

AGENDA ITEM



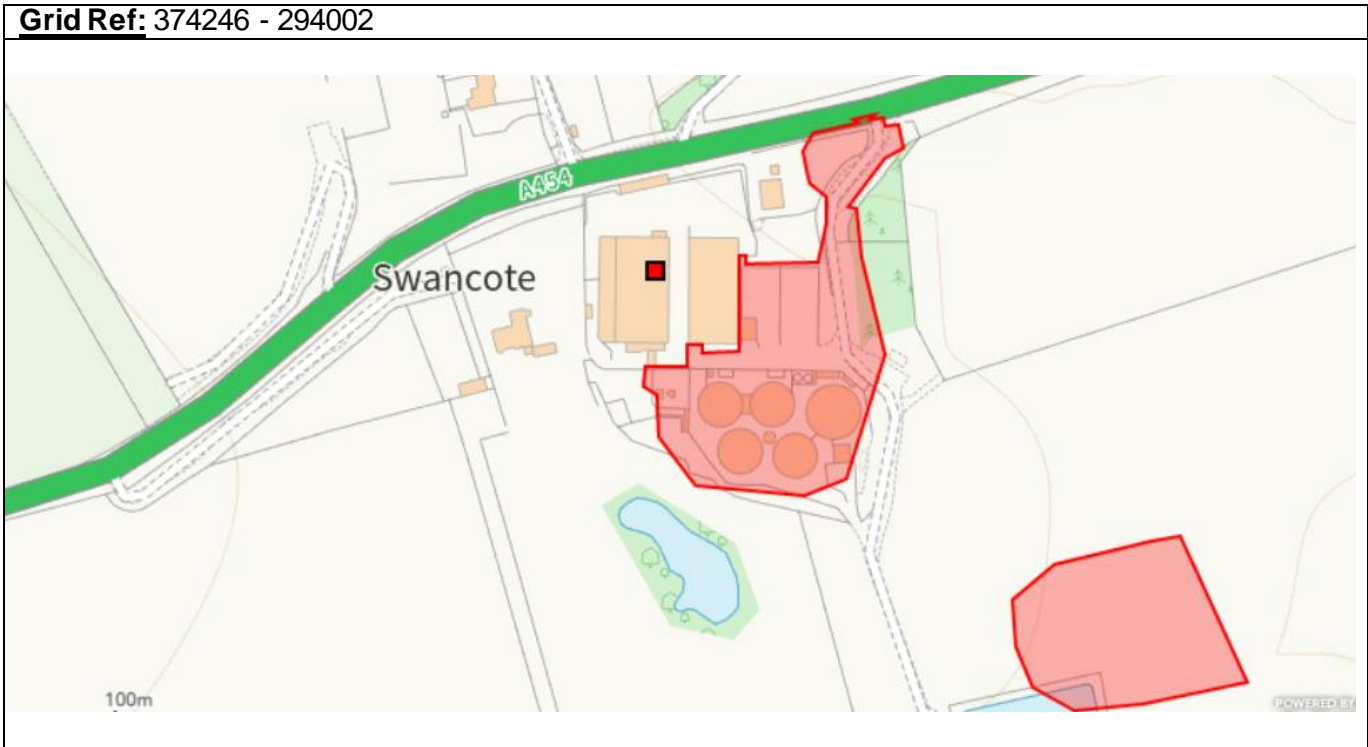
Committee and date
Southern Planning Committee
26th May 2026

Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director – Place Shaping

Summary of Application

Application Number: 25/02645/VAR	Parish: Worfield
Proposal: Variation of Condition 3 (revised access proposals), Condition 9 (feedstock type) and Condition 10A (feedstock allowance) attached to permission 10/03881/MAW dated 20 December 2010	
Site Address: Swancote Energy Ltd Anaerobic Digestion Plant at Swancote Farm, Swancote, Bridgnorth	
Applicant: Mr J Wood	
Case Officer: Louise Evans	email: Louise.m.evans@shropshire.gov.uk



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 with delegation to officers to review the conditions attached to 10/03881/MAW and redraft and reattach to the consent as appropriate.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks to vary existing planning conditions to increase the permitted feedstock throughput at an established Anaerobic Digestion (AD) facility at Swancote Farm from 70,000 to 120,000 tonnes per annum. The proposal involves a transition away from energy crops (such as maize), with all feedstock proposed to be derived from non-agricultural food waste, liquid wastes and farm manures. The only built development proposed relates to access improvement works. These changes are sought through a section 73 application which enables the variation of conditions attached to a previous consent.

