

Agenda Item	6.4
Report No	PLN/088/19

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 November 2019

Report Title: 19/01884/FUL: JS Fraser
Poyntzfield Farm
Poyntzfield
Dingwall
IV7 8LX

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Installation of biomass boilers (retrospective)

Ward: 09 - Black Isle

1.2 **Development category:** Local Development

Reason referred to Committee: Community Council objection

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

2. Recommendations

2.1 Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks retrospective planning permission for the installation of three biomass boilers at Poyntzfield Farm.
- 3.2 The application was submitted following an enforcement investigation after receiving a complaint from Cromarty and District Community Council.
- 3.3 This application is one of three retrospective planning applications for biomass boilers at farm units within the Poyntzfield area (19/01884/FUL, 19/01888/FUL and 19/02236/FUL). The applicant for this application has also submitted application reference 19/01888/FUL – installation of biomass boilers at Farness, Poyntzfield.
- 3.4 The boilers installed at this site comprise the following;
- 2 Glen Farrow Biomass Boilers GF295 each with a maximum capacity of 295kW used to dry wood chip. These boilers generally run approx. 5 days a week from afternoon to early evening.
 - 1 Glen Farrow Biomass Boiler GF400 with a maximum capacity of 400kW. This boiler provides heating and hot water for three detached houses located on the farm and runs from 7am to midday, 7 days a week.

The boilers are batch fed manually through a main door and designed for burning biomass fuel such as wooden logs and straw bales. Each boiler has a flue located 8.7m in height above ground level. The boilers themselves have the appearance of metal tanks and measure 2.2m wide, 3.1m long and 2.7m in height above ground level. The boilers are positioned on top of a concrete slab.

The fuel used to feed the boiler is generated on site in the form of cereal crop straw.

- 3.5 Supporting Information: Environmental Health Boiler Questionnaire and Emissions certificates.

4. SITE DESCRIPTION

- 4.1 The site is located approx. 130m to the east of Poyntzfield House. The boilers are positioned adjacent to a large agricultural shed belonging to Poyntzfield Farm accessed via a track leading east from the public single track road. Two residential properties, Rowan Cottage and Garden Cottage lie 33m and 60m to the south/south-east. Agricultural fields are located to the north and east.

5. PLANNING HISTORY

- 5.1 19/00091/ENF – Enforcement enquiry

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Schedule 3 development

Date Advertised: 24.05.2019

Representation deadline: 07.06.2019

Timeous representations: 0

Late representations: 0

7. CONSULTATIONS

7.1 Cromarty and District Community Council – object to the application on the following grounds;

- This is one of three current retrospective planning applications, in three different locations by two different farms which could add 15 new biomass boilers all within a 2.1km stretch.
- Loss of amenity to neighbouring and surrounding properties from serious impact of smoke, smell and pollution.
- Health risks from smoke
- Safety concerns regarding the storage of unsuitable materials next to the boilers
- Negative impact upon tourism
- Impact upon Udale bird sanctuary
- Smoke drifting across the B9163

7.2 Environmental Health – No objection - Emissions from the development are acceptable and the proposal is unlikely to result in a failure to achieve the UK Air Quality objectives.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design

