Bourne Valley Associates Ltd

Statement of Common Ground

In support of an Appeal under s78 of the Town and Country Planning Act 1990 against the Refusal by Herefordshire Council of a Planning Application (Reference 222728) for the erection of and the construction of an anaerobic digestion (AD) plant with associated facilities, including feedstock storage clamps; tanks; lagoons and wetland filtration system; and connection to the national gas grid, together with the installation of photovoltaic panels on buildings, a grain store and dryer and the construction of a new vehicular access to the A417

For STL Energy Ltd

At Whitwick Manor, Lower Eggleton, Ledbury, Herefordshire, HR8 2UE

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1.0. Introduction

1.0.1. This Statement of Common Ground is the formal document supporting an appeal made to the Planning Inspectorate. The appeal is against the refusal, by Herefordshire Council (HC) of a planning application for the erection of and the construction of an anaerobic digestion (AD) plant with associated facilities, including feedstock storage clamps; tanks; lagoons and wetland filtration system; and connection to the national gas grid, together with the installation of photovoltaic panels on buildings, a grain store and dryer and the construction of a new vehicular access to the A417. At Whitwick Manor, Lower Eggleton, Ledbury, Herefordshire, HR8 2UE. The appeal is submitted by Bourne Valley Associates, acting as agent on behalf of STL Energy Ltd.

1.0.2. The application was submitted on 12th August 2022 and validated on 09th September 2022, under reference 222728. The application was refused under delegated powers on 5th December 2025. There were four reasons for refusal, and this statement sets out the details.

1.0.3. The Statement of Common Ground has been prepared jointly between the Appellant and the Local Planning Authority (LPA), Herefordshire Council.

1.1. The Appeal Description

1.1.1. The appeal is against the refusal of the application, as described above, for the reasons set out below.

1.2. Reasons For Refusal

1.2.1. In its decision letter of 5th December 2025, Herefordshire Council set out the following reasons for refusal:

"1. By virtue of it scale, throughput and function, the development falls within the definition of a large treatment facility as described in Policy W5 of the Herefordshire Minerals and Waste Local Plan. Policy W5 establishes a clear spatial strategy for the distribution of waste management facilities within the County of Herefordshire, requiring large scale facilities to be located within the designated strategic employment areas. The application site is neither allocated nor identified as such and instead occupies an undeveloped agricultural field in the open countryside with no functional relationship to an established employment location. The proposal therefore fails to comply with the locational requirements of Policy W5 of the Herefordshire Minerals and Waste Local Plan (2024).

2. The proposed large scale anaerobic digestion facility and associated commercial grain store are not considered to accord with Policies RA6 and E1, which direct larger-scale employment-related development to appropriate strategic employment sites and require rural development to be commensurate in scale with the rural location and setting. The scheme represents a stand-alone industrial-scale facility with only limited connection to the surrounding rural economy and does not constitute a diversification of an existing agricultural enterprise. Accordingly, the proposal is contrary to Policy W5 of the Herefordshire Minerals and Waste Local Plan 2024, Policies RA6, SD2 and E1 of the Herefordshire Local Plan – Core Strategy Policy Y4 of the Yarkhill Neighbourhood Development Plan

(2018) and the plan-led approach required by paragraph 15 of the National Planning Policy Framework.

3. The proposed development, by virtue of its scale, massing and industrial form, together with the associated operational activity, would result in a contrasting and visually intrusive complex in an area that is currently characterised by a rural agricultural landscape. The digesters, tanks, grain store and associated infrastructure, together with the engineered wetland areas and extensive soil bunding, would introduce large-scale built features wholly uncharacteristic of the prevailing landscape character.

Furthermore the proposed mitigation measures, including woodland planting and the constructed bund, are not considered to successfully integrate the development into the landscape; the bund in particular would read as an artificial and incongruous form that does not reflect the natural topography or field structure of the locality.

