Bourne Valley Associates Ltd

An Examination of Development and Operational Sustainability Credentials

In relation to

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 an upgraded vehicular access to the A417

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1. Introduction

1.1. This Statement accompanies and supports an appeal to the Inspectorate following the refusal in December 2025 of planning application 222728 by Herefordshire Council (HC).

1.2. This document focusses on sustainability, both in terms of the construction of the development and also in its operation. It has been developed from previous documents submitted in support of the application.

1.3. We had previously submitted a statement in response to the Regulation 25 Request for more information received from HC on the 14th February 2023, and that included a summary of the benefits of this scheme. However, the scheme was further modified and therefore a revised document was submitted in October 2024. That document also was transparent and objective about the potential harm that could be caused by the development, by applying rigorously the findings of the environmental assessment of the proposals.

1.4. However, this document takes a different perspective. The appellants recognise that proposals should constitute sustainable development, and therefore this document sets out the Government's approach to that subject which, in turn, is based upon an international understanding of sustainability. Consideration is also given to sustainable development by Herefordshire Council through its planning policies, especially in respect of climate change.

1.5. A number of local planning authorities have underlined the importance of sustainable development by requiring that planning applications are accompanied by a "sustainability checklist". Herefordshire has no such requirement, but we consider that such checklists provide a good basis against which we can review the sustainability credentials of the appeal proposals in a forensic manner. We have therefore taken the headings in some typical local authority checklists and tailored them to the characteristics of this proposal.

2. Government's approach to sustainable development

2.1. We believe our approach is consistent with Government policy at the time of writing. It is clear that the Government is supportive of renewable energy projects for their sustainability benefits.

2.2. The Government's approach is summarised in the National Planning Policy Framework (NPPF). That document is reviewed periodically by the Government in power. The last adopted version of the NPPF is that published in December 2024, and thus was that operative at the time the application was refused. The text below sets out the material elements of the current NPPF.

2.3. However, we are conscious that a further review of the NPPF is currently being undertaken. It has been published in draft form for consultation between December 2025 and March 2026. While there is no set programme for its adoption, it could well be the material version of the NPPF at the time the public inquiry is held. Therefore, a short review, in respect of sustainable development, of the December 2025 draft revisions to the NPPF is also set out in this document.

2.4. In the current NPPF, sustainable development is regarded as key. The second chapter is headed "achieving sustainable development", and its opening line begins "*The purpose of the planning system is to contribute to the achievement of sustainable development,….*"

2.5. The text in paras 7 and 8 then moves on to set out the three objectives of sustainable development:

2.5.1. *"The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.*

2.5.2. *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

2.5.3. *a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

2.5.4. *b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

2.5.5. *c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, (grant) permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

2.6. Accordingly, the NPPF makes clear that there should be a presumption in favour of sustainable development. This presumption is held by all major political parties in the UK, and has been carried forward from a series of NPPFs produced by the previous, Conservative, government. The details of the presumption are set out in para 11 of the NPPF, the latter part of which applies to decision-making, including the determination of planning applications. It reads:

2.7. *"For decision-taking this* (presumption in favour of sustainable development) *means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

> *i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
>
> *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

2.8. Our intention is to set out a basis for clear recognition that this development proposal is sustainable in nature. Therefore, it can be reasonably tested against policy in the development plan and, if it is considered that the proposal does not align with the development plan as whole, we contend that such are the significant material considerations that the appeal can be upheld and permission granted

2.9. The material considerations include is the advantages or benefits of the development, in sustainable development terms, which outweigh the adverse impacts. It follows from para 8 of the NPPF that both the advantages/benefits and adverse impacts/disbenefits would need to be considered against all three of the objectives: economic; social and environmental.

2.10. In Section 4 of the NPPF, on Decision Making, para 39 states *"Decision-makers at every level should seek to approve applications for sustainable development where possible."* Then, at para 48, it states *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."* It is our belief that the sustainable credentials of this development are significant, and material, and therefore the development plan policies may not, alone, be an adequate basis for determining this appeal.

2.11. In terms of Habitats and Diversity, the NPPF makes clear, at para 195:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

2.12. That potential exception is prudent but, we argue, there has indeed been an appropriate assessment undertaken for this proposal and it found that there would not be adverse effects on the River Wye SAC. As is set out elsewhere in this appeal submission, the LPA's decision not to

adopt the appellant's shadow habitats regulations assessment (appropriate assessment) was not based upon objective scientific rigour. Therefore, we opine that the current proposals cannot be excluded from the presumption in favour of sustainable development, as set out in para 195.

2.13. The draft revised NPPF, published for consultation in December 2025, reflects proposals for a significant overhaul of the planning system. However, the three sustainable development objectives are repeated, and the fact that Chapter 4 "Achieving Sustainable Development" is central to the revisions makes clear that the upholding the concept in practice is still very important. The text is more readily related to Governmental objectives or "policies."

2.14. The key sections material to this appeal are:

2.14.1. *S3: Presumption in favour of sustainable development*

1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied; and

c. In all locations, development proposals that accord with an up-to-date development plan and also the decision-making policies in this Framework should be approved without delay."

