Lincolnshire COUNTY COUNCIL Working for a better future

Regulatory and Other Committee

Open Report on behalf of Richard Wills
Executive Director, Environment & Economy

Report to:	**Planning and Regulation Committee**
Date:	**5 March 2018**
Subject:	**County Matter Application – B/17/0477**

Summary:

Planning permission is sought by Boston Renewable Gas Limited for the installation of an agricultural anaerobic digestion facility and associated plant and equipment including underground pipework and landscaping at land west of B1192, adjacent to Premier Composite, Langrick Road, Brothertoft, Lincolnshire, PE20 3SG.

The proposed development would process an annual throughput of 36,000 tonnes of agricultural feedstock, comprising 66% energy crops (e.g. maize, straw, grass) and 34% agricultural waste (e.g. vegetables, cattle manure and chicken litter) sourced from the landowners agricultural holding approximately 3 miles to the north of the site. The key issues to be considered in relation to this application are the principle of the development in this location, flood risk, odour impacts, highways, landscape, heritage and visual impacts, loss of agricultural land and noise impacts.

Recommendation:

The proposed development has been considered against the relevant development plan policies and the comments received through consultation and publicity. This assessment has concluded that insufficient evidence has been provided to demonstrate that the site is associated with the surrounding agricultural land as a primary source of feedstock and that it is not possible to ensure that the development can proceed in a manner that would ensure highway safety. Consequently this is in conflict with development plan policies and it is recommended that planning permission be refused.

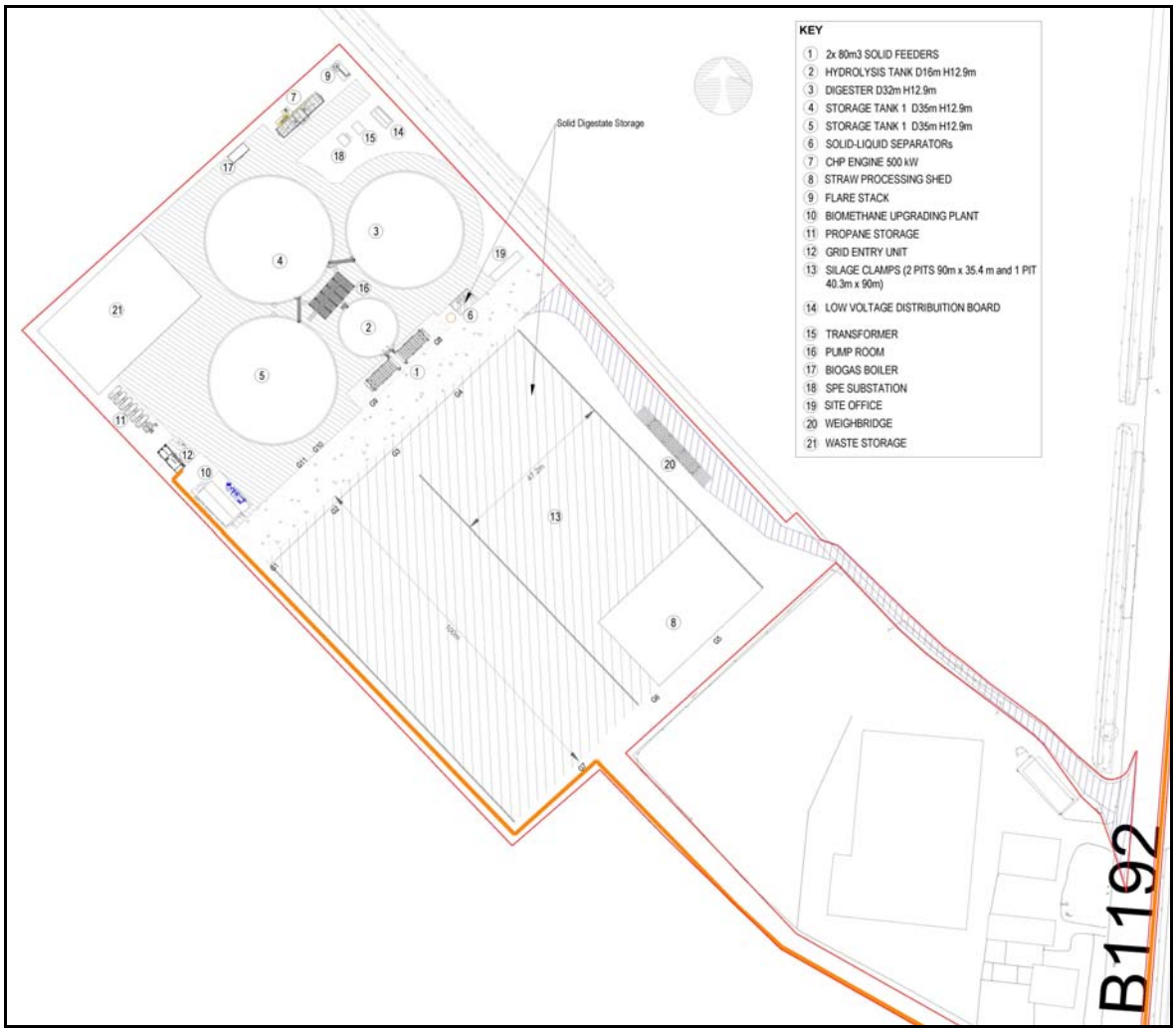
The Application

1. Planning permission is sought for the installation of an agricultural anaerobic digestion facility and associated plant and equipment including underground pipework and landscaping on land west of the B1192, adjacent to Premier Composite, Langrick Road, Brothertoft, Lincolnshire PE20 3SG.