The scale and nature of the proposal represents an inappropriate form of development that would cause demonstrable harm to the character, appearance and perceptual qualities of the landscape, including views from nearby public rights of way and rural lanes. The proposal therefore conflicts with Policies SS6, LD1, RA6 and SD2 of the Herefordshire Local Plan Core Strategy, Policies Y11 and Y12 of the Yarkhill Neighbourhood Development Plan and Section 15 of the National Planning Policy Framework which together require development to conserve and enhance landscape character, integrate sensitively with its surroundings, maintain local distinctiveness and be of a scale appropriate to its rural setting.

4 The Local Planning Authority is unable to conclude, beyond reasonable scientific doubt, that the proposed development would not result in an adverse effect on the integrity of the River Wye Special Area of Conservation (SAC), either alone or in combination with other plans and projects, as required by the Conservation of Habitats and Species Regulations 2017. The Council's Appropriate Assessment (dated 24 September 2025) identifies that there remains uncertainties and lack of completeness on the aerial in combination effect test which prevent a legally robust conclusion that impacts relating to water quality, aerial emissions (including ammonia), and the deposition of nitrogen and acidifying pollutants would be avoided or fully mitigated.

In the absence of certainty that no adverse effect on the integrity of the River Wye SAC can be secured, the proposal conflicts with Policies SS6, LD2 and SD4 of the Herefordshire Local Plan – Core Strategy, which require the protection of international ecological designations and the prevention of development that would undermine water quality objectives. The proposal also fails to comply with paragraph 185 and Section 15 of the National Planning Policy Framework, which require that significant harm to biodiversity is avoided, mitigated or, as a last resort, compensated for, and that planning permission must be refused where such harm cannot be ruled out."

2.0. The Appeal Site

2.0.1. The location plan of the appeal site is shown below in figure 1. The plan is formally submitted as Drawing number 01113-00-C, dated 8th August 2022. The plant and grain store are within the red line shown on the plan. The blue line includes other land at Whitwick Manor owned and managed by the appellant. That area includes much of the landscape and ecological mitigation measures.