2.14.2. Thus, Policy S4 is not relevant here. S5: Principle of development outside settlements, states (only relevant criteria set out below):

1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

a. Development proposals which are for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction; engineering operations and infrastructure (including for transport, energy and water); roadside facilities in accordance with policy TR5; and national defence and security;

2.14.3. Development for energy is covered by the above criterion. Though waste is not specifically mentioned, it is not excluded. Development associated with agriculture, such as the grain store, would fall under that category.

2.14.4. *b. Development for rural businesses and services, including tourism, where a location outside settlements is shown to be necessary;*

There is thus a recognition that some businesses cannot be located in towns/settlements.

2.14.5. *j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites27 or scores below 75% in the most recent Housing Delivery Test28), and where the development would:*

2.14.6. *i. be well related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or*

2.14.7. *ii. comprise major development for storage and distribution purposes which accords with policy E3."*

2.14.8. This criterion is not related to housing alone. We argue that there is an unmet need for storing grain; for generating electricity; and for managing poultry waste that cannot be well-related to a settlement. Even if the Inspector were to agree that the grain store is not agriculture, but storage, then it could be regarded as a category of development permitted in principle under the emerging NPPF, and subject to assessment of sustainable development credentials. (Note that Policy E3 refers to satisfactory transport measures and acceptable impacts on amenity. It is accepted by both principal parties that the development is acceptable in transport terms.)

2.14.9. It should be noted that there is a strong, supportive, section (W3) in the emerging NPPF on renewable and low carbon energy development and electricity network infrastructure. It is not considered specifically against the background of sustainable development, but the basic tenet of such development is more marked in the proposed document than in the existing NPPF.

2.14.10. The overarching national policy statement on energy, published by the former government in 2023, has a specific section on sustainable development. Section 2.6 states:

2.14.11. *The government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that our energy infrastructure is safe.*

2.14.12. *Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the wellbeing of the environment, society and the economy, for both current and future generations. For example, the availability of appropriate infrastructure supports the efficient working of the market so as to ensure competitive prices for consumers. The regulatory framework also encourages the energy industry to protect the more vulnerable.*

2.14.13. *The planning framework set out in this NPS and the suite of energy NPSs takes full account of the objective of contributing to the achievement of sustainable development and this has been tested through the Appraisal of Sustainability (AoS).*

2.14.14. *The AoS has examined whether the NPS framework for the development of new energy infrastructure projects is consistent with the objectives for sustainable development, including consideration of other government policies such as those for the environment, economic development, health and transport.*

2.14.15. *Whatever incentives, rules or other signals developers are responding to, the government believes that the NPSs set out planning policies which both respect the principles of sustainable development and can facilitate, for the foreseeable future, the consenting of energy infrastructure on the scale and of the kinds necessary to help us maintain safe, secure, affordable and low carbon supplies of energy."*

2.15. Our objective in this document is to make evident the Government's commitment to sustainable energy production and the infrastructure associated with it. The degree to which the appeal proposal accords with the national policy is set out elsewhere.

2.16. Likewise, the National Policy on Waste, published in 2014, also promotes the concept of sustainable development, though it laid the greatest emphasis on achieving such development by *"driving waste management up the waste hierarchy"* rather than examining the components of a waste development.

2.17. So, if one looks at the appropriate Government policy relating to the type of development we are proposing, it is fundamental to decision-making that all proposals should be for sustainable development. This document shows that is certainly the case.

3. *Sustainability criteria*

3.0.1. As stated earlier, we have reviewed the "sustainability checklists" of a representative range of local planning authorities in England. We have taken the key, and relevant, criteria from them. However, such checklists need significant adaptation, because they are written to apply to energy consumers, principally residential development, and not to energy generators.

3.0.2. The checklists are also very poor at considering both social and economic indicators of sustainability, and therefore we have used criteria set out in Government guidance and on academic papers, adapted to the characteristics of the proposals.

3.0.3. Herefordshire does not have a comprehensive sustainability checklist. However, as a response to its declaration of a climate emergency, it issued a Core Strategy Policy SS7 and SD1-Climate Change Measures compliance checklist. The policies refer to those in the adopted Herefordshire Core Strategy. The criteria in the checklist have been incorporated into our assessment.

3.1. <u>Reducing energy consumption and operational carbon emissions</u>.

- How the building/plant been designed to maximise energy efficiency during use;
- How the building/plant has incorporated low carbon heating technology (could include heat for other farm buildings on site);
- Heat recovery measures;

3.1.1. The AD plant has been designed with energy efficiency at its core. All heat required for the digestion process is generated renewably on site through Combined Heat and Power (CHP) units, eliminating any reliance on fossil fuels for operational heating. The CHP units provide heat for the digesters, pre-treatment tanks and nutrient recovery processes. Crucially, excess heat in summer months is transferred to the adjacent grain dryer, displacing approximately 250 tonnes of CO2 per year that would otherwise result from burning propane (at 230 kgCO2/MWh). This symbiotic relationship between the AD plant and grain store exemplifies circular energy design. In addition, the CHPs and grain store solar panels provide all the electricity requirements for the AD Plant and dryers. It is possible there may be surplus heat and electricity for the main farm house at certain times of the year. Buildings have been designed with appropriate insulation and the layout takes account of the site's topography to minimise energy losses. The December 2024 NPPF (para 163) requires that local planning authorities give significant weight to the benefits of renewable and low carbon energy generation, and this proposal achieves that in full.