72 - Pollution

73 - Air Quality

8.2 Inner Moray Firth Local Development Plan July 2015

No policies of relevance

8.3 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

10. PLANNING APPRAISAL

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 10.3 The key material planning consideration relative to the assessment of this case is the impact that any emissions may have upon air quality and the amenity of local residents. The site is set back over 70m from the access road at Poyntzfield. Two of the boilers are located to the rear of an agricultural building when viewed from the road and the third is located adjacent to the north west corner of the building and has the appearance of ancillary plant associated with the building. Furthermore, they are considerably set back from the B9163 public road to the north. The visual impact of the proposed tanks and their flues is not considered significant in this context. Poyntzfield House is a category A Listed Building and lies to the west of the application site. As there is no intervisibility between the curtilage of Poyntzfield House and the development it is considered that there is no impact upon the setting of the listed building.
- 10.4 Two of the boilers are positioned adjacent to the east elevation of a large agricultural building. The third is positioned opposite the north-west corner of the agricultural building and adjacent to ground currently in agricultural use. The closest residential properties are Rowan Cottage and Garden Cottage to the south/south-east. The agricultural building itself lies between these neighbours and the two boilers located adjacent to its east elevation. There is approx. 33m of separation between the closest cottage (Garden Cottage) and the single boiler opposite the north-west corner of the agricultural building. The adjacent field and a line of mature trees separate this residential property from this boiler.
- 10.5 Environmental Health were consulted regarding the likely air quality impacts of the development. The applicant was required to submit technical information and the proposals were subject to a screening assessment in accordance with Defra technical guidance note LAQM.TG(16). This assessment includes target maximum emission rates, which the emissions from the development should not exceed. The results of this assessment were that the target emission rates would not be exceeded and on this basis Environmental Health have not objected. This assessment includes consideration of the location of the nearest residential properties. Environmental Health has advised verbally that they do not anticipate noise nuisance being an issue with this development due to the noise levels emitted and the location of the nearest noise sensitive properties.
- 10.6 The assessment by environmental health relates to the likelihood of the development resulting in concentrations of specific pollutants in excess of the UK Air Quality Objectives. The objection from the community council expresses concerns regarding visible smoke and the nuisance that this may cause in the local area. Biomass boilers should generate very little smoke if operated correctly. There can be visible smoke produced at start up, however, with proper fuel usage and control of combustion very little visible smoke should be generated once the furnace is at normal operating temperature. The two wood chip drying boilers are not operated constantly and when in use only run for part of the day. The single boiler

providing heating and hot water to three neighbouring properties is only operated through the morning. Environmental Health have not received any complaints from local residents regarding smoke from the site and there has been no evidence during visits to the site that inappropriate fuel is being used. Environmental Health have power to investigate any concerns regarding emissions or incorrect fuel usage. Furthermore, the renewable heat incentive scheme under which these boilers operate also regulates fuel usage and emissions and requires verifying records for inspection. It is recommended that a condition is placed on the consent ensuring correct fuel usage and an informative is applied to ensure operation and compliance with the relevant standards.

- 10.7 The site is located approx. 1.3km from the boilers at Udale Farm (19/02236/FUL) and 2.2km from the boilers at Farness Farm (19/01888/FUL). The emissions from all three sites were found to be acceptable. The separation distances between all three sites are considered sufficient to prevent any unacceptable cumulative impact.
- 10.8 **Policy 28 (Sustainable design) of the Highland-wide Local Development Plan** aims to ensure that development within Highland is sustainable and list criteria against which proposals will be assessed. Relevant to this case the policy demands that proposals are assessed as to the extent to which they impact upon community and residential amenity and impact upon air quality. **Policy 72 (Pollution) of the Highland-wide Local Development Plan** is aimed at larger scale polluting developments and stresses that where impacts are significant mitigation must be demonstrated. **Policy 73 (Air Quality) of the Highland-wide Local Development Plan** states that development proposals which individually or cumulatively may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions which demonstrate how such impacts will be mitigated.
- 10.9 The air quality impacts have been assessed by environmental health and emissions from each site were found to be acceptable. The risks of adverse impact upon the amenity of the area can be mitigated against through the correct use of fuel and proper operation of the boilers. At present there is not considered to be evidence that the boilers are a significant nuisance to local residents. The boilers are located within a farm setting and are sufficiently separated from residential neighbours. There is not considered to be any significant impact upon individual or community amenity. The development is considered to accord with policies 28, 72 and 73 of the Highland-wide Local Development Plan.

Other material considerations

- 10.10 The smoke generated from the three boilers proposed in this application and cumulatively with the other two applications is considered unlikely to result in risk to road traffic safety as referred to in the representation from the community council. Correct operation of the boilers in accordance with manufacturer's guidance will not result in excessive emissions of smoke over a prolonged period of time. Limited smoke should only be produced at start-up and would only continue for a prolonged period due to incorrect fuel usage. Any concerns regarding excessive smoke caused by incorrect fuel usage can be investigated by environmental health. SEPA

also have powers to regulate where a waste material is being burned. There is not considered to be a risk of an accumulation of smoke to such an extent that it would cause a driving hazard to the local road network.