2.0.2. The area within the application site is 18.939ha.

2.0.3. The remaining area owned and managed by the appellant at Whitwick Manor is 243ha.

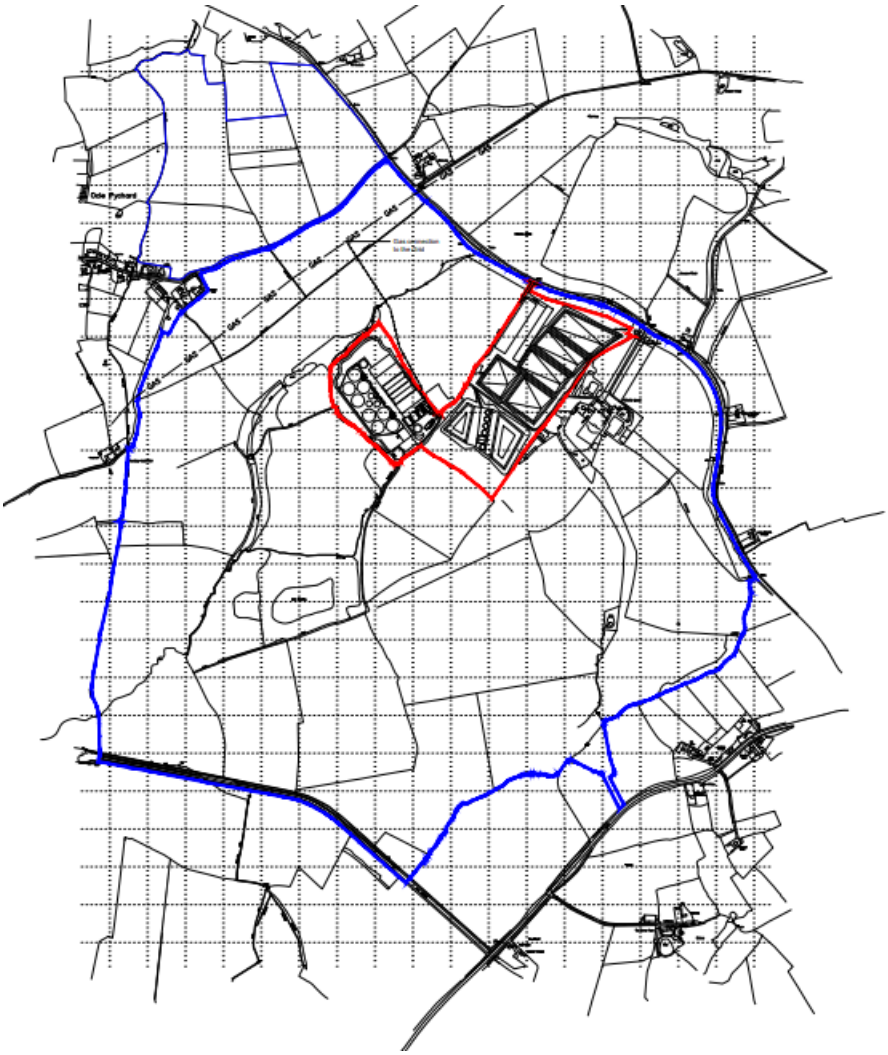


Figure 1 – Location Plan

3.0. The Local Area

3.0.1. The appeal site is in an arable farming area some 10km to the North-East of Hereford. It lies adjacent to the South-West of the A417, a busy trunk road, positioned between Newtown Crossroads, located approximately 1.4 kilometers (km) to the south-east, and Burley Gate roundabout, about 1.8 km to the north-west. Indeed, the farm is bordered on two sides by the busy A417 and A4103 trunk roads, giving it excellent road access. Access to the site is gained directly from the A417 via an existing agricultural entrance, which is framed by a narrow strip of woodland. The local area is by its arable farming, some more intensive farming including poly-tunnels and poultry units and scattered development within a rolling landscape with considerable woodland. A detailed description of the area's landscape is provided in the Landscape and Visual Impact Assessment (LVIA).

4.0. Planning History

4.0.1. There has been little relevant planning history related to the application site. In preparation for the appeal application, the following proposals were submitted:

193947/CE Pre application advice - Proposed anaerobic digester plant to generate renewable energy. Combined heat and power unit (CHP), lagoon, feedstock storage clamps and grain store (February 2020 – not in public domain)

P201295/EIA - Request for Screening Opinion for a Anaerobic Digester Plant to generate renewable energy, Combined Heat & Power Unit (CHP), Feedstock Storage Clamps; Grain Store; and Wetland Filtration System (April 2020)

P220933/EIB - EIA Scoping Opinion Request for the development of an anaerobic digestion facility and associated grain drying operation (March 2022)

4.0.2. There have subsequently been applications for development within the Whitwick Estate, but unrelated to the appeal proposal. These relate to houses and other buildings at Whitwick Manor itself. These applications include:

P242252/PA4 - Application for prior approval for proposed change of use of three agricultural buildings to create seven dwellinghouses and building operations reasonably necessary to facilitate the change of use. Agreed that prior approval is not required, October 2024.

P241936/PA7 - Application for prior approval for proposed change of use of three agricultural buildings to create seven dwelling houses and building operations reasonably necessary to facilitate the change of use. Prior approval August 2024.

P224156/FH - Proposed extension and pool house with link (Part retrospective) - Householder development. Approved December 2022. There were also successful applications to approve details required under conditions applied under this permission.