3.2. <u>Low carbon energy generation</u>

- Balance of energy generation v energy use (statistics). Move towards carbon negative operation.
- Photo-Voltaic cells (PVs)

3.2.1. The development will generate 90 GWh of "green" (biomethane) gas per annum for export to the National Grid, equivalent to heating approximately 7,500 homes (based on Ofgem figures). If this gas were to all be used for electricity generation it would be similar output to a major infrastructure 50MW photovoltaic project, where the planning decision would be taken by the Secretary of State.

3.2.2. In addition, 2,689 solar photovoltaic panels (generating 400Wp each, totalling 1.076 MWp of installed capacity) will produce approximately 1,022 MWh per year of green electricity, equivalent to powering 350 homes. The CHP units will also generate additional electricity to power the plant and the farm estate. The total combined renewable electricity generation will be over 2MW.

3.2.3. Taken together, this development will be a net energy exporter. The AD plant will become carbon negative within 6.8 **months** of full capacity operations commencing. This is consistent with the UK Government's Green Gas Support Scheme, which was extended in 2025 to run until March 2030, reflecting the Government's recognition that biomethane is critical to achieving net zero and strengthening the UK's energy security (DESNZ, 2025). The Climate Change Act 2008 (as amended in 2019) legally commits the UK to net zero greenhouse gas emissions by 2050, and this development makes a direct and measurable contribution to that target especially in hard to electrify industries which rely on gas.

3.3. Other energy generation – methane from AD plant. (Methane is not low-carbon, but, in this case, the impact is negative, as it uses manure from renewable sources, and thus reduces the dependency of use of finite energy carbon-derived sources.)

3.3.1. The biogas produced through anaerobic digestion is approximately 55% methane and 45% carbon dioxide. The methane is upgraded and exported to the national gas grid through a connection confirmed by Cadent Gas, allowing the export of up to 140,000,000 kWh of green gas (with a negative Carbon Intensity score), offsetting the import of liquefied natural gas which has a higher CI score (US 78, Qatar 76 kgCO2/boe) than North Sea gas(21kgCO2/boe). The carbon dioxide stream (approximately 8,083 tonnes per annum) will be captured and converted to liquid CO2 and dry ice for use in food and beverage manufacturing, a sustainable alternative to merchant CO2 which is normally derived from fossil fuels as a by-product of fertiliser manufacture. This represents a genuine circular economy approach. The Overarching National Policy Statement for Energy (EN-1, 2023) at section 2.6 confirms that the Government's wider objectives for energy infrastructure include contributing to sustainable development, and this proposal directly aligns with those objectives.

3.4. Sustainable construction methods

- Consideration of a materials budget through scheme evolution will minimise waste, movement of soil and other materials;
- Adherence to CEMP, with controls on dust, air pollution etc;
- Waste recycling during construction;

- Use of local contractors to save transport mileage;
- Adherence to Considerate Construction Scheme (thus mitigating impacts on amenity);
- Layout takes account of landform, building orientation, massing and planting to minimise energy consumption.

3.4.1. Prudent integrated design of the whole site, from inception, has ensured that no material will be exported from the site, and movements of materials within the site will be limited. The construction programme of approximately 18 months, with an estimated build cost of £25 million, will prioritise local sourcing of raw materials and use of local contractors, thereby minimising transport-related carbon emissions during the construction phase. A Construction Environmental Management Plan (CEMP) will be implemented[1] with rigorous controls on dust, air pollution, noise and working hours. Construction waste will be recycled where practicable. The applicant is committed to registering with the Considerate Constructors Scheme, ensuring that construction impacts on the amenity of local residents and the environment are actively managed and minimised throughout the build programme. The site layout has been carefully designed to work with the existing landform, minimising earthworks and cut-and-fill operations. Based on the life-cycle carbon model the embedded construction carbon would be offset within 7 months of full capacity operations.

3.5. Conserving and managing water resources

- Minimisation of water consumption;
- Collection of waste water;
- Recycling and re-use of water;
- Impact on groundwater and potable water supplies;
- Control of emissions to watercourses and maintenance of water quality.

3.5.1. No mains water supply will be required for the AD process. Liquid will be provided from liquid feedstocks, recycled rainwater and processed liquid digestate, demonstrating an exemplary approach to water conservation. The development incorporates a multi-stage nutrient recovery process removing nitrogen, phosphates and potassium from the digestate before any liquid is discharged. A multi-stage treatment, followed by treatment through a constructed reed bed system and phosphate polishing filters is proposed to be used to create clean water for re-circulation or discharge to watercourse. The Phosphate Mitigation Plan demonstrates that there will be a net decrease in phosphorus loading as a result of this development. This is of particular significance given the well-documented phosphate pollution crisis in the River Wye catchment, where an estimated 2,000 tonnes of excess phosphate per annum is currently being loaded into the catchment (RePhoKUs study, Universities of Lancaster and Leeds). The Environment Agency issued an environmental permit for the plant in August 2024, confirming that the application will not affect any site of nature conservation or protected habitats.