2.0 SITE LOCATION/DESCRIPTION

2.1 Swancote Farm is situated some 2 kilometres to the east of Bridgnorth, to the south of the A454 highway at Swancote. Access to the site is off the A454 highway via a private drive. The existing site provides parking and manoeuvring space in the existing concrete yard area.

2.2 There are a number of residences in the area around Swancote Farm, the closest of which that are not associated with the AD facility are residences along the A454 to the north, the closest of which is approximately 160 m distant, with Firs Croft approximately 200 m to the north and Swancote Rise approximately 230 m to the north-east of the AD. The residences at Hoccum and Hoccum Cottages are approximately 350 m to the south-east and there are residences on The Hobbins that are approximately 600 m to the south-west of the existing site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Complex or major application which in the view of the Director of Legal, Governance and Planning, or the Planning Services Manager in consultation with the Chairman or Vice Chairman should be determined by the relevant Planning Committee.

4.0 Representations

4.1 Consultee Comments

4.1.1 **SC Ecologist**

SC Ecology have no comments to make on this VAR.

4.1.2 **Natural England**

Natural England currently has no comment to make on the variation of condition 10A. If any of the conditions relate to protected species, please note the following: We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

4.1.3 **Environment Agency (Midlands Region)**

Based on our records, we previously commented on the 10/03881/MAW application in our letters dated 29 October 2010 (letter ref. SV/2010/104656/02), 1 April 2011 (letter ref. SV/2011/105220/01), and on 6 April 2011 (letter ref. SV/2011/105205/01). Based on the information submitted, we raise no objection to the variation of condition 10A which proposes to increase the throughput to 115,000 tonnes per year.

Environmental Permitting: We regulate the existing site under a bespoke permit reference EPR TP3692EU. This controls relevant emissions to land, water and air. The current permit (copy attached to councils planning file for information) limits the maximum quantity of waste to 75,000 tonnes per year so the operator will need a permit variation. We received a permit variation application on 1 April 2025 which documents this request, along with some other operational changes - this application is still in process. In relation to current operations, we have had no odour complaints (or others) about this site. There is a greater risk of off-site odour with the introduction of poultry manure but the operator has made clear that this will be delivered directly to the process, not stockpiled. The operator intends to introduce poultry manure and liquid waste types, in place of maize energy crops. The permit variation application also includes CO2 capture from the biogas stream, and ammonia stripping from the digester receiving poultry manure. Without prejudice to the permit variation, we have no significant cause for concern based on the information that has been submitted at this time.

SC Regulatory Services

4.1.4 With reference to the variation and noting the Environment Agency's comments, Reg services have no adverse comment in the increase of feedstock allowance.

SC Highways DC

4.1.5 Scope of Response

This is a review of the following documents associated with the above planning application:

- Berrys, June 2025, Transport Statement (TS).
- Berrys, September 2025, Planning Statement (PS).

Background

The Swancote Anaerobic Digestion Plant is located at Swancote Farm, approximately 2km east of Bridgnorth, to the south of the A454 at Swancote. The facility is accessed directly from the A454 via a priority junction. The site currently operates with an annual permitted feedstock allowance of 70,000 tonnes, producing biogas for energy generation through the treatment of commercial food waste and purpose-grown energy crops. This application seeks to vary Condition 10a of the original planning permission (ref. 10/03881/MAW) to increase the permitted feedstock allowance to 120,000 tonnes per annum. The applicant has submitted a Transport Statement to assess the impact of the proposed increase and this is considered within this response note.

Executive Summary

It is considered that the proposals would have a negligible impact on the highway network. Whilst SC considers the proposals acceptable in principle, further mitigation is requested to improve highway safety, as outlined in this note.

Review of Transport Statement (TS)

Vehicular Access

The site access forms a priority junction with the A454. Paragraph 2.3 in the TS states that the applicant reviewed the existing access and noted that there was evidence of kerb and verge overrun on the western junction radius within the highway. Therefore, as part of the proposals, localised improvements are proposed the kerbing within the highway which would be secured via a pre-commencement condition. SC have reviewed the drawing at Appendix A which shows both the improvement and revised swept path analysis, and this is considered acceptable and welcomed.