- 10.11 The boilers are contained within agricultural settings with limited visual impact upon the surrounding area. The proposed boilers are considered unlikely to have a negative impact upon tourism as raised by the Community Council in their consultation.
- 10.12 The assessment by environmental health relates to the risk to human health. Impacts upon wildlife, in particular a local bird sanctuary was raised in the community council response. Udale Bay nature reserve is located approximately 1km to the north and is a designated SSSI, SPA and Ramsar due to its wetlands habitat supporting a range of species. Individually and cumulatively the boilers are not considered to produce a significant level of emissions that would impact upon the qualifying features of the designated sites.
- 10.13 There is no recent evidence to suggest that the boilers are not being operated correctly or that inappropriate material is being stored in the vicinity of the boilers. The applicant is responsible for ensuring the boilers are operated and managed so as to avoid any fire safety risk in the same manner as they are responsible for ensuring safety in all other farm operations.

Developer Contributions

- 10.13 This type of proposal does not qualify for payment of developer contributions.

11. CONCLUSION

- 11.1 The boilers are not considered to result in an adverse impact upon the health or amenity of local residents following detailed assessment by environmental health. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.
- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: Not applicable.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision N issued

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Condition and Reason:

1. The boilers shall only be fuelled using cereal crop straw and soft and hard wood compatible with the boiler manufacturer's guidelines and the Renewable Heat Incentive Scheme regulations.

Reason: In order to ensure that emissions from the boilers are acceptable; in the interests of public health and amenity.

2. The Fir tree adjacent to the single 400kw biomass boiler located opposite the north-west corner of the agricultural shed shall be felled within 28 days of the date of this consent.

Reason: To ensure that the tree does not prevent the efficient dispersal of emissions.

REASON FOR DECISION

The boilers are not considered to result in an adverse impact upon the health or amenity of local residents following details assessment by environmental health. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Biomass Combustion Informative

An assessment of the likely air quality impact of the permitted biomass installations was undertaken as part of the application approved. This assessment was based upon the emissions data provided in the Renewable Heat Incentive (RHI) emissions certificate for the appliance. Continuing compliance with air quality standards will be dependent upon the use of fuel as defined in that certificate.

Biomass combustion appliances up to 20MWth capacity are regulated by The Clean Air Act 1993

Biomass combustion appliances of capacity greater than 20MWth are regulated by SEPA.

It is essential for the efficient use of the biomass boilers and to minimise emissions that:

1. Only fuel of specification defined by the RHI Emissions certificate for the appliance, and within the manufacturers recommended specification is used. In terms of this permission these restrictions will apply whether or not the appliance continues to be part of the RHI scheme.

2. If fuel is produced and stored on site it is stored appropriately to ensure that sufficient fuel, which meets that specification, is available.
3. The appliances are operated to the manufacturer's instruction.
4. Where the applicant has indicated that the appliance will operate for a limited proportion of time, that the appliance is operated in the manner as was described in the application.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this.

Noise-Generating Activities: You are advised that work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