5.0. Development Plan (Adopted and Emerging) and Supplementary Planning Guidance

Herefordshire Core Strategy

Policy SS1 – Presumption in favour of sustainable development

Policy SS4 - Movement and transportation

Policy SS6 - Environmental quality and local distinctiveness

Policy SS7 - Addressing climate change

Policy RA6 – Rural Economy

Policy MT1 – Traffic management, highway safety and promoting active travel

Policy LD1 – Landscape and townscape

Policy LD2 – Biodiversity and geodiversity

Policy LD3 – Green infrastructure

Policy LD4 – Historic environment and heritage assets

Policy SD1 – Sustainable design and energy efficiency

Policy SD2 – Renewable and low carbon energy generation

Policy SD3 – Sustainable water management and water resources

Policy SD4 – Wastewater treatment and river water quality

Herefordshire Minerals and Waste Local Plan

Policy W1 – Waste Strategy

Policy W2 - Solid waste management requirements

Policy W3 - Agricultural Waste

Policy W5 - Preferred locations for solid waste treatment facilities

Policy W7 - Waste management operations

Yarkhill Neighbourhood Plan

Policy Y5 Supporting Rural Diversification

Policy Y9 Reducing Flood Risk and Supporting Sustainability

Policy Y11 Protecting Landscape Character

Policy Y12 Large Agricultural Buildings

Policy Y13 Local Energy Schemes

6.0. National Policy and Other Guidance

6.1. National Planning Policy Framework

National Planning Policy Framework (NPPF) is part of the development plan. Material sections include:

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 6 Building a strong, competitive economy

Chapter 8 Promoting healthy and safe communities

Chapter 9 Promoting sustainable transport

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed and beautiful places

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

6.2. Other guidance/policy/legislation

National Planning Policy Waste 2014

Waste Management Plan for England, 2021

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

6.3. Planning Practice Guidance

- Environmental Impact Assessment – 13 May 2020
- Renewable and low carbon energy
- Waste – 15 October 2015

6.4. Key Planning Policies Supporting AD/Biomethane

6.4.1. National Planning Policy Framework (NPPF) — December 2024

The revised NPPF is the most important national-level planning document for AD projects in England. Several provisions are directly relevant:

Paragraph 161 now provides a measurable goal, stating that the planning system should support the transition to "net zero by 2050" rather than just "a low carbon future." The text states that (the planning system) should "*support renewable and low carbon energy and associated infrastructure.*"

Paragraph 163 introduces a new requirement that climate change should be taken into account in both the preparation and consideration of planning applications, "*taking into account the full range of potential climate change impacts*" as part of the journey to net zero by 2050.

Paragraph 168 is the critical paragraph for renewable energy, including AD. It states *(inter alia):*

"When determining planning applications for all forms of renewable and low carbon energy developments, local planning authorities should:

(a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;

(b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions."

6.4.2. The Biomass Strategy 2023

This is the foundational government strategy recognising AD's role[1]. It states that biomethane will continue to play an important role in optimising the path to net zero and increasing energy security, supporting decarbonisation across heat, transport and power, and recognises AD as a recycling activity creating a more circular economy. The strategy emphasised that increasing biomethane in the grid is a practical, established, and cost-effective way of reducing carbon emissions associated with gas usage, with modelling suggesting a five-to-eightfold increase is needed to reach net zero.

6.4.3. Future Policy Framework for Biomethane Production (DESNZ Call for Evidence, 2024)

Launched by DESNZ in 2024 following the Biomass Strategy's recognition of biomethane's important role, this call for evidence acknowledged the pivotal role biomethane will play in the UK's future energy system. The aim is to help further incentivise the biomethane industry to scale up and reach its full potential. DESNZ is working on a Future Biomethane Policy Framework with a consultation expected by Spring 2026[2]. In the call for evidence, the Government stated[3]:

[1] The 2023 Strategy was issued under the previous Government. In December 2025, the present Government issued a "Common biomass sustainability framework" for consultation which, although now completed, has not yet led to a revised approach. The 2023 Strategy thus remains valid.
[2] Not yet undertaken at the time of writing.
[3] Introduction, page 3

"Biomethane is a flexible and adaptable fuel which can contribute to decarbonising hard-to abate sectors including heavy transport and machinery, industrial processes, and agriculture. Due to its use of 'wet waste' such as unavoidable food waste, slurries, manures, and sewage feedstocks, AD provides a critical waste management tool and a solution to decarbonise the waste sector. In agriculture, AD could play a role in creating a circular economy by displacing fossil fertiliser with digestate, an organic fertiliser. Furthermore, it has the potential to deliver negative emissions, through carbon capture technology both at the point of production and point of combustion, which will be crucial to meet net zero."