The A454 is subject to a 50mph speed limit. The drawing at Appendix B of the TS shows that visibility splays of 2.4m x 160m are achievable in both directions. This is considered acceptable.

Traffic Surveys

The TS includes details of a DfT traffic count survey undertaken in 2019. This shows a two way figure of 9610 vehicles per day, of which 265 were HGV's (2.8%). The use of this data is considered acceptable.

Road Safety

Accident data has been obtained from Crashmap for the latest five year period along the A454 within the vicinity of the site. The data shows that a personal injury collision (PIC) occurred at the site junction whereby a car turning right into the site collided with a motorcycle which was attempting to overtake on the cars offside. Two similar PIC's also occurred within the vicinity of the site access, at private driveways on the A454, with right turn conflicts to/from the A454.

It is noted that for the approved application (15/01864/FUL) which permits a throughput of 70,000 tonnes, concerns were raised with regards to accidents within the vicinity of the site. It is understood that discussions took place about the possibility of introducing localised traffic calming measures, to include the extension of the existing double white lines and a review of signing along the A454. It is unclear whether these works were undertaken. To ensure highway safety, SC recommends that these works be included as part of this application, particularly with regards to extending the existing double white line near the site access.

Trip Generation

The TS outlines the baseline trip generation and shows that the existing site (operating with a throughput of 70,000 tonnes) generates 24 two way daily vehicle movements. Figure 3 shows that these trips include HGV's, tractor and trailer and gas trailer/tanker.

For the proposed increase in throughput to 120,000 tonnes it has been assumed that trips would be undertaken by rigid HGV's, arctic HGV and tanker, tractor and trailer and gas trailer/tanker. Figure 4 in the TS shows the number of proposed vehicle movements by vehicle type. It shows that the proposals would generate an additional 9 two way daily vehicle trips. SC consider that the proposals would have a negligible impact on the surrounding highway network.

4.2 Public Comments

4.2.1 Worfield and Rudge Parish Council

Date comment received: 20.10.2025

The Council supports with consideration to the following:

From a transport perspective we request that a planning condition be proposed altering the entrance/exit of the facility as highlighted within the transport assessment.

Please have a qualified officer review the updated ammonia emissions reports that accounts for the proposed feedstock change in this application.

Please have a qualified officer review the updated odour emissions assessment reports that accounts for the proposed feedstock change in this application.

Date comment received: 09.02.2026

Removal of support for the application

Comments as follows.

The submission of additional evidence dated 23 Jan 2026 "Digestate Spreading Emissions Screening Assessment" does not address our previous request of review of ammonia emissions and odour emissions, these particularly emanating from "the site", and the site as a whole entity. Please refer to these previous requests.

In addition to previous comments, given the proposed significant planning material change to the site it is unclear if the proposed planning approach is appropriate, we request review and comment by an officer and also Shropshire Council's relevant Legal team regarding the approach being taken given the significant planning material change proposed in the application. Clarification of the red line "the site" and what it constitutes as a whole rather than in parts is required as well as in terms of allowable storage quantities of process feedstock, in addition to allowable annual processing amounts for the bio digester in terms of the red line "the Site" as a whole, and allowable storage limits for waste digestate in terms of the redline "the site" as a whole. We recommend a new redline "the site" plan be drawn up and considered within the application process.

4.2.2 3 representations of objection have been received from members of the public which are summarised below:

Increase in scale and impacts

- Significant increase in imported feedstock (up to 120,000 tonnes, potentially ~165,000 tonnes cumulatively).
- Introduction of additional waste streams, including chicken manure.
- Likely to result in increased odour, traffic, noise, and light pollution, worsening existing issues experienced by nearby residents.

Existing amenity concerns

- Current operations already cause persistent odour nuisance, traffic and noise impacts.
- Alleged ongoing breaches of planning conditions (e.g. hours of operation).
- Concerns that complaints and impacts have not been fully recorded or considered.

"Development creep" and intensification

- Gradual expansion from a small farm diversification scheme (2010) to a large industrial-scale operation.
- Cumulative growth through multiple permissions has significantly altered the character of the site and surrounding area.

Inappropriate use of Section 73

- Proposal considered an unlawful or inappropriate use of Section 73.
- Changes would materially alter the nature and scale of the original development, which is not permissible under a condition variation.