2. The anaerobic digestion plant (the AD Plant) would process 36,000 tonnes of agricultural feedstock per annum of which 66% would be energy crops (e.g. maize, straw, grass) with the remaining 34% comprising of agricultural

wastes (e.g. vegetables, cattle manure and chicken litter). The AD Plant would produce around 3.7 million cubic metres of bio-methane gas which would be exported to the national gas grid network via a new pipeline. The pipeline would be laid over a distance of 4.7 kilometres to an existing grid entry point located at the junction of Gilbert Drive off the A1121 Boardsides.

3. The proposed layout of the site and locations of the ancillary plant and equipment (as listed in Table 1) is shown below:



Plan 1 – Proposed layout of the AD Plant

Plant / Equipment	Dimensions	Material and Colour
Weighbridge	3.5m W x28.44m L x 0.40m H	Galvanized steel
Office portacabin	2.4m W x 10m L x 2.5m H	Portacabin unit, moss green RAL 6005
Substation	3.6m L x 2.8m W x 2.3m H	Steel container, juniper green RAL 12B29
LV Board	2.5m W x 7.2m L x 2.9m H	Glass reinforced plastic, juniper green RAL 12B29
Transformer	2.5m L x 2.8m W x 2.5m H	Glass reinforced plastic, juniper green RAL 12B29
Feed hoppers x 2	10m L x 3.86m W x 3.3m H (each)	Framework RAL 6005 moss green. Metal paneling RAL 7016 anthracite grey
Pump room	6.06m W x 12.19m L x 2.59m H	Steel container, moss green RAL 6005
Biogas upgrade plant	12m L x 6m W x 3.5m H	Steel container, moss green RAL 6005
	3.2m W x max 10m H	Steel ancillary plant external to container
Propane storage	Slab 15.5m L x 5.4m W x 2.22m H	Steel cylinders (x6), pale green, concrete slab
Separator (S) and (B) bay	(S) 3.9m H, sits on top of bay	Galvanized steel
	(B) 3m H x 4.3m W x 4.4m L bay	Concrete
Gas Entry Unit	8m L x 3m W x 2.6m H	Steel container, moss green RAL 6005
Standby enclosed flare stack	Slab 7m L x 4m W 8m H Stack 2m diameter	Galvanized steel, concrete slab
Biogas Boiler	6m L x 2.5m W x 2.6m H	Steel container, moss green RAL 6005
CHP container	3m W x 15m L x 2.9m H	Steel container, moss green RAL 6005. Steel ancillary plant external to container

Table 1 – Details of proposed plant and equipment

4. The volume of bio-methane gas produced would be equivalent to the heat requirements of approximately 2,987 dwellings (based on average consumption rates). The plant site would also accommodate two Combined Heat and Power Units (CHP) producing sufficient electricity and heat to run the operations and which have potential for export to adjacent properties or to the grid. The planning application was supported by a Design and Access statement setting out details of the proposal.

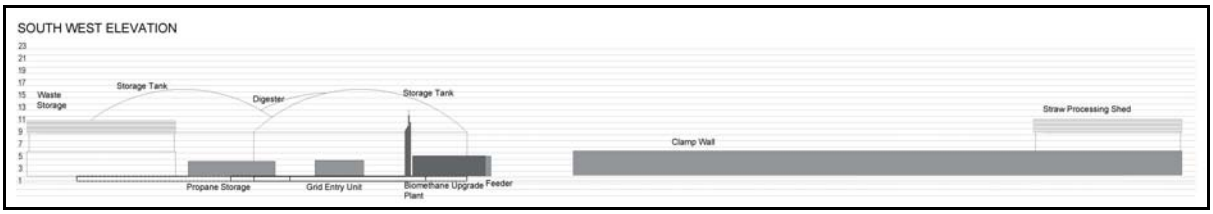
5. The proposal site covers an area of approximately 2.4 hectares and would in addition to 2 x 250 kWe engine CHP units, accommodate two silage clamps to the south east end of the site covering an area of 4,700 square metres. The clamps would be constructed of concrete and have walls that measure 4m in height and have impermeable bases with integral drainage so as to contain and collect dirty water runoff. The arable crop feedstock, which would be contained within the clamps, would be covered by an impermeable membrane. The applicant states that the feedstocks (both crops and agricultural waste) would be sourced from local agricultural holdings within a 10 mile radius of the site which are primarily located to the north. The digestate produced by the AD Plant would similarly be returned and spread

on the same agricultural holdings and therefore be used in close proximity to the site. As well as agricultural crops the applicant has also indicated that there may be scope to import grass verge cuttings as a potential feedstock, however, this has yet to be finalised.