6.4.4. Green Gas Support Scheme (GGSS) Extension

In December 2025, Lord Whitehead, Minister of State for DESNZ, announced plans to extend the GGSS by two years to 31 March 2030, providing essential policy stability for the UK's biomethane sector and safeguarding investment in new and existing AD projects. It will allow registered participants to receive tariff payments for up to 15 years[4].

6.4.5. Planning and Infrastructure Bill 2025

Introduced to Parliament in March 2025, this Bill sets out reforms to streamline major project delivery and accelerate approvals for nationally significant infrastructure, including renewable energy. Recent amendments give the Secretary of State greater powers to intervene in local decisions made by planning authorities through giving the benefits of low-carbon energy generation significant weight in planning decisions.

[4] See https://www.gov.uk/government/publications/green-gas-support-scheme-ggss. Government update 10th December 2025.

7.0. Areas of Agreement

7.0.1. The areas of agreement between the parties include:

7.0.2. The appellant followed good practice and procedure associated with a planning application considered to require Environmental Impact Assessment. Thus, pre-application advice was sought, and the plans were modified to take account of advice provided, following which there was a screening and scoping process prior to the submission of the planning application, accompanied by an Environmental Statement. Moreover, the appellant undertook a well-advertised public consultation program prior to submission.

7.0.3. The description of the development proposals. It should be noted that it is agreed that the grain store would have a capacity of 16,000 tonnes and not 20,000 tonnes as stated in the officer's report. It is accepted by both parties that the proposal has evolved since its initial inception in 2021 because of changes/improvements in technology; responses to changing guidance and advice; and in response to concerns expressed by consultees and the public;

7.0.4. That a grain store is, in principle, development appropriate to the countryside;

7.0.5. That an anaerobic digestion (AD) plant is, in principle, development appropriate to the countryside;

7.0.6. The anaerobic digestion (AD) proposals being categorised as a waste project. The grain store is agricultural in nature, but it is dependent on the supply of heat from the anaerobic digestor to function effectively;

7.0.7. Details and description of the application site's location;

7.0.8. An acceptance that landscape and ecological mitigation measures can be successfully implemented in accordance with an approved plan, agreed by condition applied to any permission, on land held by the appellant;

7.0.9. The procedures followed prior to and during the determination of the application, inasmuch as they accord with planning legislation; with Environmental Impact Regulations[5]; and with Habitats Regulation Assessment. These procedures include both the preparation and submission of documents by the appellant and the consultation procedures followed by the authority;

7.0.10. The LPA accepts that the methodology employed by the appellants in preparing the Environmental Statement and other documents followed relevant legislation, guidance and good practice, in terms of the following topics:

- Description of the development;
- Transport assessment, including assessment of vehicular movements;

[5] In accord with Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)

- Consideration of alternative sites;
- Socio-economic impacts;
- Ecology, in respect of impact on local sites, excluding the River Wye SAC. The means of assessing the significance of the impact on that SAC remains an area of disagreement, as confirmed in Section 8;
- Air quality impacts on human health;
- Noise and vibration;
- Lighting;
- Archaeology and Cultural heritage;
- Landscape (including the preparation of LVIA);
- Geology and Hydrology.

