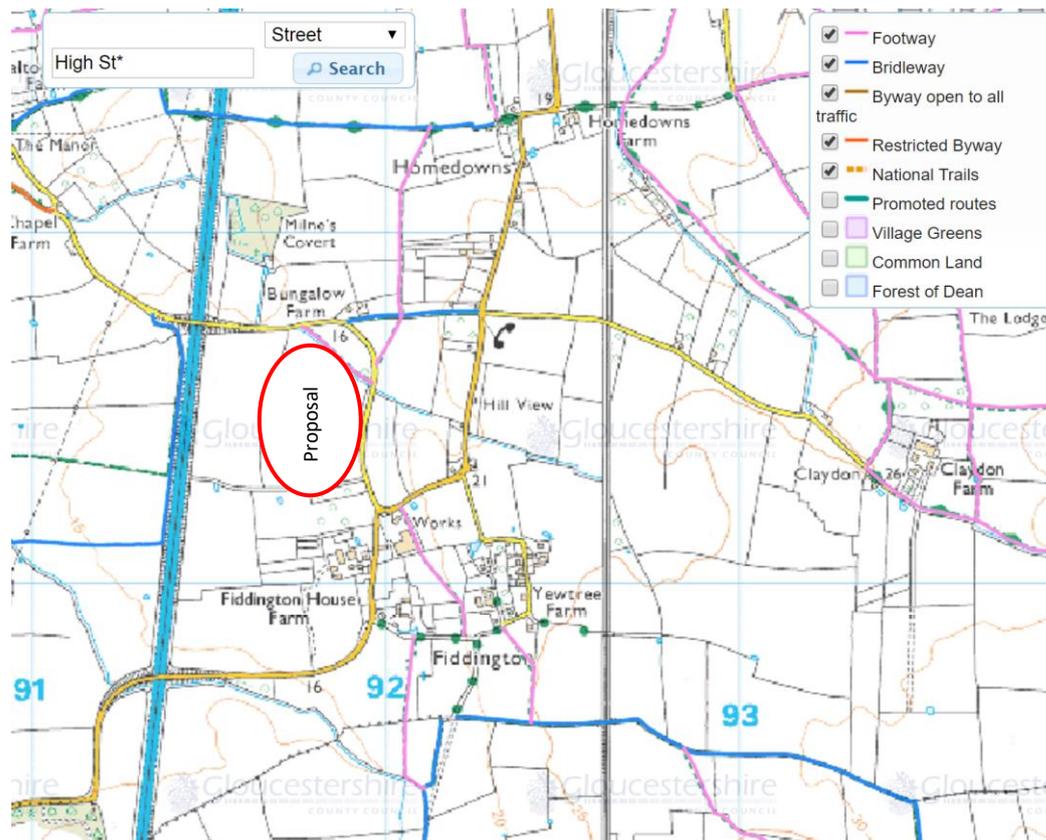
76. NPPF para. 17 states that a core planning principle is the need to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Tewkesbury Borough Local Plan 2006 policy LND4 speaks of the need to protect the character and appearance of the rural landscape. Emerging joint core strategy policy SN7 requires that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. JCS INF6 does not support renewable energy developments that have an impact on landscape character.
77. For the reasons set out above, SOL supports reason for refusal one as sound. The proposal fails to recognise the intrinsic character and beauty of the countryside and will introduce an alien industrial feature that is visible from a number of local vantage points. The mitigation proposed only serves to introduce another alien feature and will not provide a complete resolution to the potential landscape harm. Significant development has taken place in the wider area and this landscape is vulnerable to change. The landscape is cherished by residents and visitors and the proposal will significantly detract from the features that are held in highest regard. The appeal should be dismissed for these reasons.

REASON TWO: AMENITY

78. The appellant has concluded that the grounds for “the second reason for refusal are based upon the absence of any technical justification to demonstrate that the harm and impacts referred to would arise (para. 5.44 of the original SOC; 5.74 revised SOC). Both the appellant’s SOC’s use similar reasoning and will be considered simultaneously here.

BASELINE FOR THE CHARACTER, APPEARANCE, PEACE AND TRANQUILLITY OF THE AREA

79. To understand the impact of the proposed developments, it is helpful to understand the baseline conditions.
80. The catchment area contains many footpaths, bridleways and other PROWS that are linked by country lanes to provide a comprehensive network of recreational routes. The figure below shows the prow in the area (Gloucestershire interactive rights of way map).



81. The SOL survey (appendix 2) sought information on how local people use the landscape. One survey question asked respondents what they use the landscape (footpaths and lanes) for. The responses are set out in the following table.

How local people use the landscape (90 respondents)		
Walking	83	92%
Running	20	22%
Cycling	50	56%
Equestrian	17	19%

82. The survey also sought information on when the landscape was used. The responses are set out in the following table.

Frequency of use of the landscape (90 respondents)		
Used area daily	62	69%
Used area all year	78	87%
Used area in summer	89	99%
Walked with a dog(s)	28	31%

83. The survey data illustrates that local people use the lanes and footpaths across the proposal's catchment area for a range of active and passive leisure activities. Most of them use the landscape daily, and virtually all use the landscape in the summer. The landscape offers a pleasant environment for relaxation and recreation for all ages.



84. There are 26 horse stables and clubs in the area surrounding the proposal site as illustrated in **appendix 6**. SOL believe that this density of stables is unique in and around Tewkesbury and that the area is of particular value to the equestrian community.
85. The representation by the British Horse Society made to the original application articulates how equestrians rely upon the network of routes provided by prowl and the country lanes.

There are six public bridleways and two short orpas (unmetalled roads) in the immediate area, used by horse riders. Unfortunately, they do not link up to form a cohesive network of equestrian routes, and horse riders are forced to use local lanes in order to access them, and to move from one to another. Two of the bridleways, and linking lengths of Fiddington Road and Walton Cardiff Lane form part of the Sabrina Way, the county's only named equestrian bridle route.

86. Another representation notes the issues she currently experiences.

My horse is stabled at Abbey Dressage, a livery yard and competition centre very close to the proposed access road for this development. I frequently hack my horse down the lane where the site entrance would be located. At the moment, even if you meet a car, there is little space for it to pass a horse. If you walk down the lane you will see several places where cars have had to move onto the grass verge to pass horses (or indeed other vehicles) (by Mrs Jane Sayers).

87. As the survey shows, walking, running and cycling are also current leisure uses of the lanes. The photo below shows that there are potential conflicts between leisure users of the lane and agricultural traffic. Note that the horse rider chose to leave the roadway altogether to let the cyclists and tractor pass.



88. In conclusion, the baseline for consideration of the amenity impacts of the development must take all road users into account. SOL has provided evidence that the network of lanes and footpaths are regularly used by at least 90 local residents, and probably many more for a range of leisure pursuits. In addition, the area is important for people who live in Tewkesbury and provides them with a healthy and clean environment for their recreation. Even now, in the absence of the proposed development, there is some evidence of conflict between different road users.

VOLUME AND TYPE OF TRAFFIC IMPACTS UPON CHARACTER, APPEARANCE, AND PEACE AND TRANQUILLITY OF THE AREA

89. The appellant has considered the traffic impacts on character in terms of:

- Volume and type of traffic
- Appearance
- Peace and tranquillity

For ease of comparison, this statement will use the same headings.

VOLUME AND TYPE OF TRAFFIC

90. The appellant considers the impacts that might arise from the development and concludes that since agricultural vehicles are already present on the roadways, more of the same will be acceptable.

91. However, this analysis is too broad to be a meaningful approach to the consideration of amenity impacts arising from traffic movements. It does not consider:

- The increase in tractor/trailer traffic specifically
- The introduction of tanker traffic
- The seasonal variation in increased movements.