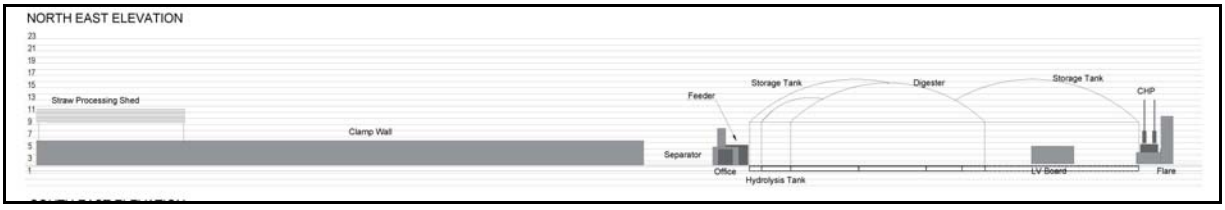
6. As well as the main AD Plant, a waste storage building is also proposed to be erected within the western corner of the site (Plan 2). The steel framed building would cover an area of 968 square metres with the lower extents comprising of concrete walls with corrugated steel panels above (moss green in colour). The building would have a profile steel pitch roof which would have a maximum height of 9.2m above ground level. Access would be gained via roller shutter doors measuring 6m by 6m which would be located on the south east and north east elevations. An identically sized and finished building would also be constructed in the eastern corner of the site and would be used to accommodate the straw processing operations. The roller shutter doors of this building would be located on the south west and northwest elevations of the building.

Plan 2 – Proposed building(s)

7. The tallest structures on site would be the domes associated with the main digester and storage tanks. The domes would sit on top of these tanks and be constructed of a plastic membrane (moss green in colour). The largest tank would have a diameter of 35m and stand at a maximum height of approximately 16m above ground level. The lower walls of the tanks would be clad to a height of 8m in corrugated aluminium sheeting (in colour). Plans 3 and 4 illustrate the elevations of the site from the south west and north east these being as those which would be viewed from Kirton Drove and North Forty Foot Bank. The Hydrolysis tank would be 16m in diameter with domed roof standing to a height above ground level of 11.2m.

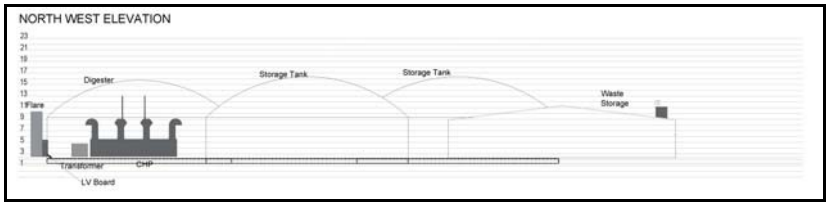


Plan 3 – South west elevation



Plan 4 – North east elevation

8. There would also be three exhaust stacks associated with the AD Plant. Two of these would be associated with the CHP units and measure 10m in height. The other would measure 8m in height and comprise of an emergency flare which would be used sporadically. Plan 5 illustrates the elevations from the north west.



Plan 5 – North east elevation

9. The AD Plant site would be enclosed by a 2.5m high green 'Heras' fence and would have inward opening gates giving access into the main site/operational area. The boundary landscaping would be fenced with a 1.2m high post and rail stock proof fence.

Hours of operation

10. The construction period would take approximately 10 months with deliveries of materials being restricted to the hours of 08:00 to18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays with no deliveries on Sunday, Bank or Public Holidays.

11. Operational hours for the AD Plant following construction would be 24 hours a day seven days a week, excepting the separator that would only operate during daytime. Deliveries of feedstock and export of digestate would be restricted to the hours of 07:00 to 19:00 Monday to Sunday. The transfer of feedstock from storage to feed-hoppers would be restricted to the hours of 07:00 to 19:00 Monday to Sunday.

Supporting Information

12. A number of technical documents covering specific areas were also submitted with the application as follows:

Flood Risk Assessment and Site Drainage

13. The site surface would be a mixture of crushed stone, concrete and asphalt. Where possible, areas not being utilised as part of the AD operations, would be soft landscaped. The entire site would be located within Flood Zone 3a

as defined by the Environment Agency (EA) and as such is classified with a 'high' probability of flooding from both fluvial and tidal sources. However, Boston Borough Council have carried out a Strategic Flood Risk Assessment (2010) which unlike the EA classification, takes into account the presence of flood defences which indicates that the site is defined as being at 'low' probability of fluvial and tidal flooding and in addition there is no historical evidence of flooding at the site. The proposed development is classified as a 'Less Vulnerable' use, in terms of flood risk however notwithstanding this, and despite the site being considered of low probability of flooding, the Environment Agency has recommended that the site operator register on the EA Flood Warning System and adopt a Flood Evacuation Plan.

14. In terms of drainage, the development proposes separate systems for the management of clean and dirty surface water run-off. Clean surface water run-off would be managed by a soakaway or discharged to the nearest surface watercourse. Discharge rates would be controlled at an agreed rate with the Black Sluice Internal Drainage Board. Dirty surface water run-off would be directed to a sealed pit via a network of drainage gullies and from there piped into the anaerobic digestion vessels or the liquid digestate tank. Following construction the site would increase the impermeable surface area by 10,200 square metres.