[1] A related condition has been promoted in the draft Statement of Common Ground

3.6. Sustainable drainage measures (and reference to avoidance of flood risk both on site and elsewhere), taking account of climate change.

3.6.1. A comprehensive drainage strategy has been designed by CGS Civils, incorporating storm water management, dirty water collection and process water treatment. A buffer storage lagoon provides capacity for maintenance and process control, while a second lagoon captures site rainwater for re-use in the AD process or controlled discharge. The drainage system has been designed to accommodate climate change allowances for increased rainfall intensity, in accordance with current Environment Agency guidance. Surface water management during exceptional events has been addressed in the detailed drainage strategy, ensuring no increased flood risk either on site or to downstream receptors.

3.7. Adaptation to climate change

- Cooling and ventilation;
- Materials and colour;
- Use of resilient species in planting scheme

3.7.1. The development has been designed with climate resilience in mind. The CHP units and backup boilers ensure process temperatures can be maintained during periods of extreme weather and during periods of maintenance. The landscape and planting scheme, initially designed by Amalgam Landscape Ltd, and adopted and modified by Illman Young Landscape Design Ltd, incorporates climate-resilient native species appropriate to the local landscape character. The constructed reed beds and buffer lagoons provide additional capacity to manage variations in water flows resulting from changing rainfall patterns. Materials and colours for the buildings have been selected to minimise solar gain while integrating with the surrounding landscape. The NPPF (para 159) requires that new development should be planned so as to avoid increased vulnerability to the range of impacts arising from climate change, and this proposal has been designed accordingly.

3.8. Sustainable transport

3.8.1. In terms of transport and traffic, the proposal benefits from

- Good access adjacent to a major road;
- Convenient access for local farm businesses to bring in grain and manure;
- Creation of concentrated fertiliser products reduces bulk to be transported in large vehicles.

3.8.2. The site is located adjacent to the A417, an A-class road, enabling direct access for all vehicular traffic without routing through villages, residential areas or minor rural roads. The access arrangements, including a right-turn pocket with central traffic islands (as approved by Herefordshire Highways), have been designed to ensure safe ingress and egress for HGVs. The Highways Authority raised no objection to the proposal and confirmed that junction capacity would not be adversely affected. In transport sustainability terms, the development achieves a net reduction in vehicle movements compared with the status quo, because 100,000 tonnes

of poultry manure currently transported within and beyond the catchment will instead be directed to a single, well-connected facility. In addition multiple tractor movements will be replaced by more efficient bulker transport. We are confident that there will continue to be adequate feedstocks to supply the AD plant's needs. There are some 30 million chickens raised for meat in the Wye catchment, producing up to 500,000 tonnes of manure each year.

3.8.3. Furthermore, the production of concentrated solid fertiliser products from the nutrient recovery process substantially reduces the bulk to be transported compared with raw digestate or manure spreading, with consequent reductions in HGV movements. It is well established in planning appeal decisions that rural energy and waste infrastructure cannot reasonably be expected to be served by public transport, and inspectors have consistently recognised that proximity to a suitable road network is the appropriate measure of transport sustainability for developments of this nature (see, for example, the appeal decision at High Hedley Hope Farm, County Durham, APP/X1355/A/12/2188741, where the Inspector allowed a farm-based AD facility and awarded full costs against the refusing authority).

3.9. Biodiversity

- Impact on existing trees and hedgerows (factual basis from arboricultural survey, ecological survey, and LVIA);
- Balance of loss of habitat with creation of habitat (size/different habitat types) and resultant Biodiversity Net Gain (BNG);
- Prioritising specimens of local provenance in planting scheme;
- Long-term management measures to aid biodiversity;
- Impact on national and internationally designated sites.

3.9.1. The proposed development will deliver exceptional biodiversity outcomes. Although, the proposal is exempt from BNG requirements, as the application was submitted prior to its introduction, an independent assessment using the statutory Biodiversity Net Gain (BNG) metric, carried out by UES, concluded that the development will achieve a net gain of 31.15 habitat units (an increase of 77.55%) and a net gain of 6.81 hedgerow units (an increase of 123.33%). These enhancements far exceed the 10% BNG requirement introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), despite this application being exempt from that requirement. The landscape and ecology management plan (ref P0596 Fig A-21A rev 000 and P0596 Fig A-21B rev A) provides for the planting of 2.3 km of hedgerows (approximately 9,000 native plants), 2.85 hectares of native woodland (approximately 650 trees and 3,100 shrubs), 1.3 hectares of orchard (approximately 300 fruit trees), 4.4 hectares of reed beds, and 4.45 hectares of wildflower meadows and rough grassland. All species will be of local provenance where obtainable. The reed beds will not only serve their primary bioremediation function but will provide valuable new wetland habitat, and add visual interest to the landscape. Long-term management of all habitats will be secured through mutually acceptable planning conditions. Natural England was formally consulted on the planning application and the HRA and raised no objections. The

Environment Agency permit confirms that the development will not affect any site of nature conservation, landscape, heritage, or protected species or habitats.