- Seen as an attempt to retrospectively regularise a fundamentally different scheme.

Need for a full planning application

- Strong view that proposals should be subject to a new, full planning application.
- Current approach prevents proper assessment of the whole operation and cumulative impacts.
- Lack of clarity and transparency in the submitted application (e.g. inconsistencies in conditions being varied, missing plans).

Site definition and planning history concerns

- Confusion over the definition of “the site” and how conditions apply.
- Reliance on multiple separate permissions across different red-line areas to justify increased capacity.
- Concern that combining these permissions enables substantial intensification beyond original intent.

Conflict with planning policy

- Site located in open countryside and the West Midlands Green Belt.
- Development considered inappropriate and unjustified in this location.
- Lack of demonstrated “very special circumstances” to outweigh harm.
- Harm to rural character, landscape and residential amenity.

Traffic and highway concerns

- Increased import and export movements likely to significantly increase HGV traffic.
- Existing access arrangements already viewed as problematic.

Environmental and operational concerns

- Expansion of waste-based feedstocks and export of digestate changes operational nature.
- Reliance on Environmental Permit and subsidy schemes (GGSS) inappropriately used to justify planning changes.
- Concern that profit motives outweigh environmental considerations.

Premature works and compliance issues

- Allegations of works (e.g. access alterations) undertaken prior to approval.
- Concerns regarding compliance with existing permissions.

Procedural and transparency concerns

- Application description considered unclear and incomplete.
- Lack of full public re-consultation on the true scope of changes.
- Request for determination by Planning Committee rather than delegated powers.

Cumulative and long-term impacts

- Development has significantly altered the character of nearby settlements (Swancote, Hoccum, The Hobbins).
- Concerns that impacts will continue to intensify if approved.

5.0 THE MAIN ISSUES

Environmental Impact Assessment Screening

Response to matters raised and context for decision making
The operation
Emissions - Air pollution
Emissions - Odour and Noise
Emissions - Indirect impacts of Digestate
Traffic implications
Other Matters

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment Screening

6.1.1 The proposed development falls within Categories 3(a) generation of electricity, 11(b) processing of waste and 13(b) changes and extensions of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the Regulations). The site area of the proposed development is 1.85 hectares and exceeds the 0.5 hectare threshold set within the Regulations for categories 3(a) and 11(b). The proposed development relates to an expansion of operations at the site which will alter the amount and nature of throughput. The main environmental considerations will be in relation to emissions and transport implications. The site is not located within a 'sensitive area'. Therefore, taking into account the proposed siting of the development and the characteristics of the potential impacts, the proposed development is unlikely to have a significant effect upon the surrounding environment within the meaning of the Regulations. On this basis, the proposal is not Schedule 2 development and EIA is not required.

6.2 Response to matters raised and context for decision making

6.2.1 Members of the public have raised concerns regarding the appropriateness of the development being considered through a Section 73 application. A Section 73 application is used to seek planning permission to vary or remove conditions attached to an existing planning permission but it cannot be used to alter the operative part of that permission, including the existing description of development.

6.2.2 In this case, the original permission relates to the 'construction of an on-farm agricultural anaerobic digestion plant to generate renewable energy'. Conditions attached to that consent restricted the quantity and type of feedstock to accord with the details submitted at the time of determination. Since the grant of that permission, the business operation has expanded, and further applications have been submitted and approved to account for incremental changes to the development. This approach is not uncommon within the planning system, where evolving operational requirements are addressed through successive applications.

6.2.3 It is acknowledged that the application site areas associated with each permission differ. This reflects the specific scope and extent of development under consideration at the time each consent was granted. In each instance, the relevant application has been assessed on its own merits, taking into account the established baseline provided by existing consents. Accordingly, the suggestion

that the cumulative impacts of the development have not been properly considered at each stage is not accepted. A Section 73 application results in the grant of a new planning permission, which must be assessed as acceptable in its own right, albeit with consideration limited to the conditions subject to variation.

6.2.4 It is also recognised that the 'site' defined under the environmental permitting regime, which is regulated by the Environment Agency, may differ from the 'application site area' defined for planning purposes. This reflects the differing requirements and scope of the respective regulatory frameworks.