7.0.11. The applicant undertook a thorough and reasoned consideration of alternative sites and processes;

7.0.12. Material documents and policies applicable at local and national level, as set out in Sections 5 and 6 of this Statement;

7.0.13. The benefits, in terms of sustainable construction and operation and in terms of energy generation, that would ensue from the development;

7.0.14. There would be no significant residual negative effects and there would be potential positive effects, following agreed implementation of proposals, produced by the proposed development in terms of;

- Impacts on land uses;
- Socio-economic impacts, including enjoyment of outdoor recreation;
- Highway access, safety and impact on the local road system, taking account of a Construction Environment Management Plan to be prepared and agreed prior to development starting on site;
- Lighting, either during construction or operational phases, subject to the proposed condition controlling lighting;
- Odour, and air quality impacts on human health related receptors;
- Noise and vibration;
- Archaeology, following on-site investigations to accord with LPA requirements;
- Trees/arboriculture, including measures to protect them during construction, and through implementation of the proposed landscape and habitat management plan;

- Geology, Soils, risks of contamination and flood risk at the site, or elsewhere caused by run-off from the site;
- Water supply;
- Habitats and species on-site and within the vicinity of the site;
- Local Nature Sites, include Local Wildlife Sites, Local Nature Reserves and ancient woodland sites;
- Accidents and major hazardous incidents;

7.0.15. The potential impact of the proposals on heritage assets is agreed to be less than substantial, and that the significance of the harm is towards the lower end of the scale. The judgement in *R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin)* allows for minimal harm to fall within the definition of "less than substantial" as set out in the NPPF (now para 215), which states that "*this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

7.0.16. Herefordshire Council has declared a climate emergency, and that planning decisions should take account of its stated steps to minimise the impact on the environment. The planning authority accepts that this AD facility represents a form of renewable energy infrastructure that, in principle, has the potential to contribute to climate-change mitigation by generating low-carbon biogas and reducing the use of fossil fuels.

7.0.17. Both parties agree that the current, widespread, practice of spreading poultry manure on farmland within the catchment of the Rivers Lugg & Wye is likely to jeopardise ecological conditions in watercourses, and that the proposal would reduce the likelihood of continued spreading of manure. It is accepted that the amount of fertiliser that farmers apply is not dictated by the amount that is available for purchase locally, but by the agronomic need for it.

7.0.18. The presence of the recovered nutrient from the proposed AD plant is unlikely to result in an increase in fertiliser application within the catchment or an increase in waste.

7.0.19. Both the applicant and the local planning authority have taken full account of the *Caffyn* judgement[6] in taking account of the "likely indirect effect" of spreading of material on land. It has always been identified within the application that the recovered nutrients would be placed on the open market, and as such available to be spread on land both in and out of the River Wye Catchment. Therefore, the applicants offered to control the destination of recovered nutrients, but the planning authority considered such a legal control was not necessary, given that control can be achieve under separate legislation, and both parties accept this position. The planning authority agrees with the appellant's conclusion that the spreading of digestate from the proposed plant as fertiliser on land within the catchment does

[6] R (Caffyn) v Shropshire Council [2025] EWHC 1497 (Admin). The applicants have submitted to the appeal an assessment of the "downstream effects" of products derived from the scheme.

not have the potential to have an adverse impact upon the integrity of Habitats Sites including the River Wye SAC or other Habitats Sites nationally.

7.0.20. It is accepted by both parties that Natural England has not objected to the proposals, following the submission of information it requested during consultation on the proposals.

7.0.21. It is agreed that feed hoppers for manure can be re-located within the manure storage building, in line with the formal submission by the applicant to the LPA as part of the planning application process. The external feed hoppers will remain as shown on the extant layout plan, but these are to only be used for loading of apple pomace or crop residues. Therefore, this has no implication for layout plans submitted with the application.

7.0.22. It is agreed that the third party developments/operations considered within the in-combination assessment of aerial emissions were appropriate, following extensive communications between the LPA, Natural England and the appellant.

7.0.23. An Environmental Permit is in place, issued by the Environment Agency, and it is accepted by both parties, having regard to policies contained within the NPPF and NPPW, that this will control emissions from site operations, in accordance with the legal requirements of the Environmental Permitting (England and Wales) Regulations 2016 (as amended).

