

Agenda Item	<b>6.5</b>
Report No	<b>PLN/089/19</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 26 November 2019

19/01888/FUL: JS Fraser

**Report Title:** Farness  
Poyntzfield  
Dingwall

**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 Farness, Poyntzfield.
- 3.2 The application was submitted following an enforcement investigation after receiving a complaint from the 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 19/01884/FUL – installation of biomass boilers at Poyntzfield Farm, Poyntzfield.
- 3.4 The boilers installed at the site comprise the following;
- 3 Glen Farrow Biomass Boilers GF295 each with a maximum capacity of 295kW used to dry grain. These boilers generally run approx. 4-5 days a week in the mornings.

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 within an agricultural yard at Farness, Poyntzfield. This yard contains two large agricultural buildings. The closest residential neighbour is Rose Cottage located 45m to the north-east. The site is accessed via a track leading from the end of the single track public road at Farness.

### **5. PLANNING HISTORY**

- 5.1 18/00259/ENF – Enforcement enquiry

### **6. PUBLIC PARTICIPATION**

- 6.1 Advertised: Unknown Neighbour, 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 three boilers are positioned adjacent to the east elevation of a large metal agricultural building. The closest residential neighbour, Rose Cottage sits 45m away to the north-east. The boilers are contained within an agricultural yard next to two large agricultural buildings and appear as ancillary to these buildings. Closest residential neighbours to the north-east are contained within their own mature garden ground, screened by well established hedges. The visual impact of the boilers themselves is considered minimal in this context.
- 10.4 Environmental Health was 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 takes into account the location of the closest residential property. 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.
- 10.5 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 three grain drying boilers are not operated constantly and when in use only run for part of the day. Environmental Health has not received any complaints regarding smoke from the site and there has been no evidence during visits to the site that inappropriate fuel is being used. Environmental Health has powers 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.
- 10.6 The site is located approx. 1km from the boilers at Udale Farm (19/02236/FUL) and 2.2km from the boilers at Poyntzfield Farm (19/01884/FUL). The emissions from all three sites were found to be acceptable. The separation distances between all three sites are considered to prevent any unacceptable cumulative impact.
- 10.7 **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.

- 10.8 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**

- 10.9 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.
- 10.10 The boilers are contained within an agricultural setting with limited visual impact upon the surrounding area. Whilst they are visible from the minor road which passes the site, as stated above they appear ancillary to the existing agricultural buildings, similar to other grain driers in similar settings. The proposed boilers are considered unlikely to have a negative impact upon tourism as raised by the Community Council in their consultation.
- 10.11 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 approx. 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. Adverse impact upon wildlife is not considered to be substantiated.
- 10.12 There has been 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**

10.12 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 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.

## **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.

### **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](mailto: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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Acting Head of Development Management – Highland