15. Foul sewage from the office/welfare facility would be connected to septic tank that would be emptied as required for disposal to an off-site licensed treatment facility.

Odour and Air Quality

16. It is acknowledged that odours from a number of sources on site have the potential to cause impacts at sensitive locations. The proposed feedstocks and annual tonnages are identified in Table 2 together with an indication of when these would be delivered to the site and the form of storage to be employed.

Feedstock	**Delivery period**	**Storage Type**	**Tonnes per annum**
Straw (baled)	Year round	Clamp	10,000
Grass Verge Cuttings	Year round	Clamp	4,000
Maize silage	Seasonal	Clamp	10,000
Chicken Litter	Year round	Waste Shed	2,000
Cattle Manure	Year round	Clamp	5,000
Vegetable Waste	Year round	Waste Shed	5,000
		Total Tonnage	**36,000**

Table 2 – Feedstock tonnages and storage arrangements

17. Feedstocks would be largely imported using a tractor and trailer. The solid digestate fraction would similarly be exported by tractor and trailer with tankers being used to export the liquid digestate fraction. The main source of odours would be during the transfer of feedstocks from their storage locations to the feed hopper, the operation of the feed hopper mixer and

transfers from digestate (liquid) storage to vehicles for export and the storage of solid digestate. Transfers from the storage areas to the feedhopper would be undertaken using a tractor and grab. The odour emissions modelled on the proposed operations are as illustrated in Table 3. The majority of feedstock (29,000 tonnes per annum) would be stored in clamps that would be covered with impermeable membrane to prevent rainwater infiltration and therefore also reduce odour emissions.

Source of Odour Emissions	**Characteristics of Odour Source**
Silage feedstock (Maize and grass)	192 square metres of material exposed constantly within one clamp
Cattle manure in clamp	260 square metres of material exposed constantly within one clamp
Material in feed hopper 1	Feed hopper utilised 6-hours per day. Feedstock – cattle manure, chicken litter and vegetable waste
Material in feed hopper 2	Feed hopper utilised 6-hours per day. Feedstock – silage and straw
Transfer from silage clamp to feed hopper	Route between clamp and feedhopper utilised 2-hours per day
Transfer from cattle manure clamp to feed hopper	Route between clamp and feedhopper utilised 2-hours per day
Transfer from straw from processing shed to feedhopper	Route between shed and feedhopper utilised 2-hours per day
Transfer from vegetable waste and chicken litter storage shed to feedhopper	Route between clamp and feedhopper utilised 2-hours per day
Tanker filling (liquid) digestate	Tanker is filled for 3-hours per day between April and October
Dewatered (solid) digestate	Storage bay is constantly full and uncovered and temporary storage in clamp area

Table 3

18. A total of 12 sensitive receptor locations have been identified and odour modelling undertaken to assess the potential impacts of odour experienced at those locations. The locations are identified on Plan 6 (below) and the results identified that overall the significance of odour impacts as a result of the development would be negligible at all sensitive receptor locations.

Plan 6 – Odour sensitive receptors close to the site

19. As well as odours the potential impacts upon air quality has also been assessed in relation to combustion products released from the proposed two CHP units. The assessment acknowledges that the flare stack is capable of contributing to emissions however it would only be operated in abnormal circumstances and therefore would not represent a constant source of emissions. The emission concentrations have been predicted using methodology set out in the Environment Agency guidance 'Air emission risk assessment for your environmental permit' and this concluded that sensitive receptors in the vicinity of the site are not predicted to be exposed to emission levels that would exceed the relevant standards. Additionally, whilst the proposal site is located approximately 5.7 kilometres northwest of the nearest Air Quality Management Area (AQMA) (which extends from Queen Street roundabout through to the intersection of John Adams Way and Main Ridge East) emissions from the development would be unlikely to

significantly affect existing conditions give the intervening distance and therefore not impact or further reduce air quality in the AQMA.

20. Finally, an Odour Management Plan (OMP) has been submitted with the application and sets out the responsibilities of the site manager and the regime for receiving and handling of feedstock, exhaust gases and digestate. The meteorological data used to inform the OMP indicates that the prevailing wind direction is from the south west with significant periods of wind from the west. The OMP confirms that odour monitoring would be carried out primarily by way of sniff testing from the boundary of the site on a weekly basis and in response to complaint. All recordings would be contained within an Odour Diary which would contain details of the date and time of the test, characterisation of odour where detected (frequency, intensity, duration and offensiveness) together with the prevailing meteorological conditions. The Odour Diary would be would be available at all times for inspection by a relevant regulator. Mitigation of confirmed incidents of fugitive odours would be reactive and could, if necessary, result in changes in operational procedures or cessation of the operations during adverse wind conditions. Again all remedial measures would be recorded and an Odour Complaint Procedure would also be maintained. The Odour Plan would be reviewed every three years or after a complaint (whichever is earliest).

Highways and Highway Safety

21. A Transport Statement (TS) has been submitted in support of the application and this looks at existing traffic count data in the area, accident records and considers the likely impact of additional traffic generated by the development. The traffic generation data has been divided into separate phases of the development these being the construction period, importation of feedstocks, and exportation of digestate and employee movements. Detail of the expected traffic movements, associated with each of these phases/stages, is given below:

22. Construction phase: The construction phase is predicted to cover a ten month period and would equate to 875 HGV movements (assuming overlap for each stage of the construction) and would average to 4-5 movements daily. Construction staff would be approximately 10 and with the assumption made that van movements would be in the region of 20 daily.