6.2.5 Representations have suggested that, because the application site area cannot be extended to cover the whole site as it now operates through a Section 73 application, any conditions imposed could only be applied and enforced within the defined application site area. This is not necessarily the case. For a planning condition to be lawfully imposed, it must satisfy the established tests set out in national policy, namely that it is: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. Where appropriately worded and justified, conditions can apply beyond the immediate application site, provided these tests are met.

6.3 **The operation**

6.3.1 The proposed development involves an increase in feedstock throughput at the existing anaerobic digestion facility, alongside a shift to a wholly waste-derived feedstock comprising liquid wastes, farm manures and non-agricultural food wastes.

6.3.2 Feedstocks would be delivered to the site primarily by HGV, with liquid waste transferred directly into the digestion system via sealed pipework, and solid materials unloaded and fed into the process on a just-in-time basis. Non-agricultural food waste would be received, depackaged and processed within enclosed reception buildings operating under negative pressure and fitted with odour control systems, thereby minimising emissions.

6.3.3 The anaerobic digestion process generates digestate as a by-product. It is estimated within the application that approximately 105,000 tonnes of digestate would be produced per annum, which is separated into liquid and solid fractions. The liquid fraction, forming the majority, would be stored on site within covered lagoons and transported off site in sealed tankers, with additional capacity provided through contracted off-site storage facilities. Combined storage capacity is sufficient to accommodate winter periods when land application is restricted. The solid digestate would be stored within an enclosed building prior to removal from site in sheeted vehicles.

6.4 **Emissions - Air pollution**

6.4.1 Core Strategy policies CS6 and CS17 seek to protect and enhance Shropshire's natural environment and to ensure no adverse impacts upon ecological assets.

Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that there is no satisfactory alternative; and the social or economic benefits of the proposal outweigh the harm to the asset.

6.4.2 The Swancote facility comprises an established anaerobic digestion operation incorporating carbon capture technology. In this context, Natural England's guidance "*Air pollution and development: advice for local authorities*" is not considered directly applicable to the anaerobic digestion process itself.

6.4.3 Furthermore, the infrastructure associated with the storage of both feedstocks and digestate already benefits from extant planning permissions, and the ecological impacts of these elements were assessed at the time those permissions were granted.

6.5 Emissions - Odour and Noise

6.5.1 Policy CS6 requires that developments safeguard residential and local amenity.

6.5.2 It is recognised that concerns have been raised by members of the public regarding the potential for odour and noise impacts arising from the proposal. Odour and noise assessments have not been submitted in support of the current application. In assessing potential effects on neighbouring amenity, regard has been had to the key stages of the operation where odour and noise could arise, namely the handling and processing of feedstocks within the facility, and transportation of feedstocks and digestates to and from the site.

6.5.3 With regards to feedstock and digestate handling within the site, mitigation measures are incorporated within the operation to control potential emissions. Feedstocks, including food waste and liquid materials, are handled within enclosed systems, with food waste reception, depackaging and processing undertaken within sealed buildings operating under negative pressure and fitted with odour abatement equipment. Liquid wastes are transferred via sealed pipework, and a 'just-in-time' delivery approach is employed to minimise on-site storage and the duration of handling activities. Digestate arising from the process is stored in covered lagoons and managed in accordance with established procedures, with export from the site undertaken using sealed tankers or sheeted vehicles.

6.5.4 With regards to transportation, the proposed increase in throughput is anticipated to result in approximately nine additional two-way vehicle movements per day and 33 in total. Given the relatively limited number of movements from an A road (A454) and by their very nature the amenity impacts from individual movements being short lived for any particular receptor, it is considered that the associated impacts on residential amenity from transportation associated with the proposal would not be significant.

6.5.5 Whilst it is noted that there are greater amounts of feedstocks proposed to be handled as a result of this development, and that the waste feedstock does have the potential for generating offensive odours, it is also noted that no new point sources are proposed for either storage or handling from the existing permitted use. Furthermore, it is recognised that that the facility has now been in operation for a number of years without being recognised as a statutory nuisance or receiving complaint through the Environmental Permitting Regime.

6.5.6 Therefore, subject to the use of a planning condition to prohibit the external storage of any of the feedstocks at the site or the storage of any digestate at the site other than within the dedicated facilities, the planning authority can be satisfied that the current proposal would not lead to greater potential for amenity concerns above that already permitted as a result of this development.