92. The number of vehicle movements, specifically tractor/trailer movements will be substantial (31 tonne tractor/trailers plus 44 tonne articulated tankers). Whether this increase is acceptable in transport terms will be discussed below.

93. SOL did not recognise the described baseline from the original application as accurate. It undertook its own survey on 28 February 2017 (**appendix 5**). Though this cannot be fully verified by a qualified traffic specialist, the difference in what residents observed and what is presented in the original planning application is sufficient to raise doubts about the reliability of the original baseline traffic figures.

94. The total amount of traffic at each location was similar between SOL and the appellant. However, during the SOL survey, NO tractors and trailers were seen. SOL does not claim that there are no tractors/trailers using local roads, but considers that the evidence provided by the appellant is an overstatement of the level of this sort of traffic.

95. Therefore, SOL questions assertions by the appellant that tractors and trailers are a normal component of local traffic, and that the movements from the proposed development will not be different from what is currently experienced. The Enzygo report will discuss traffic numbers in detail.

Savourlanes Traffic Survey Summary - Tuesday 28th February 2017

Location	Time Period	Two way Traffic Volumes			
		Total Vehicles	Cars/Vans	OGV1	OGV2
Walton Cardiff Road	6am to 7pm 13 hours	163	163	0	0
Fiddington Road East	6am to 7pm 13 hours	986	945	35	6
Fiddington Road South	6am to 7pm 13 hours	1003	962	35	6

Ecotricity ATC Summary

Location	Time Period	Two way Traffic Volumes			
		Total Vehicles	Cars/Vans	OGV1	OGV2
Walton Cardiff Road	24-hour Mon-Fri average	210	179	31	0
	24-hour 7-day average	182	156	26	0
Fiddington Road East	24-hour Mon-Fri average	1029	880	147	2
	24-hour 7-day average	876	752	123	1
Fiddington Road South	24-hour Mon-Fri average	1087	947	138	2
	24-hour 7-day average	934	817	116	1

96. The increase in traffic movements must consider all highways users and how they use the transport network (including PROW). The amenity impacts of the proposal must therefore consider how it will impact upon the recreational and leisure uses of the transport network, and not focus only on capacity and design of the roadway.

97. SOL has assessed all the representations made to the original planning application (**appendix 2 and appendix 3**).

	2016 (original application)		2017 (revised application)	
	number	% of objectors	number	% of objectors
Traffic	228	95%	167	94%
Safety	220	91%	160	90%
Vulnerable Road User	204	85%	92	52%

98. Of particular relevance is the finding that 95% (2016) and 94% (2017) of the respondents mentioned traffic, 91% (2016) and 90% (2017) mentioned safety concerns and 85% (2016) and 52% (2017) mentioned the impacts on vulnerable road users.

99. Returning to the previously mentioned representation from the horse rider, the nature of the amenity impact is clearly expressed as a conflict between large vehicles and the leisure users. This single representation can be understood to represent any equestrian in this situation. The SOL survey and the map (**appendix 6**) showing the location of equestrian establishments provides clear evidence that many equestrians will be affected by the development.

100. Returning to the representation:

Given the number of large vehicles which would pass down this lane if the development goes ahead it is likely that a horse rider would meet a lorry if they hacked down that lane (which is the access point to several well-used hacking routes).

Furthermore, the road off which this lane is located sees a large volume of horse boxes and trailers travelling to and from the competition (and training) centre. The road is simply not wide enough to support large lorries in addition to the existing traffic. Riders also ride down this road to access other hacking routes as well as the lane above. Whilst this road is wider, you would now be likely to meet large vehicles coming simultaneously from opposite directions.

It would surely only be a matter of time before there is an accident involving a horse and its rider and a large vehicle from the proposed facility (by Mrs Jane Sayers).

101. In addition to horse-riding, respondents to the SOL survey indicated that there are several other types of active recreational clubs. The list below shows active sports clubs in the area:

- Abbey Dressage Equestrian Centre
- British Horse Society
- Leadon Vale Riding Club
- Tewkesbury Hillbillies
- Cheltenham County Cycling
- Veco Club Montpellier
- Tewkesbury Triathlon Club, Tewkesbury Athletics Club
- Cheltenham Riding Club
- Woodmancote Wheelers
- Tewkesbury Ladies Running

102. None of the assessments in the original transport statement considered the impact on these users of the road network. The original transport statement therefore does not provide an adequate assessment amenity impacts.
103. Chapter 7 of the transport statement (revised) briefly touches upon issues of pedestrian experience and fear and intimidation. The analysis relies entirely upon IEA guidance and thresholds and does not provide any analysis of the actual issues at hand. For instance, it does not discuss existing users, existing problems faced by them, how the development would impact upon the existing situation, nor does it provide any meaningful responses how to address the issues.
104. The responses to the original application gave ample evidence of local people's concerns regarding the impact of the development on their amenity, particularly as this related to the use of the lanes and PROWS for recreation and enjoyment. These concerns were not given adequate consideration, and instead, the revised transport statement addresses these concerns in a dismissive "tick box" manner. Neither transport statement is therefore fit for purpose.

APPEARANCE

105. The impact upon landscape character has been set out above and will not be repeated here.
106. The appellant argues that since traffic moves, its visual impact is negligible (para 4.54 original SOC; 5.96 revised SOC).
107. There is already some evidence that local road widths are insufficient to accommodate large vehicles (see photos below – the circles show areas where the roadway has been damaged by vehicles driving partially on the verges) but this has not been assessed in any detail by the appellant in either application. There is ample evidence of local roads deteriorating as vehicles must drive on verges to avoid oncoming traffic. Not only is this roadway damage an indication that the roadway cannot cope with current levels of traffic, it is also unsightly. As road surfaces deteriorate, their enjoyment for recreation diminishes.



108. The Inspector may wish to consider this issue during the site visit.

PEACE AND TRANQUILLITY

109. As the appellant identifies, there are few definitions of the concepts of matters of “peace and tranquillity”. The appellant expressed concern regarding the use of the term “tranquillity” in the reasons for refusal (paras. 5.58 ff original SOC; 5.100 ff revised).

110. In the absence of a definition, the appellant relied upon the Oxford Dictionary definition. However, this definition does not relate to this appeal and it is suggested that a more appropriate approach can be found from the now abolished Countryside Agency (CA):

Tranquillity is considered to be a significant asset of landscape, appearing as an objective attribute in a range of strategies, policies and plans. (Countryside Agency, CRN92, March 2005)

111. In a report on how to identify the importance and relevance of concepts of tranquillity, as is the case in this appeal, the CA research:

Linked tranquillity to hearing, seeing and/or experiencing various aspects of perceived ‘nature’. These links to ‘nature’ had aural and visual aspects. Aurally, respondents noted the specific importance of ‘natural sounds’ –

participants suggested that 'hearing wildlife' was important, and 'wind through leaves' was also a popular response.

Tranquillity was also considered to be extremely important by many respondents for a range of personal reasons. Respondents repeatedly suggested that tranquillity is about peace, calm and quietness, incorporating the notion of peace as an absence of noise, and about being 'at peace'. As one respondent argued, 'it's a place where you feel at peace, that is a 'feeling' rather than absolute peace'; another described it as a 'state of mind when in nice surroundings'(ibid.)

112. SOL understands tranquillity to be the “local enjoyment of the rural landscape which has visual and auditory aspects”. The evidence provided by the SOL survey discussed above is relevant here. The analysis of words that describe how people feel about their locality can be used as a good definition of “peace and tranquillity” in the area surrounding the proposal site. The survey respondents are representative of views of the entire catchment area and so can go some way to add necessary relevant clarification.