23. Feedstock importation phase: Initially it was indicated that the maize (28% of the feedstock) would be sourced from the surrounding agricultural land but subsequently this was amended to reflect that the main sources would be from the agricultural holdings belonging to the site landowner approximately 2.5 miles to the north. Table 4 illustrates the predicted monthly deliveries (rounded) by feedstock, weight per load and number of loads annually and monthly and Table 5 illustrates the predicted monthly exports (rounded) of digestate by type, weight per load and number of loads annually and monthly.

Feedstock	Tonnes per load	Months of delivery	Total loads Annually	Loads per month
Maize silage	12	April, June, August & October	833	208
Grass verges	12	July & August	333	167
Straw	12	12 months	833	69
Manure/Litter	10	12 months	700	58
Veg Waste	10	12 months	500	42

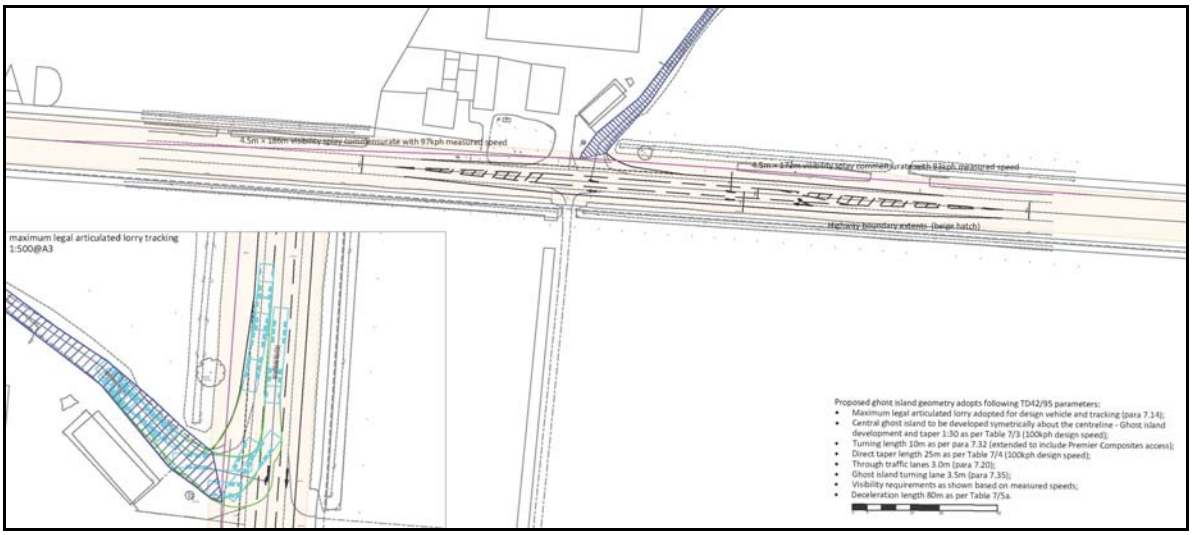
Table 4 – Feedstock Importation – periods and associated traffic movements

Digestate	Tonnes per load	Months of delivery	Total loads Annually	Loads per month
Liquid	16	April to October Incl.	1188	198
Solid	16	12 months	813	68

Table 5 – Digestate Exportation – periods and associated traffic movements

24. Based on the above tables, it is clear that traffic movements associated with the importation of feedstocks would be at their highest during the month of August when the maximum number of loads/deliveries would be around 544 per month. For eight months of the year the average number of deliveries/ loads would be around 169 deliveries per month. In addition to the traffic associated with the importation of feedstocks, there would be a further 266 loads associated with the export of digestate. In terms of staff movements, the site would employ three staff who would access the site using their own cars.

25. The applicant has proposed to upgrade the existing site access and highway immediately outside of the site entrance in order to ensure that vehicles would not need to wait on the highway. The proposed improvements would comprise of the creation of a 'ghost' right turn lane within the public highway and widening of the site entrance to the north. Details of proposed access improvements are shown on Plan 7 below.



Plan 7 – Proposed access improvements

Landscape, Visual Impact and Lighting

26. The site is located within a Landscape Character Area (LCA) identified as Holland Reclaimed Fen (A1) with key characteristics seeking to preserve the visual amenity such as 'Open and expansive views with big skies and dark night skies…', 'A man-made intensive arable landscape laid out in regular geometric pattern …' and 'Occasional large scale horticultural glasshouses, parking or processing plants near the southern boundary of the area'.

27. The proposal site is not isolated insofar as it is adjacent to an existing industrial building and as a consequence the development would have a negligible adverse impact beyond localised key viewpoints such as the B1192 Junction with Kirton Drove (Photograph 1) and the B1192 Junction with North Forty Foot Bank (Photograph 2). A number of residential properties would have oblique and glimpsed views but these are generally distant between 360m and 800m from the site and all lying to the north of North Forty Foot Bank.