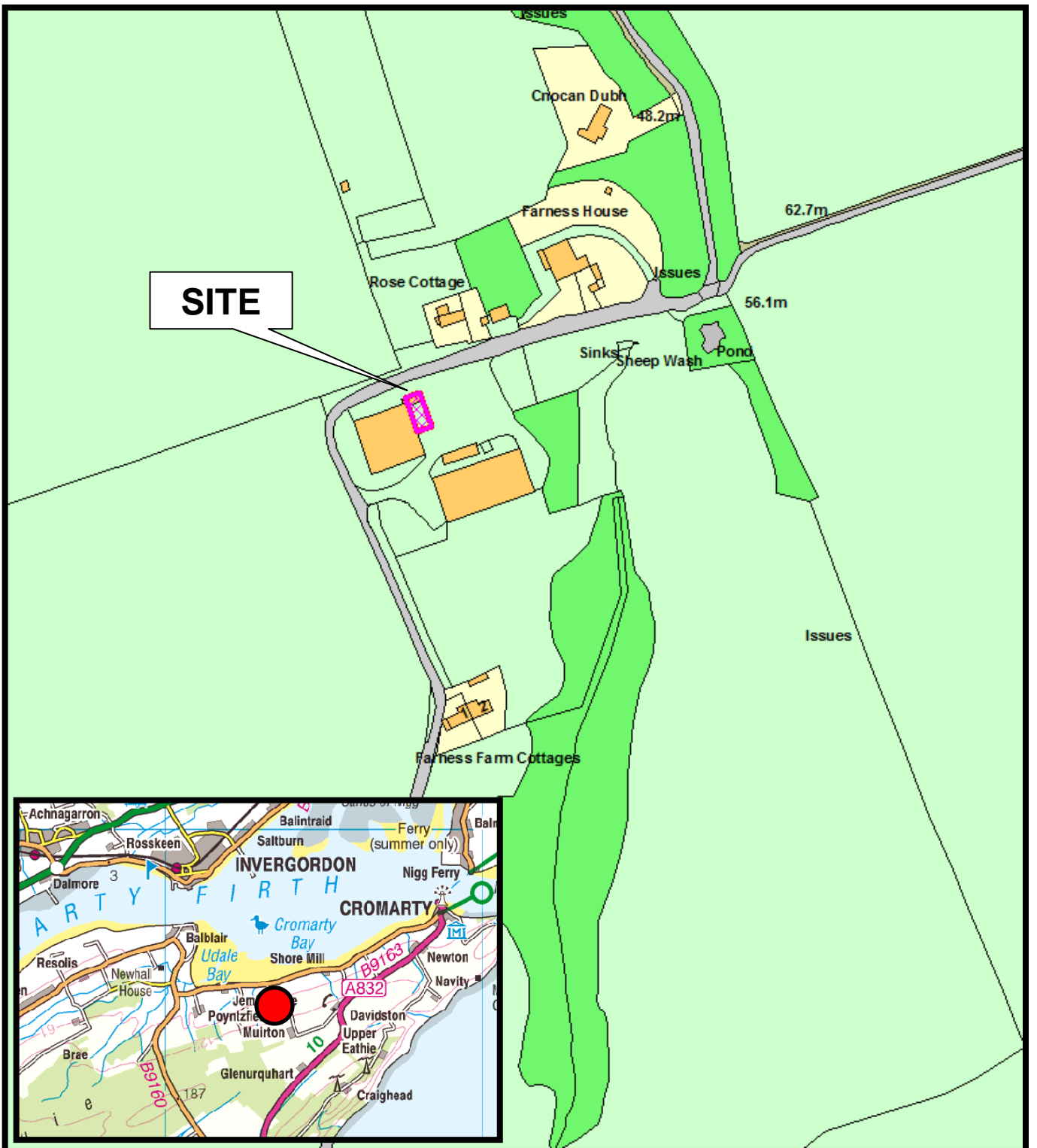
Author: Rebecca Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 - HC Location Plan
- Plan 2 - Location Plan P1.19.03
- Plan 3 - Site Layout Plan P1.19.04
- Plan 4 - Elevation Plan 000001





Planning & Development  
Service

**19/01888/FUL**

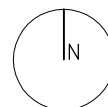
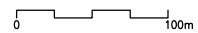
**Installation of biomass boilers (retrospective)**

**at Farness, Poyntzfield**





Lands surrounding application site in ownership of applicant.



## Matheson Mackenzie Ross

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Tel 01349 863352  
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www.mmross.co.uk

project

Biomass boiler installation at  
Farness Farm, Poyntzfield  
by Dingwall  
IV7 8LY

drawing Location Plan

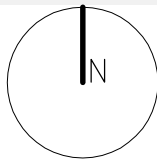
scale 1:5000 A4 date April 2019

drawn NHR status

no P1.19.03 rev



0 50m



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### project

Biomass boiler installation at  
Farness Farm, Jemimaville  
by Dingwall  
IV7 8LY