113. SOL has provided a baseline for the assessment of amenity impacts on peace and tranquillity. SOL therefore strongly disagrees with the statement

All the above influences [original SOC paras. 5.58 – 5.64] militate against any suggestion that: tranquillity is a particularly important element of the character of the area; that there is any sense of absolute tranquillity; or that there is an absence of existing disturbance in the area upon which the volume and type of ad traffic would have any measurable or perceptible impact” (original SOC 5.65).

114. SOL would suggest the opposite: tranquillity is important to local people and they currently perceive the area as tranquil, despite any objective assessment that the appellant may wish to use. Feelings of tranquillity and peace are by their nature subjective to the individual who perceives them. SOL has provided evidence that these perceptions exist and that they are important to local people who will be affected by the development.

115. As will be demonstrated below, feelings of peace and tranquillity will be affected by:

- Increases in traffic numbers
 - Tractors and trailers
 - Tanker traffic
- Operational noise
- Odour
- Other emissions

116. The impact upon feelings of peace and tranquillity can also be affected by such matters as the ability to freely use the amenities that were previously available, increased inconvenience when undertaking normal activities, feeling unsafe when doing activities

that previously felt safe. The assessment from the Countryside Agency, referred to above, supports the approach to consider the emotional reaction to landscape and matters of tranquillity.

117. SOL has provided evidence that there is currently some conflict between leisure users of the lanes and existing traffic, particularly large vehicle traffic. The representations to the original planning application clearly demonstrate that the proposal is very likely to negatively impact on feelings of peace and tranquillity as these conflicts are increased in frequency.
118. The survey shows that nearly all the 90 respondents use the lanes during the summer. This is also the time when the other agricultural activities in the area will be at their busiest, and when the AD plant is proposed to generate the most traffic movements. The proposed development is therefore likely to cause enough disruption to people's normal use of the lanes leading to reduce activity.
119. The appellant notes that agricultural traffic movements are not controlled by planning. However, commercial development is subject to planning control. Whilst the source of the traffic movements in these proposals may not be subject to planning control, the destination is.
120. The impacts, concentrated as they are proposed in Fiddington, should be given full consideration and it is wrong for the appellant's SOC's to suggest that the movements would have occurred in any case. The impacts will affect a wide area and places like Apperley and Deerhurst will also be affected.

POLICY CONSIDERATIONS FOR REASON FOR REFUSAL TWO (AMENITY)

121. NPPF para . 69 states that development should be safe and accessible containing clear and legible pedestrian routes and high quality public spaces that encourage the active and continual use of public spaces. In Fiddington and the catchment area for the proposed development, their "high quality public spaces" are clearly the lanes and PROW.
122. NPPF para. 73 notes that access to recreational opportunities can make an important contribution to the health and well-being of communities. Para. 75 states that planning policies should protect and enhance public rights of way and access. As has been demonstrated above, the PROW and lanes are all part of a single network for non-vehicle transport. If they are rendered unattractive by the proposed development, their leisure and recreational value will be harmed, contrary to the intentions of these policies.
123. NPPF para. 123 recognises the importance of "tranquillity" when it states that planning decisions should "protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason".

124. NPPF para. 28 supports the development of local businesses, but only where this benefits communities and visitors and respects the character of the countryside. Rural economic development should also promote the retention of local services such as sports venues. It can be argued that the threats to the enjoyment of the countryside for walkers, runners, cyclists and equestrians would be contrary to this policy. It is also conceivable that local businesses, particularly equestrian establishments, will be economically harmed by the proposed development. If the peace and tranquillity is diminished in the area, it may be that local businesses will be less attractive to their customers and therefore less successful. If there is no safe and attractive place to ride, equestrians may take their business elsewhere.
125. Abbey Dressage has provided a letter which illustrates the potential negative impact that the proposed development will have upon their established business. This is attached in **appendix 7**.
126. JCS policy SD15 states that new development must have regard to any areas of tranquillity that are identified in adopted or emerging neighbourhood plans. The Ashchurch Rural NDP is in preparation, and is therefore not material, but it indicates that tranquillity in the countryside is important to parishioners.
127. JCS policy INF6 states that renewable energy development should not impact on local amenity. Local amenity would be harmed by the proposed development in terms of the deterioration of the leisure resource afforded by the network of PROW and lanes and upon their users' enjoyment and feelings of peace and tranquillity. Conversely, and contrary to this policy, the local community who are not connected to the gas network, would not benefit.
128. Saved Policy TPT1 requires new development to make provision for safe and convenient access to the development by pedestrians and cyclists, that traffic generation does not impair the safety or satisfactory operation of the highway network and that there would not be an unacceptable loss of amenity to users of adjacent land. The value of the network of PROW and lanes would be affected and the proposal is therefore contrary to these policies.
129. For the reasons set out above, SOL supports reason for refusal two as sound as it relates to character, appearance, and peace and tranquillity of the area. The proposal fails to address the impacts that will be felt by local people and visitors who value the proposed AD plant's rural catchment area as a place for recreation and calming reflection. The appellant has expressed difficulty in understanding these amenity concepts, but SOL has sought to provide clarity by providing additional detail from 90 local people regarding how they value their surroundings. Representations to the original planning application raised the same issues. The proposal will cause harm to local amenity contrary to planning policy and the appeal should be dismissed.

LIGHT, AIR AND NOISE

130. Reason for refusal's two's second part relates to light, air and noise. These are dealt with separately below.

LIGHT

131. The site is currently undeveloped countryside. The baseline for light impacts is therefore “null”.
132. The lighting strategy is described in paras. 3.74ff of the Design and Access Statement (DAS original). No separate report has been prepared to support this part of the application. The revised application included an external lighting scheme. The appellant suggested that lighting impacts could be controlled through condition.
133. In the (para. 5.81 original SOC), the appellant seeks to emphasize the level of light pollution from the M5 motorway and in particular, the infrastructure from Junction 9 and the other employment areas and surrounding commercial, equestrian and residential buildings. However, no evidence has been presented to support this statement. The revised application provides slightly more information about lighting.
134. Both applications fail to consider the lighting impacts from on-site operations arising from vehicles and plant.
135. The appellant does not provide any comment on the light pollution generated by the removal of silage from the clamps and subsequent loading of the feed hopper. The silage clamps will be 6m high and the machinery to stock and remove the silage from the clamps will operate on top of these clamps. During the winter months, this machinery will generate light pollution that has not been considered by the appellant.
136. The photo below is taken from the revised DAS. It shows that light from operational plant will be screened by the clamp walls on three sides.



Plate A6: a generic image of geotextile covers over biomass silage clamps.

137. However, this photo does not illustrate how material will be put into the clamps which will require plant and machinery to be moving at the top of the clamps. If this occurs outside daylight hours, moving lights will be visible across the local area which is flat.
138. The photo below from the original DAS illustrates that it will be necessary for plant to operate on the top of the silage clamps. In winter months, they will require headlamps. The LVIA addendum page 9 suggests that this will not occur outside daylight hours and this must be secured through condition should the appeal be upheld.



Plate 3: generic image of a silage clamp being filled and compacted at an anaerobic digestion facility.