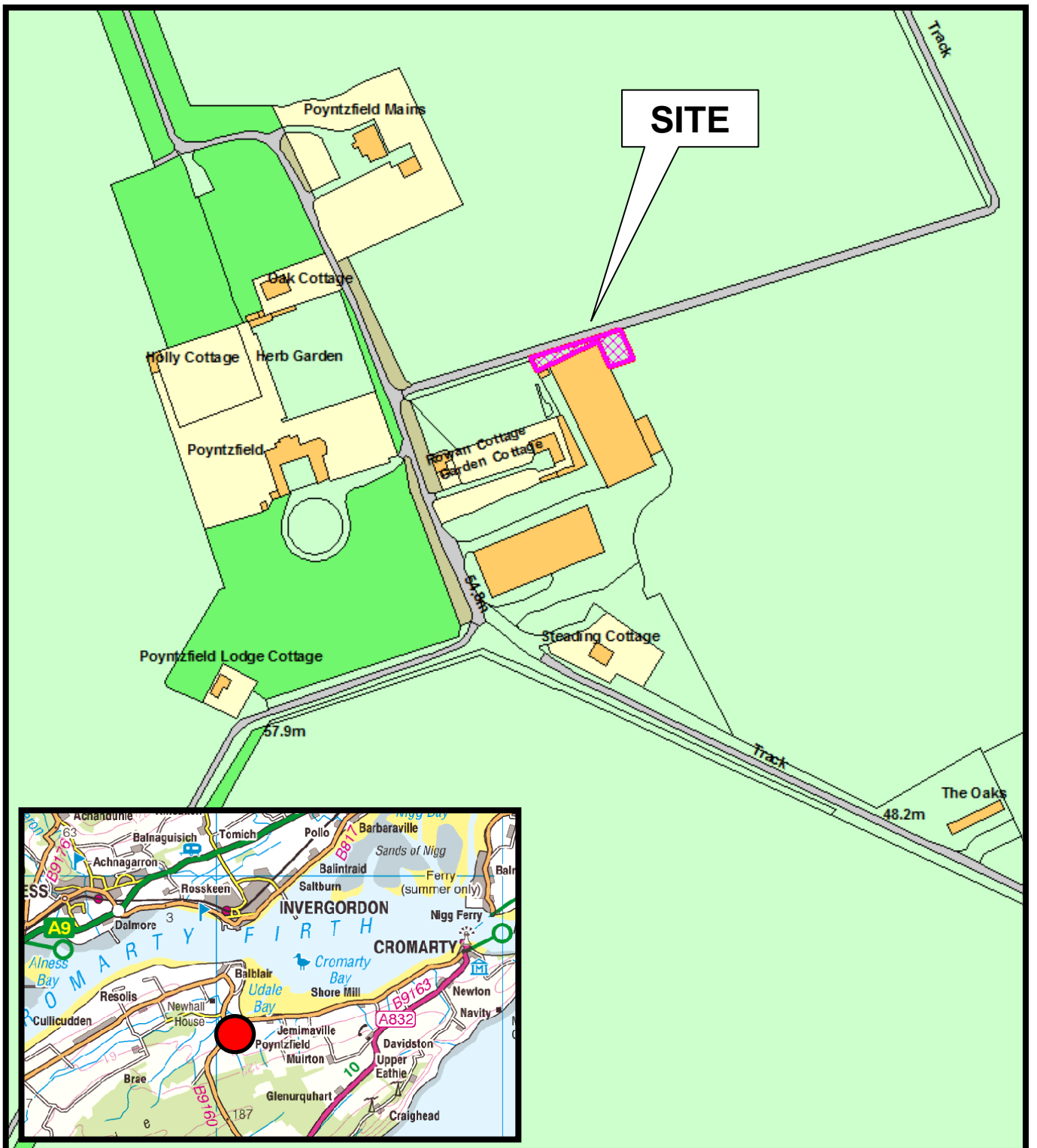
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision

taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Acting Head of Development Management – Highland
Author: Rebecca Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - HC Location Plan
Plan 2 - Location Plan P1.10.01
Plan 3 - Site Plan P1.10.02
Plan 4 - 000001 Elevation Plan
Plan 5 - 000002 Elevation Plan
Plan 6 - 000003 Elevation Plan



The Highland Council
Comhairle na Gàidhealtachd

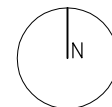
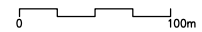
Planning & Development Service

19/01884/FUL

Installation of biomass boilers (retrospective)

at Poyntzfield Farm, Poyntzfield, Dingwall, IV7 8LX





Lands surrounding application site in ownership of applicant.