6.6 Emissions - Indirect impacts of Digestate

6.6.1 The onward use of digestate represents an indirect effect of the proposed development. The application confirms that digestate generated by the facility would be utilised as a fertiliser on agricultural land, including third party land, with all spreading activities undertaken in accordance with an established Environmental Management System (EMS). The solid fraction of the digestate would be managed as a waste and applied under the relevant permitting regime, whilst the liquid digestate meets recognised quality standards and would be classified as a product suitable for land application.

6.6.2 The planning application is supported by an air quality screening assessment focused specifically on potential ammonia emissions associated with the land spreading of digestate. The assessment identifies the anticipated digestate outputs arising from the proposed increase in throughput and applies Natural England's *Air pollution and development* guidance, adopting a precautionary 500m screening distance in the absence of defined thresholds for spreading activities. It reviews the extent and location of agricultural land currently secured for spreading (in excess of 3,400 hectares), identifies nearby designated ecological sites, and assesses whether any spreading areas fall within the screening distance of sensitive receptors. The assessment concludes that no spreading areas lie within 500m of European sites or Sites of Special Scientific Interest (SSSIs), and therefore there would be no likely significant effects arising from air pollution, negating the need for further detailed assessment.

6.6.3 In respect of potential impacts arising from diffuse agricultural pollution, it is recognised that there are legal controls in place to protect water quality from such applications to land. These legal controls apply irrespective of where such spreading takes place. These controls include the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations (the Farming Rules for Water) and the Nitrate Vulnerable Zones Regulations. Practical guidance is provided through the Defra Code of Good Agricultural Practice. These measures impose controls on the timing, method and location of spreading, including minimum buffer

distances from watercourses and groundwater abstraction points. On this basis, the risk of nutrient leaching or surface runoff to controlled waters is appropriately regulated and is not likely to result in significant environmental effects.

- 6.6.4 The application of fertiliser to meet crop nutrient requirements is a well-established and essential component of agricultural practice. Where organic fertilisers such as digestate are used as a substitute for manufactured synthetic fertilisers, this can deliver environmental benefits, including the recycling of nutrients, reduced reliance on energy-intensive fertiliser production processes, and a corresponding reduction in associated greenhouse gas emissions. In this context, the beneficial use of digestate as a fertiliser represents a sustainable and efficient use of a by-product of the anaerobic digestion process.
- 6.6.5 Odour and dust impacts may potentially arise through the spreading and use of digestate as a fertiliser. The application notes that the Digestate Spreading EMS, which is regulated by the Environment Agency, requires the potential impacts of digestate spreading to be assessed in advance of any application, ensuring that risks of pollution or amenity nuisance are minimised. In practice, digestate is typically applied using low-emission techniques, such as dribble bars or direct injection, which significantly reduce surface exposure and associated emissions compared with the spreading of raw manures and occurs infrequently. Taking into account that the application of organic fertiliser to agricultural land is a widespread and permitted activity and that the amount that may be applied to land is controlled, albeit for protection of the water environment and not amenity, officers are satisfied that the use of digestate as a fertiliser on land, including third party land, is unlikely to give rise to significant amenity impacts.
- 6.7 **Traffic implications**
- 6.7.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe (para. 116).
- 6.7.2 The application site is served by an existing priority junction onto the A454, which provides direct connectivity to the wider principal highway network including the A442, A41 and M54. The access has been designed to accommodate use by heavy goods vehicles (HGVs) associated with the established anaerobic digestion facility and the wider farm holding. The junction bellmouth is relatively wide (approximately 24m at the give-way line), with an internal access road of approximately 4m width and a formal passing place within the site to facilitate the manoeuvring of larger vehicles.
- 6.7.3 Evidence of kerb and verge overrun has been identified on the western junction

radius, attributed to left-turning HGVs undertaking tight manoeuvres to avoid encroachment onto the opposing carriageway. In response, the applicant proposes localised upgrades to the western kerb line within the highway to improve turning radii and reduce the likelihood of overrun. Swept path analysis based on a 16.5m articulated HGV demonstrates that, with these improvements, the largest vehicles expected to use the site can safely enter and exit, noting that opposing large vehicles would continue to rely on the internal passing place.

6.7.4 Visibility at the access has been assessed and visibility splays of 2.4m x 160m can be achieved in both directions, consistent with the 50mph speed limit of the A454 at this location.