7.0.24. The LPA, in its Habitats Regulations Assessment undertaken in September 2025, concurs with the appellant in that the development would not have the potential to have an adverse impact upon the integrity of Habitats Sites including the River Wye SAC or other Habitats Sites nationally via this effect pathway in respect of the following topics:

- phosphate rich products produced by the development, as the use of these is controlled and limited through existing regulations;
- surface water management;
- aerial emissions, inasmuch as the methodology of the assessment, if not its scope;
- surface water discharge of phosphates;

7.0.25. It is agreed that, following the determination of the application, minor modifications have been made to the proposals, including the introduction of Ammonia scrubbers, that do not impact on the appearance of the proposed structures, but which have the potential to improve air quality of emissions, and that these changes should be considered at appeal.

8.0. Areas of Disagreement

8.0.1. The local planning authority and the appellant disagree on the following matters:

8.0.2. The degree of certainty in terms of impact on the integrity of the River Wye Special Area of Conservation (SAC), either alone or in combination with other plans and projects, as required by the Conservation of Habitats and Species Regulations 2017, and whether there would be adverse impacts on the SAC.

8.0.3. The means of demonstrating, beyond reasonable scientific doubt, that the impact on the SAC would not be adverse, and in accordance with all relevant existing legislation and guidance.

8.0.4. The adequacy of modelling and in-combination assessment to determine the impacts on water quality, demonstrating the proposed development would not result in an adverse effect on the integrity of the River Wye Special Area of Conservation (SAC), either alone or in combination with other plans and projects, as required by the Conservation of Habitats and Species Regulations 2017.

8.0.5. The appellants do not agree with the Local Planning Authority's statement that it is legally prohibited from granting planning permission, given the detail set out in the shadow Habitats Regulation Assessment and given that the Environment Agency, as a recognised competent authority for the purpose of HRA, has confirmed that the requirements of the HRA have been met in terms of emissions from the development and granted an Environmental Permit.

8.0.6. There remain differences of opinion on the methodology that should be employed to consider the impact on the integrity of the River Wye SAC. The appellant disagrees with the imposition of Reason for Refusal 4, because it is at odds with Natural England's Standing Advice on Air Quality. That Advice was issued on 16th October 2025, and thus prior to the determination of the planning application. It states that Air Quality Assessment should only be required for European Sites and SSSIs within 5km of application sites, and the nearest such site (the River Wye SAC) is located approximately 7.1km away from the proposed site and there are no SSSIs within 5km of the proposed site.

8.0.7. The appellant and the LPA disagree on the significance of the landscape impacts of the development, especially in terms of impact on landscape character, which encompasses impact on tranquility; on "openness"; and on the impact of the proposed bund;

8.0.8. The appellants do not accept that Policy W5 of the Minerals and Waste Local Plan provides a clear spatial strategy for integrated proposals such as the appeal scheme. They also consider that the preferred sites set out under Policy W5 are not exclusionary;

8.0.9. The local planning authority does not accept the locational advantages of the site either for the AD plant or the grain store, as set out in the planning statement, and question the need for a countryside location. The appellant maintains the applicability of the location's advantages, including safe, strategic road access, conveniently sited within the Herefordshire poultry farming community, lack of local sensitive receptors; and a landscape setting capable, with limited mitigation, of absorbing the development. The appellant also considers that

town-edge sites, including those suggested under Policy W5, are not capable of accommodating the large-scale proposal;

8.0.10. The LPA does not agree that there is demand to warrant a grain store of 16,000 tonnes capacity. (The appellant will provide evidence to demonstrate that local agricultural businesses need such provision.)

8.0.11. The planning authority considers there are constraints on the renewable energy output and its contribution to reducing carbon footprint and to aiding energy security, while the appellants consider they are significant factors in addressing the "planning balance".

8.0.12. Therefore, the parties disagree on the "planning balance" of the benefits derived from the proposals weighed against the perceived environmental disbenefits of the scheme. The appellant believes the renewable energy, lifecycle and operating CO_2 capture benefits to have been considerably undervalued by the LPA.