Matheson Mackenzie Ross

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project

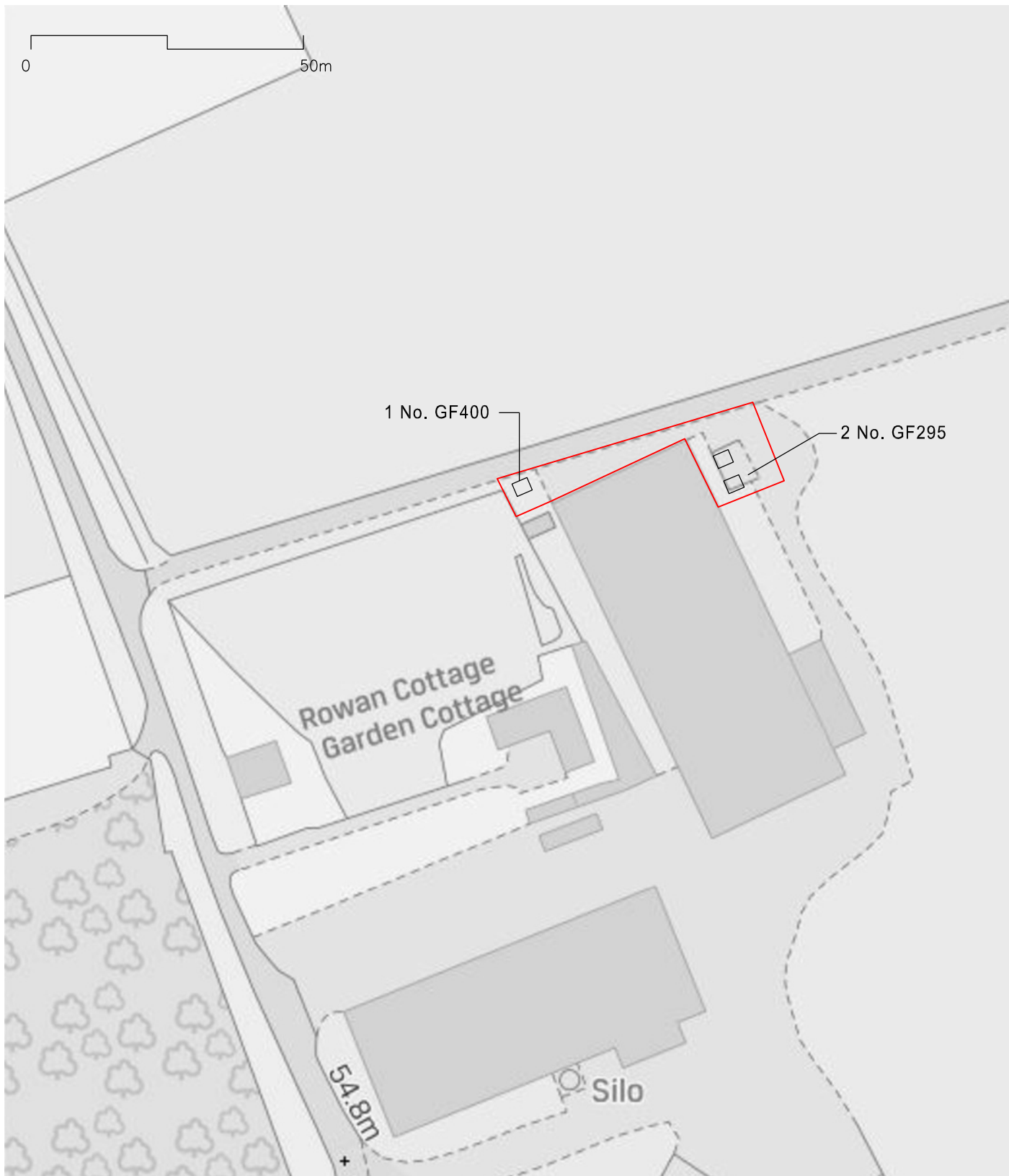
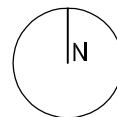
Biomass boiler installation at
 Poyntzfield Farm
 by Dingwall
 IV7 8LY

drawing Location Plan

scale 1:5000 A4 date April 2019

drawn NHR status

no P1.19.01 rev



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project

Biomass boiler installation at
Poyntzfield Farm
by Dingwall
IV7 8LY

drawing Site Plan

scale 1:1000 A4 date April 2019

drawn NHR status

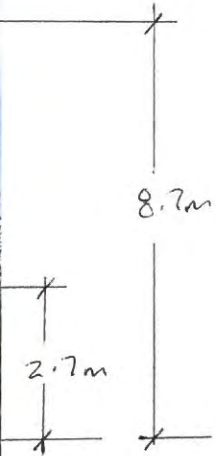
no rev

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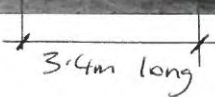
Matheson Mackenzie Ross
ARCHITECTS