Photograph 1

28. The nearest residential property (a bungalow) lies 130m to the south east of the proposal site however this is wholly screened from views of the site by a stand of mature conifers which form the boundary of the factory immediately to the north west of the bungalow.

Photograph 2

29. In order to further minimise the visual impact of the development in the longer-term, the applicant proposes to carry out boundary landscape planting and the building and cladding of the tanks would be green in colour so as to help reduce their impact on visual receptors.

30. The applicant has also confirmed that the site would be unmanned at night and as a consequence there would only be need for minimal lighting on site, details of which could be agreed with the Local Planning Authority prior to commencement of any development.

Land Use, Ecology and Landscaping

31. A Phase 1 habitat survey was carried out in February 2017. No statutory protected or geographical SSSIs were identified within 2.0 kilometres of the proposal site but the following were identified as follows:

- Local Wildlife Site (LWS) - South Forty Foot Drain approximately 1.06 kilometres to the north west; and
- Site of Importance for Nature Conservation (SINC) – Boston West Golf Course approximately 0.19 kilometres to the south.

32. The site is not a priority habitat and is classified as cultivated/disturbed land (arable) identified by Natural England's agricultural land classification as best and most versatile (BMV) land. At the time of the survey the site was sown with winter wheat and the boundaries and ditches were considered species (flora and fauna) poor. As a consequence the proposed development would be considered a minor loss of fairly low value habitat

and that this loss would be compensated by an extensive soft landscaping scheme.

33. The proposal includes details for a landscaping scheme comprising of a 535m long hedgerow of native species including Common Hawthorn, Hazel, Blackthorn, Dog Rose and Holly interspersed with 52 English Oak. The hedgerow species would be well grown to heights not exceeding 600mm and would be planted in staggered double rows. The Oak would be in the form of feathered whips standing to a height not exceeding 1m and would be planted at approximately 10m intervals. All species would be guarded and staked as necessary and a five year maintenance programme would be implemented to ensure that the planting becomes established.

Noise

34. A noise impact assessment has been carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound' with further assessment in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The purpose of the assessment was to evaluate the impacts of the night time operations on the nearest residential sensitive receptors – this being the property 130 metres to the south east and the property 850 metres to the northwest.

35. Background noise levels were taken during four days in January 2017 (Table 6) and were taken from a point to the west of the Premier Composites building approximately 50m from the boundary of the proposed site. The wind direction varied from west to south west during the recording period.

Date	Period	Average Measured 1hr Sound Pressure Level (dB) $L_{Aeq,1hr}$	Average Measured Background Sound Pressure Level (dB) $L_{A90,T}$
Friday 27th January 2017	Daytime (15:00 – 23:00)	46.3	40.6
	Night-time (23:00 – 07:00)	44.2	40.8
Saturday 28th January 2017	Daytime (07:00 – 23:00)	49.0	42.6
	Night-time (23:00 – 07:00)	37.5	29.6
Sunday 29th January 2017	Daytime (07:00 – 23:00)	49.1	40.2
	Night-time (23:00 – 07:00)	40.5	32.9
Monday 30th January 2017	Daytime (07:00 – 16:00)	53.3	50.0

Table 6

36. Predicted noise levels from the site were calculated using measured sound levels of fixed and mobile plant of a type that are proposed to be used at the AD plant site during the hours of 07:00 to 19:00 Monday to Sunday. The predicated night time levels did not include the use of the mobile plant, the screw press separator or vehicle movements making deliveries or collecting digestate as the site would not be manned at night.

37. The outcome of the assessment indicated that the predicted level of sound produced by the proposed AD facility would be below, the calculated background sound levels at Jeadon Farmhouse and Meads Farmhouse for the daytime period and that the proposed night time operation fall below the criteria set out within BS8233:2014 with a partially open window at night-time at the residential properties. As a result the development would not have an adverse impact on nearby residential properties.

Archaeology

38. A desk-based heritage assessment has been carried out and this identified that within 1.0 kilometre of the site were five Grade II listed buildings all located approximately 900 metres to the south (Hubbert's Bridge Farm) and south east (The Elms) of the proposal site. The assessment concluded that there would be no inter-visibility between the designated buildings and the proposal site however it is recommended that any external lighting be designed to ensure that any minor effects on the settings of the designated assets are minimised or nullified. With regard to below ground remains there is little evidence that the proposal site would contain any of high significance.

Site and Surroundings

39. The proposed plant site is approximately 6.0 kilometres to the west of the centre of the town of Boston and 1.0 kilometre to the north of the A1121 junction with the B1192 at Hubbert's Bridge. The AD Plant site abuts the northwest boundary of an industrial development, manufacturing fibreglass products, this boundary is defined by a belt of dense, mature conifers standing to a height of approximately 10.0 metres. The conifer belt also extends in a south easterly direction providing substantial visual screening of the proposed site for the nearest residential property, which fronts onto the B1192, the bungalow being 130.0 metres at its nearest point to the boundary of the AD plant site. The route of the gas pipeline runs parallel (to the south) of the North Forty Foot Bank (drainage ditch) and crosses both the B1192 and Great Fen Road.