**drawing** Site Plan

**scale** 1:1000 A4 **date** April 2019

**drawn** NHR **status**

**no** P1.19.04 **rev**



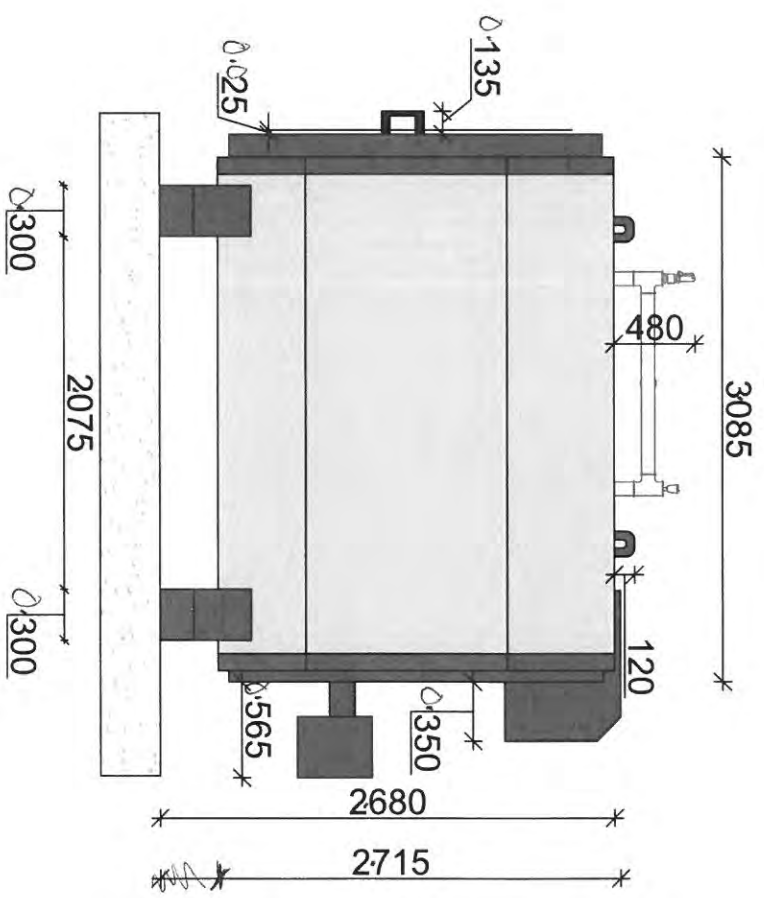
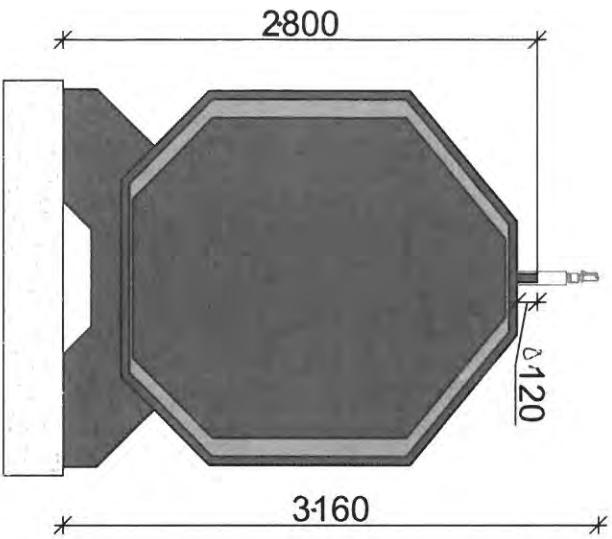
Farness Farm Biomass Boilers

GF 295

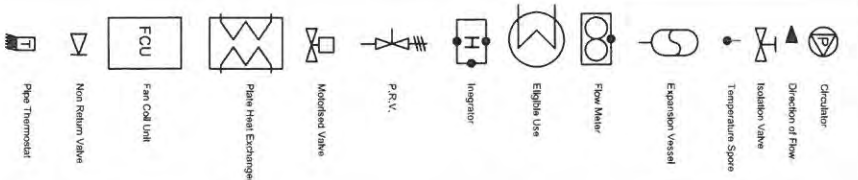


2.7m high x 2.2m wide x 3.1m long each





*Note: The dimensions provided are approximate and may vary ±5%.*



**GlenFarrow**  
 Sludge Heat Recovery, Sealing Units, etc. 11 31K

Plumbing, Heating,  
 Irrigation, Water &  
 Pumping Services

Tel: 01775 723237 Fax: 01775 725444  
 email: info@glenfarrow.co.uk

CLIENT: Mr. Paul Saitby  
 Engineering Three Solutions Ltd.  
 Redden Hurst Hill  
 Reddington  
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 ST14 6DU

PROJECT: As installed schematic diagram

SCALE: N.T.S.

DATE:

REV: A

*CF 2015*

NOT FOR CONSTRUCTION