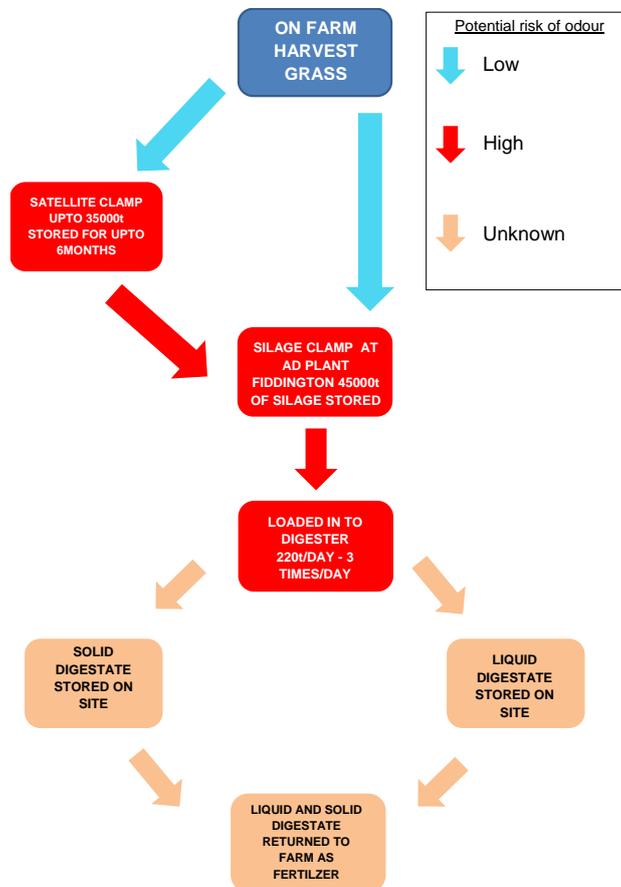
139. The appellant refers to a range of measures to minimize light pollution including the landscaped site bunding. The appellant however fails to mention that this landscaping will take approximately 10 years to become fully effective during which time the local residents will suffer harm.
140. SOL'S analysis of the representations made to the original application highlights that of the 241 representations analyzed, 38 or 16% (original) and 55 or 31% (revised) specifically referred to light pollution as a reason for concern.
141. JCS policy SC15 requires that new development will not result in unacceptable levels of light pollution and saved policy EVT2 seeks to minimize light pollution. The applicant has offered to prepare a light strategy subject to control by planning conditions. This should take full account of the impact of the proposal from inception and to take account of all site operations, including operational equipment.

ODOUR

142. The application is supported by an odour assessment, prepared by Phlorum consultants. SOL does not have the capacity to engage specialist air quality consultants to assess the validity of claims made in the odour assessment. However, there are some logical omissions that SOL wish to point out.
143. The proposed development involves moving feedstock from the farms in the area and placing approximately half into silage clamps on the proposal site, and the remaining half in clamps at satellite locations. This is set out in the DAS though the exact locations of the off-site clamps are not specified.
144. Odour impacts will logically arise at several points in the process from field to gas production:
 - a. When the grass is initially harvested. This will create the smell of mown hay.

- b. At the off-site silage clamps where 50% of the material will be stored for periods of up to 6 months. In order to undertake this activity, according to the photo on page 20 of the DAS original, plate 3, this will involve removal of the non-permeable cover so that material can be spread evenly across the site. Access to the silage clamp must be from the front, so it is unlikely that new material will be loaded to the front – it will of necessity need to be loaded across the top of the clamp, as shown in the photo. It is likely that, even after a few weeks, the underlying material will be sufficiently rotted so that it will emit an odour if disturbed by heavy machinery moving across it. The odour assessment describes this part of the process in para 4.4 which states that the silage will be “pickled” and preserved. Material will then be cleanly cut back at a rate of at least 1 metre per day (ibid). SOL believe that this will occur three times a day.
- c. At the silage clamps on the application site where material will also be stored for up to 6 months and a similar process will occur: material will be brought to the clamps for storage and subsequently transport to the digester.
- d. When the material is removed from the silage clamp and loaded into the hoppers for the AD plant.

The diagram illustrates the process and indicates SOL’s understanding of where odour impact will be greatest: as material is moved from the silage clamps and fed into the AD plant.



145. Fiddington is a rural location and at present, local people only occasionally experience odours such as muck spreading which is short lived.
146. Even in conditions where the silage will be covered, there is concern that decomposition will occur in the clamps and that odour emissions will occur when new material is loaded, when stored material is moved, and when material is fed into the hoppers.
147. The odour assessment places strong reliance upon the operational management plan. In table 5.1, it is stated that the operation “should be managed so as not to become anoxic and should include regular mixing”. There is no indication of the impact where this might fail. The worst-case scenario has not been tested. Also in table 5.1, there is the admission that odours might be emitted in section 7 and “complaints should be investigated”.
148. The odour assessment appears to be deficient in that it:
- Has not given proper attention to the individual operational activities that might emit odour as individual events;
 - Has assumed that the management of the silage will never fail and has not considered a “worst case” scenario;
 - Has not considered the odour impact of the satellite clamps;
 - Has not been clear about how material will be managed and moved around the site and what impacts may arise from these activities.
149. Para. 4.9 of the DAS says:
- The primary silage input is to be contained in modern engineered covered repositories (silage clamps) in a solid state (>25% solids) the management of which will result in only occasional and limited exposure and release of odour. However, that ‘sweet’ silage smell is not unfamiliar or inappropriate to a rural, agricultural location.*
150. SOL is concerned about the final statement which is unsubstantiated. The application site is currently an open field. The smell of silage will be a new feature of the area. It will not be familiar to the people whose homes are near the proposal site or people using the PROW and lanes for recreation. It is very possible that the odour will be very inappropriate to this location, despite the assertions of the appellant. Put another way, local people may not find the silage smell to be “sweet” but to be unpleasant.
151. SOL’s analysis of the representations made to the original application highlight that of the 241 representations analyzed, 57, or 24% specifically referred to odour as a reason for concern.

152. JCS policy SC15 requires that new development will not result in unacceptable levels of odour impacts. Saved policy EVT1 states that renewable energy development should not result in unacceptable disturbance.
153. For the reasons set out above, SOL supports reason for refusal two as sound as it relates to odour. It appears that there are significant deficiencies in the evidence provided in support of the application and that impacts have not been fully assessed or understood. There is very real concern that the proposal will give rise to unacceptable odour impacts which will negatively impact the amenity of residents and visitors.

NOISE

154. ARPC has commissioned specialist support from Enzygo environmental consultants, set out in their representation. The consideration of the issue is detailed and will not be repeated here. The summary of the main conclusions is that the noise assessment (March 2016) and the subsequent addendum dated June 2016 raised several issues of concern:
- There were non-compliant weather conditions during baseline noise survey throwing doubt over the conclusions.
 - There was a lack of calibration detail and certification for equipment used in baseline noise survey.
 - The assessment used the lowest measured background noise levels in the assessment, against guidance in BS4142.
 - The lack of detail of the noise modelling and calculation process serving the impact assessment.
 - Inconsistency of traffic flow data applied.
 - No specific assessment of change in % of HGVs, only total basic noise levels considered.
 - Worst case operational assessment not undertaken e.g. median traffic flows, not peak hour.
155. Enzygo recommended that these factors should be addressed to provide an accurate noise impact assessment to evaluate the full potential impact of the scheme. Without a proper noise assessment, it is not possible to judge the impact of the proposal.
156. SOL's analysis of the representations made to the original application highlight that of the 241 representations analyzed, 57, or 24% specifically referred to noise as a reason for concern. The Enzygo findings cast doubt on the validity of the noise assessment supplied in support of the planning application and warrant either reconsideration, or refusal on the grounds of insufficient evidence being supplied to properly assess the impacts of the development.
157. JCS policy SC15 requires that new development will not result in unacceptable levels of noise pollution. Saved policy EVT1 states that renewable energy development should not result in unacceptable noise disturbance.

158. For the reasons set out above, SOL supports reason for refusal two as sound as it relates to noise. It appears that there are significant deficiencies in the evidence provided in support of the application and that impacts have not been fully assessed. There is very real concern that the proposal will give rise to unacceptable noise effects which will negatively impact the amenity of sensitive receptors.