3.10. Social sustainability

- Involvement of community in pre-application discussions;
- Ensuring transparency/use of Plain English in documents;
- Taking account of submissions on application from public/local community, and modifying the scheme accordingly, where appropriate;
- Considering fully the impact on health and well-being of local residents from noise and emissions, and also the mental health benefits through security of maintenance of energy supply;
- Impact on amenity (residential; users of ROW etc);
- Maintenance of lower energy prices to the community as a whole through economic security – allowing other life criteria to be raised;
- Tranquillity;
- Educational and training opportunities;
- Impact on equality and human rights, including accessibility;
- Impact on safety and crime;
- Relationship between social impacts and economic benefits

3.10.1. The applicant has engaged extensively with the local community throughout the pre-application and application process. All documentation has been prepared in plain English and submitted transparently. Every material comment from consultees and the public (over 100 representations) has been individually considered and responded to, where appropriate.

3.10.2. Educational site visits have been agreed in principle with Holme Lacy College and Hartpury University.

3.10.3. In terms of health and well-being, the development will positively contribute by removing 100,000 tonnes per annum of poultry manure from within the River Wye catchment, thereby reducing ammonia emissions and phosphate pollution that currently threaten both environmental and public health. The Environmental Health Officer confirmed that noise and odour impacts would be acceptable, subject to conditions. A lighting plan with LED, motion-sensored, downward-facing lights with shrouds will ensure that impacts on the character of night skies and nocturnal wildlife are minimised. A negative air pressure and ammonia scrubbing system has been added to the enclosed manure building to further reduce any ammonia emissions.

3.11. Economic sustainability – achieving a balance of growth and resource management

- Job creation in the local economy, during both construction and operational phases;
- Generation of capital to maintain appellant's agricultural and farm diversification enterprises;

- Encourages technological advancement in waste management to achieve greater efficiency with environmental safeguards;
- Maintaining local poultry enterprises by reduction in costs associated with management of manure and costs associated with pollution;
- Cost savings in terms of maintaining lower energy costs allow other enterprises opportunities to innovate;
- Manufacture of UK-based fertilisers and avoidance of import costs;
- Retention of development land for economic (employment) development at affordable prices in/around settlements;
- Contribution to maintenance of gas infrastructure;

3.11.1. The development will generate significant economic benefits. During the 18-month construction phase, the estimated [redacted] build cost will provide a substantial boost to the local economy through direct employment, local material procurement and indirect spending by construction workers. In operation, the site will employ at least four full-time staff from the local area, plus regular use of local contractors for maintenance. Business rates [redacted] will be payable, a proportion of which is retained by the local authority for reinvestment in community services. The development will sustain the local poultry industry by providing a regulated, cost-effective means of managing 100,000 tonnes per annum of manure that would otherwise need to be spread on land, with associated risks of pollution and regulatory penalty. The production of 35,000 tonnes of ammonium sulphate fertiliser and 1,600 tonnes of phosphate fertiliser per annum will offset the import of 3,000 tonnes of fossil fuel-derived ammonium nitrate equivalent, supporting UK agricultural self-sufficiency, creating a UK recovered phosphate source and saving an additional 9,900 tonnes of CO_2 per year. The current Iran War and the consequent closure of the Straits of Hormuz have highlighted the significant degree to which UK farming is dependent on imports of artificial fertiliser, especially from the Middle East. Currently, the UK produces only about 22%[2] of the fertiliser it uses annually, so the contribution from this sustainable source is welcome and important in attempts to ensure UK farmers can continue to produce food efficiently and thus to limit price rises to the consumer.

3.11.2. The grain store satisfies demand from the appellant and from other local cereal farmers, including nationally significant companies such as Frontier, who have expressed formal interest. A single large store has a lower environmental impact than the cumulative impact of multiple smaller stores, and retains Grade 1/2/3a agricultural land elsewhere within the farm enterprise for continued food production, thereby contributing to food security. The development supports the existing national gas grid infrastructure by injecting domestically produced biomethane, contributing to energy security and reducing reliance on imported liquefied natural gas.

[2] OEC, and quoted in "Middle East briefing: Fertiliser shock risk for UK food prices" Institute of Grocery Distribution, 15th April 2026

4. *Benefits of the Scheme*

4.0.1. The concept of this scheme of development is so large and so different from that previously encountered by HC that existing planning policies would not cover it, and therefore the criteria of policies against which the application should be judged need to be examined with rigour. In such circumstances, the decision would need to be made on the basis of planning balance: whether the need for and benefits of the proposal outweigh the perceived disadvantages or disbenefits, based upon sound evidence. We strongly believe both that the application accords with policy and that the balance is in favour of the development proposal.

4.0.2. In both the initial submission and in the additional documents and plans submitted in response to the Regulation 25 letter, we have sought to provide comprehensive information, based upon objective evidence. Those people and organisations who have concerns have set them out fully and it is essential that the benefits of the scheme, which have been referred to in our submissions, are brought together for clarity.