6.7.5 The Highway Authority concurs that the proposed localised kerb improvements are acceptable and should be secured by condition. In addition, having regard to the accident history along this section of the A454, the Highway Authority has recommended the introduction of additional mitigation measures, including the extension of the existing double white line system and review of signage in the vicinity of the junction. A £2000 direct payment was received by Shropshire Council on the 13th August 2015 to cover improvement works via application 15/01864/FUL. On this basis, it is recommended that only the proposed access kerb works are secured through this current application.

6.8 Other Matters

6.8.1 Greenbelt: It is recognised that the development is located within the West Midland Greenbelt and the very special circumstances necessary to make the development acceptable were established within the original grant of planning permission 10/03881/MAW - which relate to the renewable energy and climate change benefits of the scheme. The proposed access alterations do not materially alter the greenbelt position.

6.8.2 Environmental Permit: It has been noted that an environmental permit variation has now been approved by the Environment Agency for the processing of 120,000 tonnes of feedstock at the site. For clarity, members should note that the planning and environmental permitting regimes are separate, legally distinct processes that frequently overlap, with planning governing the use of land and permitting regulating the operational impact of that use. While planning permission decides if a development is acceptable in a specific location, environmental permits ensure that activities are managed to prevent pollution.

6.8.3 Paragraph 201 of the NPPF states *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

6.8.4 Use of planning conditions: A Section 73 application enables the Local Planning Authority to reassess and, where appropriate, refine or impose updated conditions that are precise, enforceable and aligned with current policy and environmental standards, thereby ensuring that the development continues to operate in an acceptable manner and that potential impacts are effectively managed. In this instance, that will require the permission to include conditions to ensure implementation of the access improvements, a limit on the amount of feedstock to be processed and controls to ensure that feedstock and digestate storage takes place within areas approved for such.

7.0 CONCLUSION

7.1 The land use implications of a proposed variation of conditions to increase feedstock throughput at the established Swancote anaerobic digestion facility have been appropriately considered within the scope of a Section 73 application.

7.2 The assessment of environmental effects as a result of the likely emissions from the development demonstrates that the proposal is unlikely give rise to unacceptable adverse impacts, either individually or cumulatively, when considered against the existing baseline and regulatory controls in place.

7.3 In addition, the limited increase in vehicle movements would not result in severe impacts on the local highway network; and the proposed access alterations would improve the current site entrance.

7.4 Taking all matters into account, the development is considered to accord with the relevant policies of the Development Plan and the National Planning Policy Framework, and there are no material considerations which would warrant refusal of the application, subject to the imposition of appropriate planning conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although

they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

- 26th May 2026

Swancote Energy Ltd

National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside and Greenbelt

CS6 Sustainable Design And Development Principles

CS8 Facilities, Services and Infrastructure Provision

CS13 Economic Development, Enterprise and Employment

CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD6 Green Belt & Safeguarded Land

MD7B General Management of Development in the Countryside

MD8 Infrastructure Provision

MD12 Natural Environment

MD14 Waste Management Facilities

RELEVANT PLANNING HISTORY:

10/03881/MAW Construction of an on-farm agricultural anaerobic digestion plant to generate renewable energy GRANT 20th December 2010

10/03898/DIS Discharge of Conditions re 08/0772 REC 9th September 2010

BR/74/0482 Erection of an agricultural building GRANT 6th May 1974

11/01159/MAW Demolition of existing redundant plant room and construction of office facilities and a GRP Substation for use in conjunction with existing approved anaerobic digestion (Approved under Ref: 10/03881/MAW) GRANT 23rd May 2011

11/01641/DIS Discharge of conditions 4a (access & signage), 5a (Closure of access), 6 (Construction Management Plan), 12a (Noise mitigation), 15a (Odour management scheme), 17a (Pests and vermin control), 18 (Amenity complaints procedure), 20 (Specification surface treatments), 23a (Floor levels), 24a (Groundwater monitoring), 25 (Groundwater/risk assessment), 28a (Lighting), 29 (Fire protection) and 33a (Landscaping) attached to planning ref.10/03881/MAW. Construction of an on-farm agricultural anaerobic digestion plant to generate renewable energy DISAPP 18th April 2011

11/03477/AGR Construction of a silage clamp and improvements to existing agricultural access track PNAGR 22nd August 2011

11/05166/FUL Erection of office extension GRANT 6th February 2012

12/01455/MAW Change of use of existing agricultural building to provide a feedstock storage facility and siting of a combined heat and power generator GRANT 23rd May 2012

