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Our ref : 2021/8158

22 August 2023

Dear Sir/Madam

**Town and Country Planning Act 1990**  
**Local Planning Authority Reference : 2021/8158**  
**DCLG Reference APP/L2630/W/23/3324060,**  
**DCLG Reference APP/L2630/C/23/3327112,**  
**Location : Deal Farm Kenninghall Road Bressingham Norfolk IP22 2HG**  
**Appeal By : Deal Farm Biogas Limited Deal Farm Biogas Limited Stublach King**  
**Street, Lach Dennis Northwich CW9 7SE**

I am writing to advise you that there has been an Appeal against Enforcement Notice, made to the Secretary of State against South Norfolk Council regarding the Appeal against Without planning permission:

(1) The material change of use of the Land from agricultural to a partially built anaerobic digestion facility; and (2) The partial construction of an anaerobic digestion facility on the Land including the construction and partial construction of 3 no. clamps (1, 2 and 3), manure store (4), 2 no. feeding units (5), digester (6), hygienisation (8), feeding tank separator (9), a weighbridge (14), preliminary pit (25), lightening conductors (28), below ground leachate tank (29), lined fire/site water lagoon (30), topsoil bund (31), liquids filling/loading station (33), buffer tank (36), secondary digester/digestate storage (40), access road to Common Road (no number), concrete hardstanding between clamps and containment area (no number) and construction of concrete bases for oxygen generator (7), CHP (11), biogas boiler (12), flare (13), gas to grid (15), grid entry unit (16), biomethane compressor (17), remote operable valve (18), pressure reduction skid (19), LV distribution board (20), substation (21), transformer (22), propane tanks (23), pump unit and electrical container (24), biogas treatment (26) and water cooling system (39) and the siting of associated equipment including a generator, diesel tank and rechargeable battery (not shown on drawing 27249/612 Rev B but which are sited to the West of the preliminary

pit (25) and shown on the photographs attached at Appendix 3). Numbers in brackets correspond with those shown on drawing 27249/612 Rev B at Appendix 1 and the stage of construction shown in the table at Appendix 2.

The reasons for issuing this notice were;

The digester, lightning conductor and topsoil bund features result in significant harms that are at odds with the published landscape character assessments. This is contrary to paragraphs 130(b) and 174(b) of the National Planning Policy Framework (the "NPPF") and policies DM 4.9 and DM 4.5 of the South Norfolk Local Plan Development Management Policies Document (the "Local Plan").

In terms of visual effects, the domes are prominent within the view from identified viewpoints and are clearly visible against the skyline along with the lightning conductors. The structures are a dominant feature of the scene and form a visible and recognisable new element within the overall scene, able to be readily noticed by the observer. The visual effects are adverse, cause significant harm and are not considered acceptable. The unauthorised development is therefore contrary to paragraph 130(b) of the NPPF and policies DM 3.8 and DM 4.9 of the Local Plan.

Were enforcement action not to be taken and the unauthorised development to be completed and become operational, the highway network serving the Land is inadequate to serve an Anaerobic Digestion facility of this scale, by reasons of its poor alignment, restricted width, lack of passing provision, substandard construction and restricted forward visibility. The unauthorised development, if operational, would be likely to give rise to conditions detrimental to highway safety contrary to policy DM 3.11 of the Local Plan. Furthermore, the unauthorised development would not accord with paragraph 110 of the NPPF as a safe and suitable access to the site cannot be achieved for all users, and paragraph 111 as there would be an unacceptable impact on highway safety.

The harmful impacts of the unauthorised development are not outweighed by any benefits of a partially built Anaerobic Digestion facility. In particular, it is noted that the partially built Anaerobic Digestion facility does not and cannot generate renewable energy. The unauthorised development therefore cannot be supported by policy DM 4.1 of the Local Plan.

Even if operational, the unauthorised development would result in significant adverse effects that outweigh the benefits of the renewable energy which would be generated by the development if completed, and therefore the development would not comply with policy DM 4.1 of the Local Plan. It appears to the Council that the breach of planning control mentioned at 3(1) of this notice and the siting of the equipment mentioned at 3(2) of this notice has occurred within the last ten years.

It appears to the Council that the breach of planning control mentioned in section 3(2) of this notice is not substantially complete and has occurred within the last four years.

The appeal has been submitted on ground(s) APP/L2630/C/23/3327112 Ground C – That there has not been a breach of planning control, Ground F – The steps required to comply with the notice are excessive and lesser steps would overcome the objections,

This appeal is to be determined on the basis of an Inquiry. I will advise you of the date, time and venue of the Inquiry when the details have been finalised. The procedure to be

followed is set out in Part 2 of the Town and Country planning Appeals (Determination by Inspectors) (Inquiry Procedure) (England) Rules 2000.

If you wish to comment, you can do so online at <http://acp.planninginspectorate.gov.uk>. If you do not have access to the internet you can send your comments directly to The Planning Inspectorate, Room 3B , Temple Quay House, 2 The Square, Bristol, BS1 6PN, , quoting the appeal reference numbers APP/L2630/W/23/3324060.APP/L2630/C/23/3327112.

You should submit your representations and they must be received **within six weeks from the start date of the appeal which was 7 August 2023**. Any representations submitted after the deadline will not usually be considered. The Planning Inspectorate does not acknowledge representations.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the deadline.

The appeal documents and decision (when issued) can be viewed at our offices, The Horizon Centre, Broadland Business Park, Peachman Way, Norwich, NR7 0WF, during office hours or via our website ([www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.gov.uk)) ). The Inspectors decision (when issued) and information regarding the progress of the appeal can be accessed at <http://acp.planninginspectorate.gov.uk>.

You can get copies of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from [www.GOV.UK](http://www.GOV.UK)  
Yours faithfully

**Steve Kenny**  
**Compliance Officer**