4.0.3. We set out below the benefits of the scheme. Paragraph 8 of the NPPF explains that sustainable development should achieve three interdependent objectives, as follows:

a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

4.1. Economic Benefits

4.1.1. ***Business Rates***

4.1.2. The site will be liable for business rates, some of which will be retained by the local authority, which, in turn, invests back into the community. The site is likely to contribute in the region [redacted] in such rates.

4.1.3. ***Employment***

4.1.4. Employment, the site will employ at least 4 full time members of staff from within the local area as stated in the planning submission, as well as supporting the local economy through the use of local contractors during construction and operation/maintenance when needed.

4.1.5. ***Boost to the local economy during construction***

4.1.6. The build is likely to take 18 months with an estimated build cost [redacted] Most of the raw construction materials will be sourced locally, with the specialist components of the AD plant coming from across Europe. Local spending will not just be from direct purchases, but also from indirect local spending. Contractors will be local people and where they are not, they are likely to require accommodation, food, beverages and fuel, all sourced from within the local community or from Herefordshire as a whole.

4.1.7. ***Sustainable Energy Production***

4.1.8. The production of green electricity and gas, locally and within the UK will in turn reduce the UK's dependence on fossil fuels and foreign imports. Which in turn will reduce long term energy costs.

4.1.9. AD / biogas remains one of the most cost-effective and sustainable methods of producing home-grown green gas and electricity, and contributes to the UK's commitment of Net Zero greenhouse gas emissions by 2050.

4.1.10. The environmental benefits of this energy production are set out more fully in Section 3 of this document. The importance of seeking to maximise UK-sourced energy, especially of a sustainable nature, was highlighted by the war in Ukraine and has been further increased by the war in Iran, which has hit those nations dependent on carbon-based energy sources particularly hard.

4.2. Social Benefits

4.2.1. ***Charity for local schools***

4.2.2. The Applicant is proposing to set up a local charity. The charity will be for the benefit of the local schools and their pupils, including those within the parishes of Ashburton, Burley Gate, Eggleton, Yarkhill, Monkhide, Morton Jeffries, Much Cowarne, Ocle Pychard and Stretton Grandison, to enable them to appreciate the benefits of renewable energy and to help them lead sustainable lives. The wording of the scope and purpose of the charity can be open to public scrutiny, as part of public consultation on this application. We suggest it could be controlled under a legal agreement, so that it could be recognised as material to the application, and not as an inducement.

4.2.3. ***Educational site visits to Court Farm and Whitwick***

4.2.4. The applicant has engaged with local schools and universities, including Holme Lacy College and Hartpury University. As with the charity, the scope of educational visits to the site will be for students from these and other institutions could be controlled through planning obligations. Typical site visits will include a guided tour by a staff member then use of the office for presentations and Q&A's.

4.3. Environmental Benefits

4.3.1. The supply of Green Gas to the National Grid

4.3.2. Production of "green" methane for export to the National Grid**. 90 GWh gas produced, the equivalent to heating for 7,500 homes (figures from OFGEM).** This gas, and the other generation measures from the site, described below, make a contribution towards reducing the UK's reliance on fossil fuels, and thus aligns with both Governmental and international imperatives.

4.3.3. The production of Green Electricity from Solar Panels

4.3.4. A carefully placed array of solar voltaic panels on buildings would also produce electricity. The electricity will be used to power the plant and the grain drying equipment. 2,689 solar panels, generating 400Wp, equals 1.076MWp of installed electricity. The panels will generate approximately **1021,820 kWh/y the equivalent to powering 350 homes.**

4.3.5. Renewable heat production

4.3.6. All the heat for the AD process will be generated renewably on site. Heat production from the CHP plant will be used to heat the digesters and to dry grain in the summer months when there is excess heat. The heat could be transferred efficiently to the nearby grain dryer to ensure appropriate temperatures and humidity levels are achieved to store grain safely. Optimum storage conditions can be more sustainably achieved at this site than multiple smaller sites that do not benefit from a ready supply of renewable heat and electricity. Any surplus heat could be used to heat the houses and buildings on the farm.

4.3.7. CO_2 savings for Grain Drying

4.3.8. Using renewable heat from the AD Plant to dry the grain will save on average **250 tonnes per year** of CO_2 that would otherwise be produced by the burning of fossil fuels. GHG of Propane is 230kgCO_2/MWh[3].

4.3.9. CO_2 capture from AD process

4.3.10. **8,083 tonnes** will be recovered for re-use. This is equivalent to 37.5 million medium sized car road miles. CO_2 will be captured and used for dry ice refrigeration and food and beverage production. Gas for this purpose is at a premium, and supplies were short during the COVID pandemic. Merchant CO_2 is normally made from fossil fuels as part of fertiliser manufacture.

4.3.11. Carbon Negative Development

4.3.12. The AD plant will become **carbon negative within 6.8 months** of commencement of full operations.

[3] Farmingforum.co.uk state the average fuel use to dry 100 tonnes of grain is 1,000 litres of Propane gas at 13.77kWh/kg at 0.493kg/litre. GHG (Greenhouse Gas) 230kgCO2/MWh.