RBS Buildings
High Street,
Dingwall
IV15 9HA

Bytzfield Farm Biomass Boilers
GF400



2.2m wide



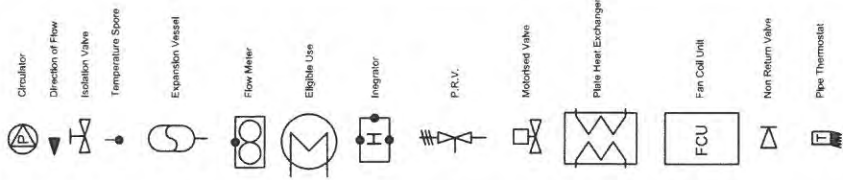
GF 295

2.7m
high
2.2m
wide



2.2m wide





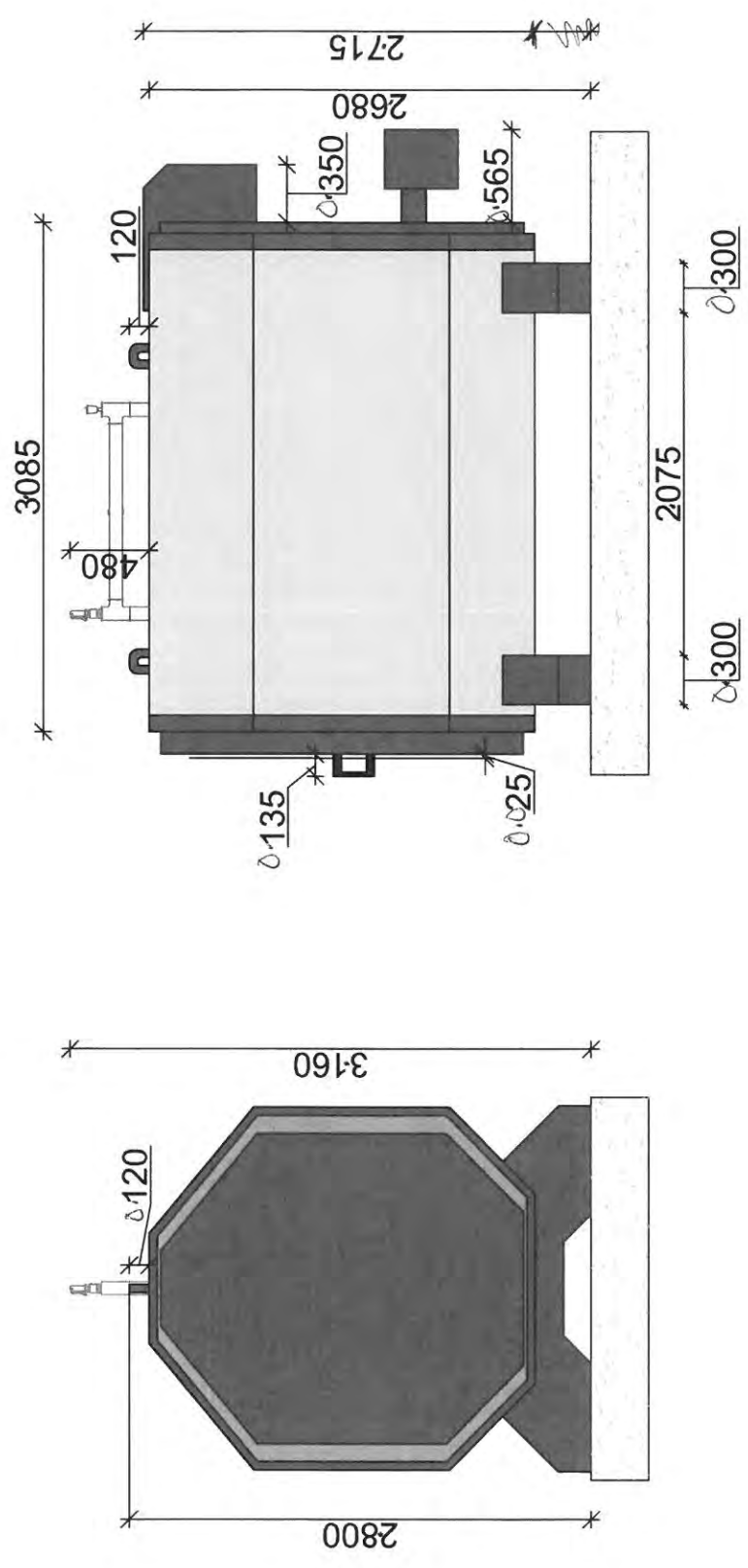
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CLIENT:
 Mr. Philip Sankey
 Engineered Timber Solutions Ltd,
 Roden Hurst Hall,
 Roddington,
 Leicestershire
 LE14 4DU

PROJECT:
As installed schematic diagram

GF 208

SCALE:	DRAWN:	DATE:
N.T.S	AL	-
DRAWING NO:	REV:	A1
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Note: The dimensions provided are approximate and may vary ±5%.