Main Planning Considerations

National Guidance

40. National Planning Policy Framework (NPPF) (March 2012) sets out the Government’s planning policies for England and is a material planning consideration in the determination of planning applications. In assessing

and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 14 states that there is a presumption in favour of sustainable development and therefore proposals that accord with the development plan should be approved (unless material considerations indicate otherwise).

Paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings and reducing pollution.

Paragraph 98 states that when determining planning applications, local planning authorities should: approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Paragraphs 99 to 103 seek to ensure that flood risk is not increased as a result of development, either on-site or off-site, and directs development to those areas with the lowest risk of flooding wherever possible.

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 122 states that land use planning should focus on whether a development is an acceptable use of land and the impact of the proposed use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes.

Paragraph 123 seeks development that should not give rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts such as odour, including through the use of conditions.

Paragraph 176 states that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation) the development should not be approved if the measures

required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

Paragraphs 186 and 187 states that decision-taking should be approached in a positive way to foster the delivery of sustainable development and where possible planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. This is of relevance to the Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Plan (2016) and Site Locations Document (2017) and the Boston Borough Local Plan (1999).

Paragraph 216 directs decision makers to give weight to relevant policies in emerging plans according to the stage of preparation and that the more advanced the preparation, the greater weight that may be given and the degree of consistency of the relevant policies in the emerging plan to the policies of the framework. This is of relevance to the South East Lincolnshire Local Plan (SELLP) (Publication Version March 2017).

41. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to flood risk, odour, noise, traffic and access and the potential for land-use conflicts.

Local Plan Context

42. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016). The key policies of relevance in this case are as follows (summarised):

Policy W1 (Future requirements for New Waste Facilities) predicts the capacity gaps for waste arisings in the County.

Policy W3 (Spatial Strategy for New Waste Facilities) identifies that there is a preference for sites in and around main urban areas such as Boston although certain waste facilities may be located in open countryside as identified in Policy W4.

Policy W5 (Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting) states that planning permission will be granted where they would be located at a suitable 'stand-off' distance from any sensitive receptors; and where they would be located on land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

Policy DM1 (Presumption in favour of sustainable development) states that when considering development proposal, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) requires proposal for waste management developments should address the reduction of distance travelled by HGVs and implement the Waste Hierarchy and in particular reduce waste to landfill; identify locations suitable for renewable energy generation and encourage carbon education/capture measure to be implemented where appropriate.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from odour, noise, emissions, dust, contamination, illumination, visual intrusion, surface water run-off, traffic etc.

Policy DM4 (Historic Environment) seeks to protect heritage assets and their settings and ensure the impacts are fully assessed.

Policy DM6 (Impact on Landscape and Townscape) states that planning permission will be granted for waste development provided due regard has been given to the likely impact of the proposed development on landscape and townscape.

Policy DM12 (Best and Most Versatile Agricultural Land) states that proposal for waste development that include significant areas of best and most versatile land will only be permitted where it can be demonstrated that no reasonable alternative exists.

Policy DM13 (Sustainable Transport Movements) states that proposals should seek to minimise road transport and seek to maximise where possible the use of the most sustainable transport option.

Policy DM14 (Transport by Road) states that planning permission will be granted for waste development involving transport by road where:

- the highway network is of an appropriate standard for use by the traffic generated by the development; and

- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Policy DM15 (Flooding and Flood Risk) state that proposals for waste development will need to demonstrate that they can be developed without increasing the risk of flooding both to the site and surrounding area, taking into account all potential sources of flooding and increased risks for climate change induced flooding.

Policy DM16 (Water Resources) states that planning permission will be granted for waste developments where they would not have an unacceptable impact on surface or ground waters.

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

43. Lincolnshire Minerals and Waste Local Plan: Site Locations (2017)

This document sets out the preferred sites and areas for future minerals and waste development. The proposal site has not been promoted as a preferred site however although the site may not be allocated this does not necessarily mean that the proposal is unacceptable as the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained within the CSDMP (2016).

44. Boston Borough Local Plan (BBLP) (1999). The key policies of relevance in this case are as follows (summarised):

Policy G1 states that planning permission will only not be granted for proposals which will have a significant adverse impact upon existing landscape, wildlife and vegetation resources.

Policy G2 states that planning permission should not be granted that would have adverse impacts upon Wildlife and Landscape Resources.

Policy G3 states that planning permission will not be granted for developments where the proposed means of disposing of the resultant foul and surface water are unsatisfactory.

Policy G4 states that planning permission will not be granted for developments which will have an adverse effect on the water environment, or the quality of surface or groundwater.

Policy G6 states that planning permission will not be granted for development where the proposed means of vehicular access is unsatisfactory.

Policy G8 states that planning permission will not be granted for developments which will have an adverse effect upon the quality of the air or soil.

Policy ED11 states that planning permission will be granted for development that will provide a renewable energy source that do not harm the character of the area or impact on local amenity.

Policy CO1 states that development will not be permitted in the countryside unless it is supported by other local plan policies.