4.3.13. ***Production of Ammonium Sulphate Fertiliser***

4.3.14. **11,500 Tonnes of Ammonium Sulphate** will be produced. This valuable nutrient fertiliser will be stripped from the digestate, creating a green fertiliser from the waste product of the AD process. The plant will extract Nitrogen fertiliser which in turn will offset the import of 3,000 tonnes of fossil fuel derived Ammonium Nitrate (AN) equivalent. This is enough Nitrogen fertiliser to grow approximately 51,700 tonnes of wheat on approximately 12,780 acres (5172ha) of land.

The CO_2 intensity of Ammonium Nitrate is 3.3 tonnes CO_2/tonne of AN, so there will be an additional **CO_2 saving of 9,900 tonnes CO_2 per year.**

4.3.15. In terms of CO_2, this is the equivalent of **planting 400,000 mature trees** or 4,000 acres (1,619ha) of woodland.

4.3.16. ***Phosphate capture***

4.3.17. The 1,600 tonnes of Phosphate captured by the process is the equivalent of the phosphate emissions generated by 1,188,000 households: several times the size of Herefordshire and the Wye catchment. It is proposed that these inputs will be sourced from the Wye catchment area, but that the process will produce fertiliser which comprises Phosphate salts and that will be sold outside the catchment.

4.3.18. ***Reed bed creation and Management***

4.3.19. Important not only in bioremediation of AD outputs, but also providing a **new wildlife habitat.**

4.3.20. ***Landscape and Ecological Enhancements***

4.3.21. The proposed scheme includes the following enhancements to what is currently productive agricultural land.

- The planting and enhancement of 2.3 km of hedgerows, approximately 9,000 native plants.
- Planting of 2.85 Ha native woodland, approximately 650 native trees and 3,100 native shrubs.
- Planting of 1.3 Ha orchard, approximately 300 fruit trees.
- Planting of 4.4 Ha of Reed Beds.
- Planting of 4.45 Ha of wildflower meadows and rough grassland.

4.3.22. Most of the land to be occupied by the scheme is in arable use, and thus has a relatively low ecological value. We recognise that some trees and lengths of hedgerow will be lost in order to improve the existing access to the site, but such measures are necessary to ensure highway safety. However, there will not only be mitigation for the loss of these habitats, but also a degree of enhancement, too. There will also be significant enhancement of the ecological value/biodiversity of the whole site through the implementation of the landscape and ecology management plan ref P0596 Fig A-21A rev 000 & P0596 Fig A-21B rev A, which will create new

habitats not currently present within the application area. These habitats will use species capable of adapting to climate change, and will be appropriate for the landscape character. The scale and range of the new habitats will significantly outweigh the losses associated with the access improvements.

4.3.23. This planning application was submitted well before the implementation of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), in February 2024. Therefore, it is exempt from a requirement that there should be Biodiversity Net Gain (BNG) of 10% from all but limited exceptional development types. Nonetheless, as a gauge of the degree of enhancement, we have voluntarily followed the statutory BNG metric to measure the "before" and "after" value of the site, in order to determine if the 10% threshold has been exceeded.

4.3.24. The spreadsheet from the metric and the associated report, both produced by UES, are submitted with these latest documents. The study concluded:

4.3.25. "The proposed development will result in a net gain of 31.15 habitat units (an increase of 77.55%), and a net gain of 6.81 hedgerow units (an increase of 123.33%); whilst watercourse units remain unchanged at 0 units. Onsite habitat creation and enhancement has been prioritised to maximise net gain within the proposed development site, resulting in a significant net gain, above national and local planning policy requirements."

4.3.26. So, there will be, after habitat retention, creation and enhancement, almost twice as much beneficial habitat compared with what is there now, and over twice the length of hedgerow.

4.3.27. Water Supply

4.3.28. There will be **no demand on water mains supplies.** Water will be sourced from an existing onsite borehole. Water supply from the borehole to local properties will ensure standards and flows will be maintained.

4.3.29. Water quality in catchment

4.3.30. **Enhancement of overall water quality** through positive use of poultry manure and regulation of discharges. Also control over marketing and use of phosphate-based fertilisers.

4.3.31. In the permit issued in August 2024, the Environment Agency wrote:

4.3.32. "We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

4.3.33. We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

4.3.34. We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

4.3.35. The decision was taken in accordance with our guidance."

4.3.36. Although the Agency states it did not consult Natural England as part of the permit process, it should be noted that Natural England made no comments on the planning application, though it was formally consulted by the local planning authority, other than requesting additional information, which we duly provided in accordance with procedures. It should also be noted that Herefordshire also consulted Natural England on its HRA report[4]. Once again, Natural England made no response, so far as we are aware, to the council, on the detail of that report.

4.3.37. Control of ammonia/air quality

4.3.38. The use of contained storage buildings for manure and the application of negative pressure[5] will contain ammonia, so **impacts on human and wildlife will be negligible**. Current practice chicken manures would be extracted from the production sheds and transported and stored alongside fields outside, and then spread to land. The storage and spreading creates ammonium emissions.