8.0.13. The appellants consider that the weight to be attached to energy, fertiliser and food security and to the "environment emergency" declared by Government and by the Council is greater than has been accorded by the LPA.

9.0. Schedule of Proposed Conditions

9.1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

9.2. The development shall be carried out strictly in accordance with the approved plans listed below, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Pre-commencement conditions

9.3. Before any work approved under this permission commences, a **Construction Environmental Management Plan (CEMP)** including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy? of the Yarkhill Neighbourhood Development Plan.

9.4. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Site compound location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, The Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

9.5. A Dust Management Plan (covering both construction and operational phases) shall be submitted to and approved by the Local Planning Authority (to include all mitigation and monitoring measures outlined in the Environmental Statement 11/08/22), prior to works commencing.

9.6. A condition covering materials

9.7. A possible condition requiring further archaeological on-site assessment

Restrictive conditions

9.8. The storage building hereby permitted will be used for the storage of grain, others seeds and fruit and for machinery and equipment associated with their storage and for no other purpose, unless previously agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, relevant policies of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

9.9. At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting on any building or structure within the application boundary under this consent shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3 and policy 11 of the Yarkhill Neighbourhood Development Plan.

9.10. None of the existing trees or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy

9.11. An appropriate condition to ensure access provision and water supply to the satisfaction of Hereford and Worcester Fire and Rescue Services.

9.12. A condition following the archaeological field evaluation.

9.13. If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9.14. The applicant shall demonstrate that the private water supplies and their network will not be damaged or otherwise adversely affected during or after completion of the development. An accurate plan should be submitted showing where known supply mains are located and advice provided on mitigation measures should they be potentially impacted through works on site. This plan should also provide for the unforeseen and instances where unknown water supply pipework is encountered to ensure sufficiency and quality of supplies are not adversely impacted and shall be submitted and approved in writing by the Local Planning Authority prior to commencement of the development.

9.15. Further landscape-related conditions, as agreed between the parties to ensure the implementation of landscape and ecological management plans and to ensure the maintenance of planting.

9.16. The development shall be carried out in accordance with mitigation measures set out within Noise Impact Assessment prepared by Nova Acoustics Ltd dated 21st May 2026.

9.17. The conditions will include the need to adhere to plans and documents submitted in support of the application and which are extant.

9.18. A list of extant assessment documents submitted in support of the application can be found in our document "List of Submitted Documents" version 1 dated 21st May 2026.

9.19. It should be noted that the list in the officer's report was not up to date, and it referred to plans which had been superseded formally by the appellant and were material to the decision. The List of Submitted Documents refers to the extant plans, including those prepared since determination of the application and now submitted in support of the appeal.

9.20. These were supplemented by several formal submissions to the LPA during the final consultation period prior to decision.

9.21. The appellant offered a legal agreement to seek to prevent fertiliser products (excluding solid digestate "soil improver") from being reimported into the catchment of the River Wye. Such a mechanism has not been considered necessary by the local planning authority.

9.22. No other legal agreement have been offered, or considered necessary, by either side.

10.0. Policies or other documents not referred to by the local planning authority in its decision

Herefordshire landscape assessment 2023.

Guidelines for Landscape and Visual Impact Assessment (GLVIA3) – Chartered Landscape Institute, including clarifications, issued August 2024.

11.0. A legal undertaking

See also Section 9 of this Statement. No legal undertakings are considered necessary to secure the implementation of the proposals.

12.0. Conclusions

This statement was prepared collaboratively by the agent and case officer and reflects the high degree of cooperation between the parties from the request for pre-application advice onwards.

13.0. Signatures

We confirm the content of this document to be true and has been prepared jointly between the LPA and the Appellant.

Signed of behalf of the LPA

……. Date……
Name Rebecca Jenman, Principal Planning Officer Minerals and Waste, Herefordshire Council

Signed on behalf of the Appellant

……. Date……
Name Roger Prescott , Planning consultant, Bourne Valley Associates