THE SUITABILITY OF THE ROAD NETWORK

159. ARPC has commissioned specialist support from Enzygo environmental consultants, set out in their representation. The consideration of the issue is detailed and will not be repeated here. The summary of the main conclusions is that the original transport statement and supporting documents raised several issues of concern:

- Walton Cardiff Lane is subject to the national speed limit at the site entrance which is a matter of significant concern to local people but which has not been properly considered in the Transport Statement.
- A Transport Statement was submitted when a Transport Assessment and travel plan was required.
- The volume and type of trips considered did not represent the mix of vehicles that would be involved in the proposal and the assessment did not consider the worst case.
- The automated traffic count (ATC) surveys were undertaken in the wrong month and did not give proper consideration to access issues.
- Vehicular visibility splays were not designed in accordance with design manual for roads and bridges (DMRB) highway design guide.
- Other key considerations.

160. SOL's analysis of the representations made to the original application highlight that of the 241 representations analyzed, 228, or 95% specifically referred to traffic as a reason for concern. The Enzygo findings cast doubt on the validity of the transport information supplied in support of the planning application and warrant either reconsideration, or refusal on the grounds of insufficient evidence being supplied to properly assess the impacts of the development.

161. NPPF para 32 states that planning permission on transport grounds should only be refused on transport grounds where the residual cumulative impact of the developments are severe. The deficiencies in the transport data prepared in support of the application make it impossible to adequately address the level of impact caused. However, even were it to be found that transport impacts were not severe in terms of capacity, there is ample evidence supplied above how the transport impacts give rise to subsidiary unacceptable impacts in terms of character and amenity.

162. NPPF para 35 states that development should create safe and secure layouts which minimize the conflicts between traffic and cyclists or pedestrians. As has been demonstrated, this has probably not been achieved according to available evidence and the proposal is therefore not in compliance with this policy.

163. JCS policy INF7 states that planning permission will be granted only where sufficient provision which is required to mitigate the impact of new development upon existing communities. The proposal has not offered sufficient mitigation regarding traffic impacts, as explained above, and this reason for refusal is supported by SOL.
164. Saved policy TPT1 states that development will be permitted where highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. This policy test has not been met for the reasons outlined above and the supporting information has not properly assessed the true impacts of the development.
165. For the reasons set out above, SOL supports reason for refusal two as sound as it relates to transport impacts and supports the reason for refusal two.

APPENDIX 1: MEETING NOTES 18 JULY 2017

MEETING HELD AT SHERDONS GOLF CENTRE ON TUESDAY 18TH JULY 2017

Meeting was opened by Mr Ian Parker at 6.30pm.

The meeting was instigated by Mr Ian Parker; Mr Tony Davies and Mr John Hargreaves to enable information to be disseminated to as many local residents as possible, in respect of planning application 16/00241/ful proposed ad plant at Fiddington.

51 local residents attended the meeting. Attendees were primarily from Fiddington, Natton, Tredington and Tewkesbury. Those present, signed an attendance register, detailing their address and individual reason for attending the meeting.

Ian introduced himself, Tony Davies and John Hargreaves. He informed the assembly of the aims of the save our lanes (SOL) campaign. Advising some of the tasks which had been undertaken by volunteers. Ian thanked those who had completed and returned the survey. He advised that it was necessary to prove that SOL group were acting on behalf of the local community and for the benefit of the community.

Ian stated that the application, which had been refused by Tewkesbury Borough Council (TBC) in October 2016, had now gone to 'appeal'. It is to take the form of a 'written appeal' but once the inspectorate has reviewed the documentation, they may decide that a 'hearing' would be more appropriate. He advised that TBC were to defend their decision to refuse. However, TBC are extremely busy and SOL group decided to support them by providing as much information as possible to assist in the defence.

Ian outlined the reasons he and his fellow campaigners, on behalf of SOL, engaged a planning consultant. The planning consultant suggested SOL should engage a transport expert to review documents and prepare a report.

Ian then handed the floor to Tony Davies, who informed everyone that the consultant had been requested to review all transport and noise documentation provided with the original application. He advised that, at this stage, the fee for these consultants is envisaged to total £6,000. Tony stated that a request for funding will be made to Ashchurch Rural Parish Council at their next meeting on Monday 24th July.

Tony enquired if there were any questions. A Tredington resident asked 'if he was actually asking for financial support from everyone in attendance?'

Tony stated that once they knew if ashchurch parish council were able to provide any funding they would then have more of an idea of what the shortfall would be. He also stated that if the appeal went to 'a hearing' the fees would be much higher as the consultants would be required to attend.

Tony enquired, of those present, 'if they believed SOL group were acting on behalf of the community and if they were in agreement for the group to do so?' the response was a unanimous 'yes'. A Fiddington resident expressed his appreciation to the SOL volunteers for picking up the issue and their efforts this far. This was followed by applause. 19th July 2017 it was stated that an appointment had been made to open a bank account. One Fiddington resident and a Northway resident were to attend a bank in Tewkesbury on Wednesday 19th July. A volunteer was requested, who would be prepared to be another authorised signatory. A Tredington resident volunteered and was unanimously accepted. A variety of questions were asked by those present. Responses were provided by either Ian or Tony. Statements of support were made from attendees including a resident from Oddessa Park at Tredington and a member of the green party.

The attendees were requested to provide email address or alternative contact details, if they wished to be further updated.

Ian then closed the meeting.

APPENDIX 2: SOL MEMBER SURVEY

SAVE OUR LANES IS PREPARING EVIDENCE FOR THE PLANNING APPEAL FOR THE ANAEROBIC DIGESTER IN FIDDINGTON. THE DEADLINE FOR SUBMISSION OF INFORMATION TO THE PLANNING INSPECTORATE IS 3RD AUGUST. WE ARE SEEKING TO FIND WAYS TO ADD DETAIL FROM OUR LOCAL PERSPECTIVE FOR THE CONSIDERATION OF THE APPEAL. WE ARE TAKING PROFESSIONAL ADVICE BUT FEEL IT WOULD HELP US IF WE COULD GAIN SOME ADDITIONAL EVIDENCE IN SUPPORT OF OUR CASE.

IF YOU ARE INTERESTED IN PARTICIPATING IN THIS SURVEY, AND BY IMPLICATION BEING REPRESENTED BY SAVE OUR LANES IN THE APPEAL, PLEASE COMPLETE THE FOLLOWING QUESTIONNAIRE AND RETURN IT BEFORE **20TH JULY** SO THAT WE CAN COLLATE THE INFORMATION IN GOOD TIME TO PUT IT INTO OUR RESPONSE.

YOUR INFORMATION WILL BE PUBLICLY AVAILABLE AS PART OF THE APPEAL PAPERWORK. YOUR POSTCODE IS REQUIRED TO VERIFY YOUR INPUT. YOUR DATA WILL NOT BE USED FOR ANY OTHER PURPOSE.

QUESTION	RESPONSE
DID YOU MAKE A REPRESENTATION TO THE ORIGINAL PLANNING APPLICATION?	
IF YES, PLEASE PROVIDE YOUR NAME SO WE CAN IDENTIFY YOUR COMMENT ON TBC WEBSITE.	
WHAT IS YOUR POSTCODE?	
DO YOU USE THE AREA FOR? <ul style="list-style-type: none"> • WALKING • RUNNING • CYCLING • EQUESTRIAN 	
FOR THE ACTIVITIES ABOVE ARE YOU A MEMBER OF A CLUB?	
HOW OFTEN DO YOU USE THE LOCAL LANES, BRIDLEWAYS AND FOOTPATHS?	
WHAT IS YOUR MAIN REASON, IF ANY, FOR USING THE LOCAL LANES, BRIDLEWAYS AND FOOTPATHS?	

AT WHAT TIMES OF YEAR ARE YOU MOST LIKELY TO USE THE LOCAL LANES, BRIDLEWAYS AND FOOTPATHS?	
WHAT DO YOU LIKE ABOUT LIVING IN, OR VISITING, FIDDINGTON?	
WRITE THREE WORDS THAT DESCRIBE HOW YOU FEEL ABOUT THE LOCAL RURAL LANDSCAPE.	