4.3.39. The Environment Agency considered the impact of ammonia as part of the permitting process. It considered the modifications to limit ammonia emissions would be beneficial, though it did recommend that emissions should be monitored. The Agency did not require ammonia modelling as part of the permit application process and therefore is content that such emissions are not so significant and/or are suitably controlled so as not to require further assessment or controls (save for those imposed via the Permit). The imposition of ongoing controls under the permit demonstrates that the responsibility for control of ammonia emissions and subsequent impacts is the responsibility of the EA, not the Local Authority.

4.3.40. Review of other sites

4.3.41. A full review of other potential sites was conducted as part of the original planning submission, so that process will not be repeated here. However, it is a reasonable argument that, by construction of a large AD plant, there would be a reduction in pressure for development of multiple AD plants across Herefordshire, including those in the AONB. In total, they would not be as efficient in energy production, and their cumulative negative impacts would be greater than those at Whitwick.

4.3.42. Optimum site selection and design

4.3.43. The preferred **location close to an A class road** but largely hidden from view reflects a thorough site selection process. Additional proposed planting and reduced grain and manure

[4] As confirmed by an email of 1st February 2024 from case officer Rebecca Jenman to Andrew Watton of Bourne Valley Associates.

[5] Modifications were made to the initial plans in order to address concerns expressed by the public and some consultees during the initial consultation process.

store size, compared with the original submission, will facilitate integration with the landscape.

4.3.44. Careful orientation and selection of equipment will minimise noise impacts on local residents and on heritage assets, though they are distant.

4.3.45. Grain Storage

4.3.46. The grain store satisfies demand from the client and latent demand from other grain producers. **There is considerable interest from other cereal farmers** who have neither the land nor the capital to construct their own grain dryers/stores, as well as national companies such as Openfield and Frontier.

4.3.47. The environmental impact of a large store is less than the cumulative impact of many smaller stores. **Whitwick is located in an undesignated landscape** area capable of integrating large structures. **Directing grain traffic straight onto a major trunk road** in a safe manner will be better than the use of minor roads serving a series of small grain stores.

5. Conclusion

5.1. Having assessed the proposal against eleven sustainability criteria spanning environmental, social and economic dimensions, it is evident that this development represents exemplary sustainable development as defined by the NPPF. The proposal is consistent with all three overarching objectives of sustainable development set out in NPPF paragraph 8. Environmentally, it will deliver carbon-negative operations within seven months of full capacity operations, capture over 8,000 tonnes of CO2 per annum for re-use, generate 90 GWh of green gas, achieve 77.55% biodiversity net gain, and remove 100,000 tonnes of poultry manure from direct spreading in the River Wye catchment. Socially, it will provide educational opportunities, community charitable support, and significant improvements to water quality and public health within the catchment. Economically, it will generate [redacted] in construction investment, create permanent employment, contribute an estimated [redacted] in business rates, and produce fertilisers that reduce UK dependence on imported fossil fuel-derived alternatives. The Government's Green Gas Support Scheme extension to 2030, the Climate Change Act's net zero target, and the NPPF's requirement to give significant weight to renewable energy benefits all point to the same conclusion: that this development should benefit from the presumption in favour of sustainable development.

5.2. Since the start of the recent Middle East conflict it is worth noting that the "green gas" can replace some of the lost Qatar liquid natural gas (LNG). Moreover, the fertiliser products from this plant can displace fossil fuel Ammonium Nitrate made from natural gas and the phosphate products displace DAP made from mined phosphate. Achieving greater self-reliance on UK-derived fertilisers, rather than those from the Middle East is not only more sustainable, but is likely to be ultimately a means of achieving security and reducing costs.

5.3. This document serves to emphasise that there are significant benefits to be gained from this proposed development.

5.4. In summary, the benefits are:

- The positive, creative, use of poultry manure, so reducing the risk of pollutants, especially Phosphates, entering the waters of the River Wye catchment, as happens at present through the spreading of manure on fields as a means of disposal;
- The creation, within the AD plant and screens, of discrete streams of fertilisers, very rich in Phosphates and Nitrogen salts, that will be exported out of the catchment and beneficially used elsewhere, to overcome deficiencies in soils, and thus to enhance crop production;
- The export to the National Grid of methane from renewable sources, thus reducing the nation's dependency on finite Carbon sources of power;
- The generation of heat to dry grain without calling upon finite Carbon sources of energy;
- The construction and operation of a grain store to satisfy the requirements of many farmers, with a lower environmental impact than if small stores were built by each farm business, and benefitting the nation's food security;
- The generation of electricity from solar panels to power the whole farm estate, once again reducing the dependency on finite energy sources;
- The creation and future management of a wide range of habitats within the Whitwick estate, enhancing the landscape character and, especially, the biodiversity of the area, so that significant benefits to wildlife will be achieved.

6. Summary

6.1. This document supplements the submitted Statement of Case by drawing out the considerable sustainability benefits from the scheme which, we argue, were underplayed by the local planning authority in drawing its "planning balance" when determining the planning application.

6.2. We have considered the three sustainable development objectives as set out in the NPPF. Although the environmental objective is significant, and has been fully addressed in our submission, we also address the social and economic objectives, so that this document provides a comprehensive picture of sustainability credentials.