12/02820/MAW Erection of additional infrastructure to include pasteurisation building, 2 pasteurisation tanks, aeration tank, centrifuge building, denitrification tower and storage tank; weighbridge office (modification to previously approved); formation of access and drive to enable further Anaerobic Digestion processes GRANT 24th October 2012

BR/83/0031 Overhead electricity line NOBOHL 18th March 1983

AGENDA ITEM

- 26th May 2026

Swancote Energy Ltd

13/01181/MAW Change of use and increase in height of agricultural building at Swancote Farm to allow the reception and temporary storage of waste to be used as feedstock in the Swancote Energy anaerobic digestion plant. GRANT 30th May 2013

13/05109/AMP Non-material amendment relating to planning permission 12/02820/MAW - Erection of additional infrastructure to include pasteurisation building, 2 pasteurisation tanks, aeration tank, centrifuge building, denitrification tower and storage tank; weighbridge office (modification to previously approved); formation of access and drive to enable further Anaerobic Digestion processes GRANT 8th April 2014

13/05127/FUL Laying of underground electricity cable and biomethane pipe between Swancote Energy, Swancote, Bridgnorth and Bridgnorth Aluminium, Stourbridge Road, Bridgnorth to supply renewable energy GRANT 3rd July 2014

14/03212/MAW Installation of an Albers Alligator digestate storage bag with surrounding earth bund and fencing GRANT 3rd December 2014

15/01864/FUL Addition of an on-site Combined Heat and Power (CHP) generator and an increase in feedstock capacity in relation to an existing Anaerobic Digestion (AD) facility at Swancote Farm GRANT 17th August 2015

19/02875/FUL Erection of a replacement liquids tank following the demolition of the existing liquids tank GRANT 17th September 2019

20/03485/FUL Erection of extension and increase height of existing building to be used for recycling plastics WDN 1st April 2021

22/04460/FUL Installation of additional Anaerobic Digester (AD) infrastructure and a lagoon WDN 24th January 2023

23/00748/FUL Installation of additional Anaerobic Digester (AD) infrastructure and a lagoon (re-submission) GRANT 24th May 2023

23/03246/DIS Discharge of Conditions 3 (Bat and Bird Boxes) and 4 (Lighting Plan) attached to planning consent 23/00748/FUL DISAPP 16th August 2023

25/01893/AMP Amendments to Planning Permission 23/00748/FUL to alter the layout of the gas upgrade and CO2 capture area, and the lagoon. SPLIT 16th June 2025

25/02645/VAR Variation of Condition 3 (revised access proposals), Condition 9 (feedstock type) and Condition 10A (feedstock allowance) attached to permission 10/03881/MAW dated 20 December 2010 PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SZK23HTDJDU00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor David Walker

AGENDA ITEM

- 26th May 2026

Swancote Energy Ltd

Local Member

Cllr Dawn Husemann

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

1. The total amount of feedstock received in connection with the anaerobic digestion process at Swancote Farm, Bridgnorth, Shropshire, WV15 5HB shall be limited to 120,000 tonnes per annum. Records of the quantities and types of feedstocks into different feedstock types (e.g. tankered food / other waste, packaged food waste, energy crops, slurry and manure) shall be maintained and shall be made available to the Local Planning Authority upon request.

Reason: To define the amount permitted to be managed, handled and processed at the site in accordance with the approved scheme, in the interests of general amenity, environmental protection and highway safety and to allow the receipt of feedstocks to be monitored by the Local Planning Authority as necessary in accordance with SAMDev policy MD14.

2. Feedstock associated with the anaerobic digestion facility must not be stored externally of the dedicated buildings at Swancote Farm, Bridgnorth, Shropshire, WV15 5HB. Digestate associated with the anaerobic digestion facility must not be stored externally of the dedicated lagoons and buildings at Swancote Farm, Bridgnorth, Shropshire, WV15 5HB

Reason: In the interests of general amenity and environmental protection.

3. Within 6 months of the date of this permission, the access must be realigned in accordance with drawing numbers SA54001 -BRY-ST -PL-C -0001_ and SA54001 -BRY-ST - PL-C -0002 (as detailed within Appendix A and B of the Transport Assessment submitted in support of the planning application) to enable the safe passage of HGV movements to and from the adjoining highway.

Reason: In the interests of highway safety.