SURVEY DATA

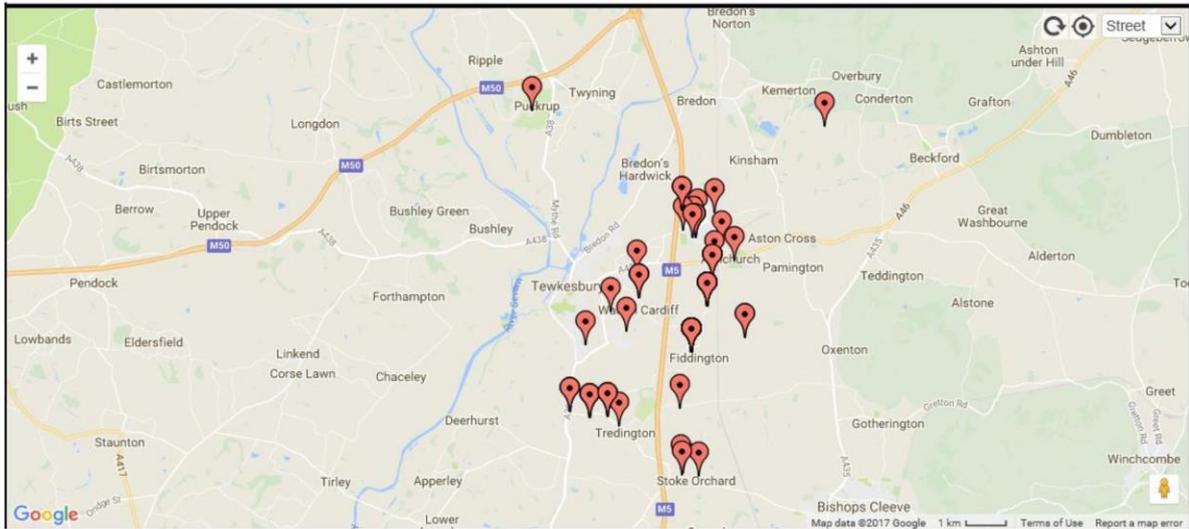
COMPLETED JULY 2017

OBJECTORS WHO ALSO COMPLETED SURVEY	55	23% % OF SURVEYS
TOTAL SURVEYS COMPLETED	90	
% SURVEYS COMPLETED BY OBJECTORS		61%
WALKING	83	92%
RUNNING	20	22%
CYCLING	50	56%
EQUESTRIAN	17	19%
USED AREA DAILY	62	69%
USED AREA ALL YEAR	78	87%
USED AREA IN SUMMER	89	99%
WALKED WITH A DOG (S)	28	31%
CHARACTER	52	58%
LANDSCAPE	47	52%
ATMOSPHERE	84	93%
OTHER	15	17%

CHARACTER	simple, unspoilt, homely, natural, timeless, traditional, undeveloped, pastoral, rural, sympathetic, passion, green, fields, functional, unpolluted, private
LANDSCAPE	pretty, attractive, beautiful, picturesque, scenery, views, idyllic, outlook, countryside, flat, wildlife, colourful
ATMOSPHERE	tranquil, calm, peaceful, quiet, relaxed, private, pleasant, escape, happy, refreshing, restorative
OTHER	precious, irreplaceable, legacy, protected, disappearing, everyone, diminishing, resource

CONCLUSION

From the survey's it can be seen that atmosphere and character are extremely important to the people who use the area.



SURVEY POSTCODE LOCATIONS (90)

Note All locations with the same Postcode are shown together

An interactive version of this map can be found by clicking the link below:

Survey map – no password required – click on marker to see number at that postcode

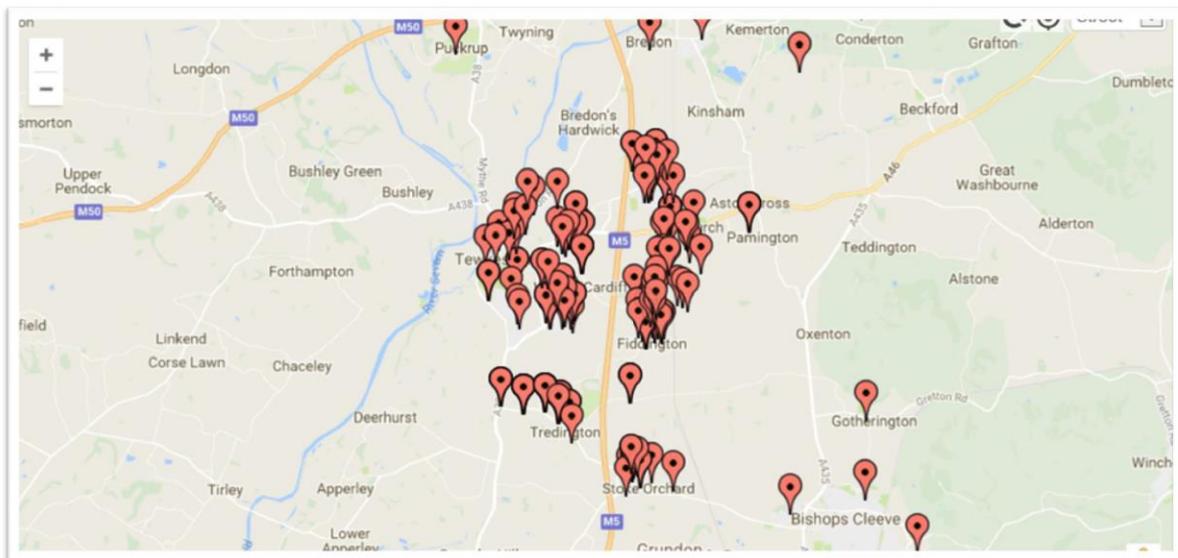
<https://www.easymapmaker.com/map/e9f710e88d59d20e3816c1261d584ac1>

APPENDIX 3: SUMMARY OF RESPONSES ON TBC WEBSITE RECEIVED FOR THE ORIGINAL APPLICATION

SAVE OUR LANES SURVEY - SUMMARY

OBJECTION DATA

KEY	OBJECTION TYPE	TOTAL OBJECTIONS CHECKED	% OF ALL OBJECTORS
A	CHARACTER CHANGE	199	83%
B	TRAFFIC	228	95%
C	SAFETY	220	91%
D	VULNERABLE ROAD USER	204	85%
E	LANDSCAPE	181	75%
F	ODOUR	57	24%
G	NOISE	57	24%
H	LIGHTING	38	16%
I	FLOODING & POLLUTANT RUN-OFF	88	37%
J	OTHER	100	41%



APPROXIMATELY A 5 MILE RADIUS

16/00241/FUL | Erection of biomass-based anaerobic digestion facility and associated works. | Land Parcels 7946 And 9067 300087 Walton Cardiff Road To Newtown Farm Ashchurch Ashchurch Tewkesbury Gloucestershire

Objector Location Review - July 2017

An interactive version of this map can be found by clicking the link below:

<https://www.easymapmaker.com/map/12f20ba0630b4d5bd7963b74744ea077>

APPENDIX 4: 2017 REPRESENTATIONS TO THE REVISED APPLICATION

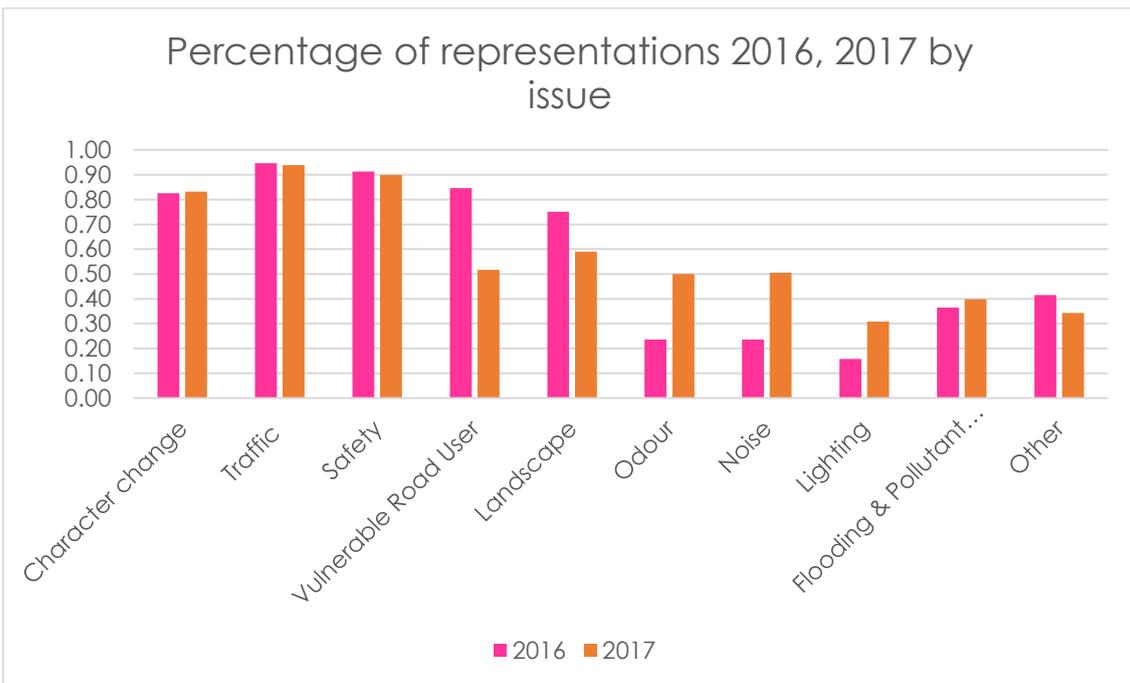
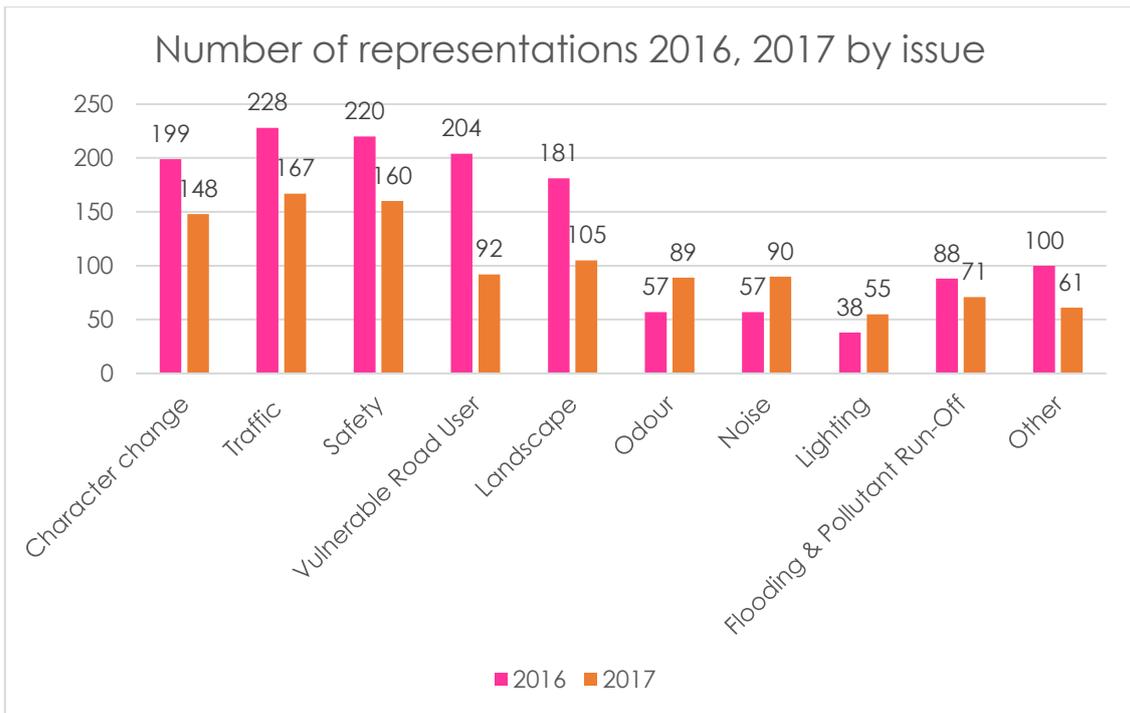
2017 results

Objection Data

		Total Objections Checked	178	
KEY				% of All
Category	Objection Type			Objectors
A	Character change	148		83%
B	Traffic	167		94%
C	Safety	160		90%
D	Vulnerable Road User	92		52%
E	Landscape	105		59%
F	Odour	89		50%
G	Noise	90		51%
H	Lighting	55		31%
I	Flooding & Pollutant Run-Off	71		40%
J	Other	61		34%

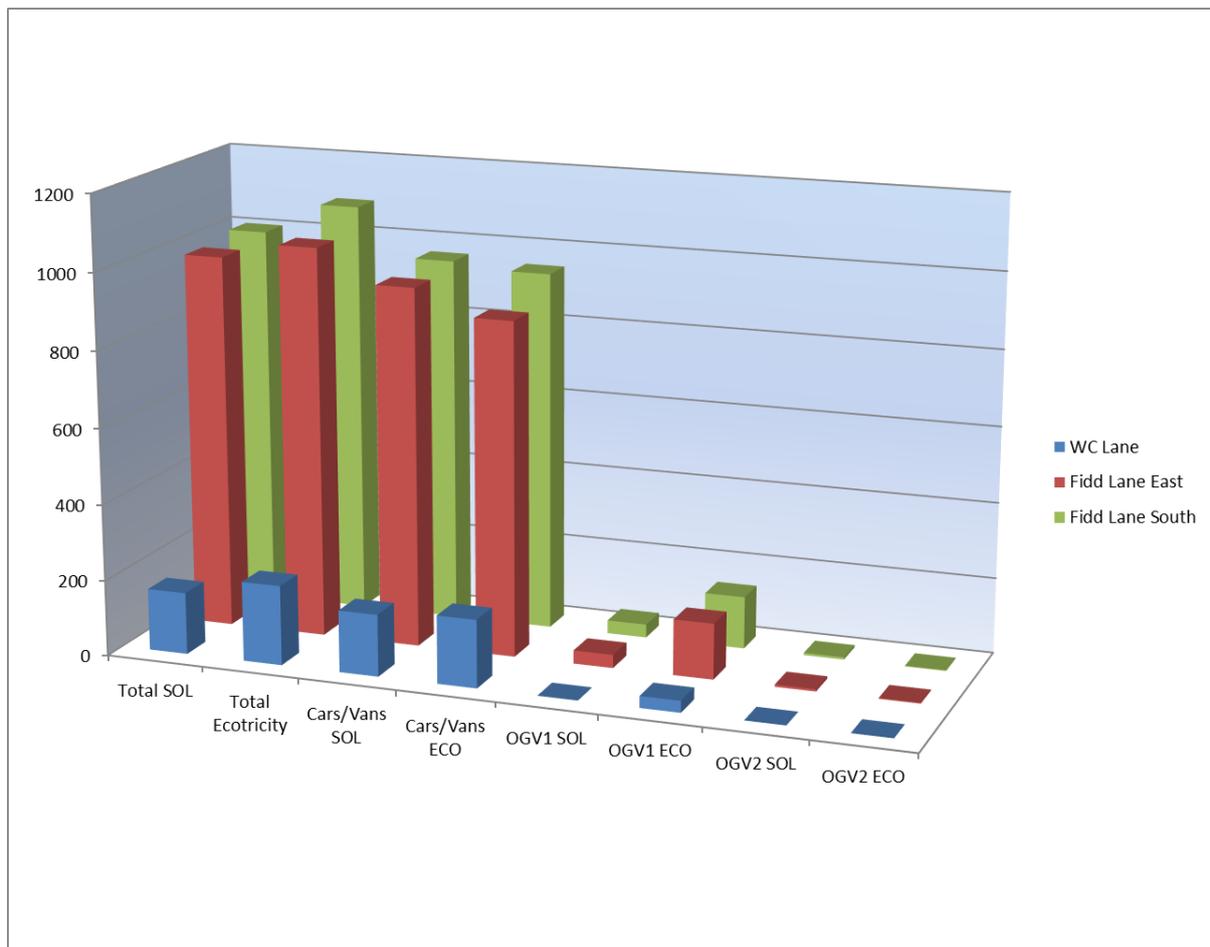
Parish Council Objection Data

		Total Objections Checked	7	
KEY				% of All
Category	Objection Type			Objectors
A	Character change	5		71%
B	Traffic	7		100%
C	Safety	6		86%
D	Vulnerable Road User	4		57%
E	Landscape	4		57%
F	Odour	4		57%
G	Noise	2		29%
H	Lighting	2		29%
I	Flooding & Pollutant Run-Off	5		71%
J	Other	3		43%

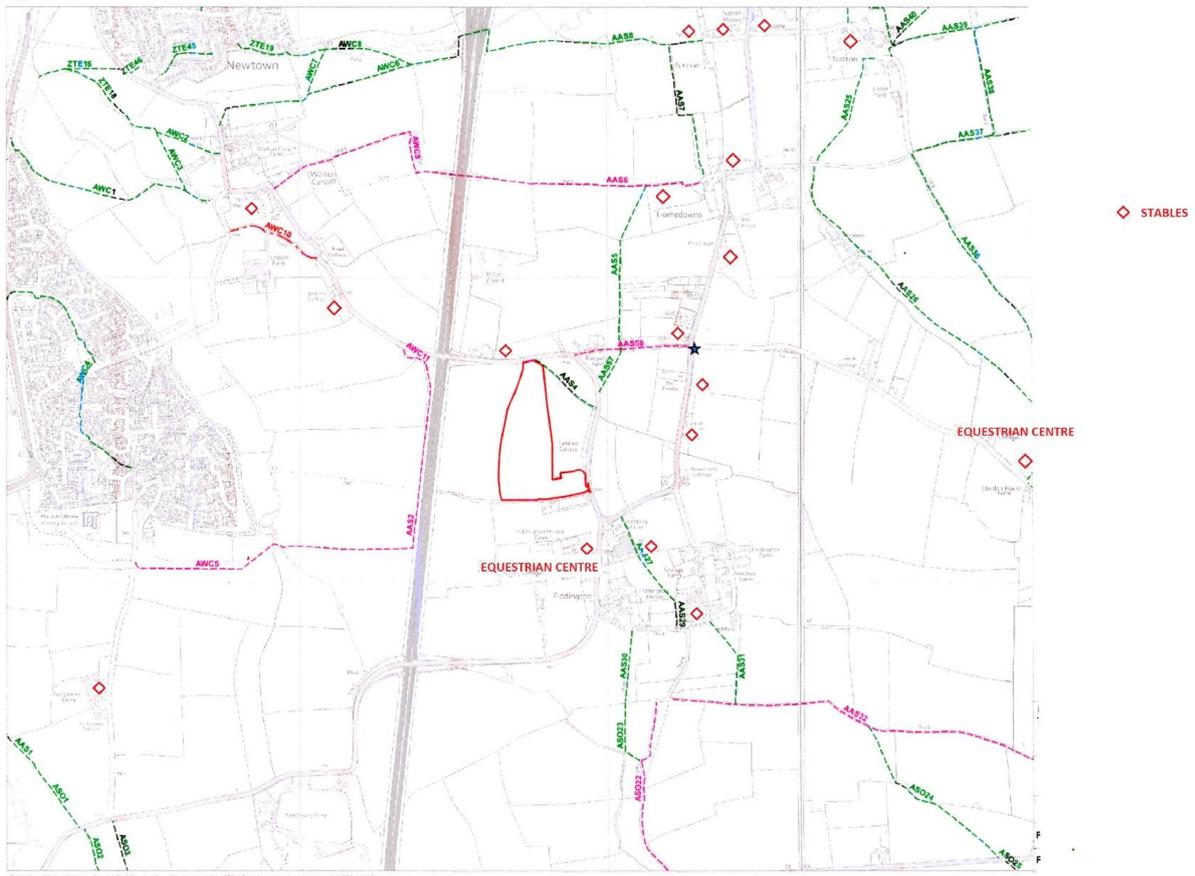


APPENDIX 5 – SOL TRAFFIC SURVEY

Location		Time Period				Two way Traffic Volumes			
		Total SOL	Total Ecotricity	Cars/Vans SOL	Cars/Vans ECO	OGV1 SOL	OGV1 ECO	OGV2 SOL	OGV2 ECO
Walton Cardiff Road	6am to 7pm Eco M to F Av	163	210	163	179	0	31	0	0
Fiddington Road East	6am to 7pm Eco M to F Av	986	1029	945	880	35	147	6	2
Fiddington Road South	6am to 7pm Eco M to F Av	1003	1087	962	947	35	138	6	2



APPENDIX 6: LOCAL HORSE RIDING CLUBS AND STABLES



APPENDIX 7: LETTER FROM ABBEY DRESSAGE

Abbey Dressage

Mr and Mrs P M Hemming
Fiddington House Farm
Fiddington
Tewkesbury
Glos
GL20 7BJ

13th September 2017

Ref: Objection to planning application appeals by Ecotricity
DCLG ref: APP/G1630/W/17/3174163
Application ref: 16/00241/FUL

We are an equestrian centre with livery stables, training young horses as well as schooling inexperienced riders and horses. We hold regular dressage competitions and are extremely concerned about the effects the proposed AD plant will have on our business.

To explain:

1. **Dressage** requires extreme concentration and precise control for both horse and rider and as such requires a relaxed calm atmosphere. The proposed site will be within 200 meters of our competition arenas with little screening for sound or sight. Consequently we are extremely concerned that the heavy machinery delivering to site, loading and unloading the silage clamps on a continual 7 days a week basis, the noise will make it impossible to create the relaxed calm atmosphere required. In particular we are sure that at times much louder sudden noises will occur and that this will affect our ability to continue to stage dressage competitions.

2. **Young Dressage horses** are schooled and trained. These are especially sensitive and adversely affected long term at that age by large vehicles and sudden noises, having a detrimental affect on them and more importantly will be very dangerous for the riders.

2. **Livery** clients. The proposed large number of vehicle movements and the very large type of tractors and trailer combinations to and from the site with the associated safety implications on the very narrow lanes past our entrance will also deter clients from attending. In addition the proposed traffic volumes will make the surrounding narrow lanes impossible for horse riding and as such they will have no alternative but to find an alternative stable yard.

We have made a considerable investment over the last 30 years and have developed a very successful business employing 6 full time employees. We have 30 horses at livery, schooling or riding them in the lanes on a daily basis plus an extra 60 horses on competition days. Overall an industrial type operation as proposed on this site will undoubtedly have a fatal impact on our livelihood, destroy our business and place in jeopardy the jobs of all those employed by us. None of this has been considered by the applicant and we urge you to dismiss this appeal.


P M HEMMING