45. South East Lincolnshire Local Plan (SELLP) (Publication Version March 2017) will eventually replace the currently adopted Boston Borough Local Plan 1999 and South Holland Local Plan 2006. The policies contained within this document were considered by the Planning Inspectorate at an Examination in Public (EiP) which ended on 7 December 2017. A further Hearing Session has been scheduled 25 to 27 April 2018. Given this documents advanced stage of preparation, in line with paragraph 216 of the NPPF, the policies contained within this document can be given greater weight in the determination of planning applications. The policies of relevance in this case are as follows:

Policy 1(Presumption in Favour of Sustainable Development) states that a positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy 2 (Spatial Strategy) identified the areas where development is to be directed in this instance D. Countryside stating that development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area.

Policy 3 (Development Management) including size, scale, quality of design, flood risk and impact on amenity, neighbouring land use, habitats and heritage.

Policy 4 (Design of New Development) seeks development that secures the landscape character of the location, enable the best use of decentralised and renewable low-carbon technologies, residential amenity, flood-resistant and –resilient design, best and most versatile soils and appropriate landscaping.

Policy 5 (Strategic Approach to Flood Risk) states that development shall be located in areas at the lowest hazard and probability of flooding.

Policy 8 (Improving South East Lincolnshire's Employment Land Portfolio) that will in principle support proposals which assist in the delivery of economic prosperity and job growth in the area and identifies Main Employment Areas for B1 that include BO001 Boston Endeavour Park.

Policy 11(Distribution of New Housing) identified Boston as a Sub-regional Centre and allocated Wes002 Land south of North Forty Foot Bank with a site capacity of 1138.

Policy 24 (The Natural Environment) seeks high quality ecological networks and wild-friendly greenspace by *'3. addressing gaps in the ecological network by incorporating enhancing green infrastructure'.*

Policy 25 (The Historic Environment) requires development to respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment.

Policy 26 (Pollution) states that proposals will not be permitted where there are adverse impacts on light, noise, odour, fumes, vibration and waste and as a consequence have adverse impacts upon amenity.

Policy 27 (Climate Change and Renewable and Low Carbon Energy) would require that all development demonstrate that the consequences of climate change are addressed. That Renewable Energy facilities, individually or cumulatively would not cause significant harm to visual amenity, residential amenity, highway safety, agricultural land take, landscape/skyscape, aviation, heritage and natural environment.

Policy 29 (Delivering a More Sustainable Transport Network) identifies that the road –based transport network will prioritise Phase 2 and Phase 3 of the Boston Distributor Road and that any development that would prejudice the design of this infrastructure will not be permitted.

Results of Consultation and Publicity

46. (a) Local County Council Member, Councillor M Brookes – has requested that the application be presented to the Planning and Regulation Committee and has reserved the right to make his comments at that time.

(b) Holland Fen with Brothertoft Parish Council – has no objections to the application but raised the following concerns:

- The B1192 is a busy road and questioned if any provisions are being made to ease the traffic congestion and/or maintain the roads?
- Are there any proposals to create a slip road for the lorries/tractors to access the site?
- Are there any odour assessments carried out on other facilities within the county?

- Concerns by neighbouring business have been expressed with regard to air borne diseases being transmitted to their premises.

(c) Environment Agency (EA) (summarised) – no objection but requested a condition be attached in respect of the planning permission being carried out in accordance with the submitted Flood Risk Assessment and that an Informative be attached relating to Flood resilience and resistance techniques, Environmental Permitting Regulations, Sealed Drainage and Digestate.

(d) Highway & Lead Local Flood Authority (Lincolnshire County Council) – requests that the LPA refuses the application for the reasons set out as follows:

The information submitted in support of this Application fails to provide sufficient evidence that adequate vehicular access could be provided to the proposed facility without unacceptably compromising the safety of the public using the B1192, Langrick Road, those accessing and egressing the existing, adjacent Premier Composites Ltd business and those accessing and egressing the proposed development. Specifically, there is insufficient space within the access road and the junction of that access road with Langrick Road (as identified by the red outline of the Application Site) to allow two-way vehicle movements. It is therefore considered that, notwithstanding the proposed provision of a Ghost Island Right-turn Lane on the B1192, Langrick Road, the frequency of vehicle movements associated with the delivery of feedstock material, the exportation of digestate and the activities of the adjacent business that already uses the access to the proposed development would be such that vehicles would be slowing, waiting, turning and conducting other manoeuvres in the vicinity of the access to an extent that unacceptable interference would be caused to the movement of other rod users, contrary to the interests of highway safety.

(e) Black Sluice Internal Drainage Board – requested that a condition be attached requiring the submission for approval a surface water scheme for either the provision of a soakaway/infiltration system designed and approved in accordance with BRE Digest 365 or other approved code or where discharge to a watercourse, provide evidence that all discharges should be limited to the pumped catchment greenfield run-off rate of 1.4 litres/sec/Ha. Where either of the former is impractical then an Informative should be attached requiring the applicant to seek written consent of the Board to discharge to their infrastructure.

In addition with regard to the route of the pipeline link to the Grid requested that an Informative be attached relating to Section 66 of the Land Drainage Act 1991 Byelaws Nos. 10 and 17(a) and Section 23 to ensure works being carried out in proximity of Black Sluice IDB infrastructure is carried out in accordance with their requirements. Finally it is recommended that the existing ground level of the site

should not be raised above the level of the surrounding land unless measures are taken to prevent possible flooding or waterlogging of any neighbouring land or properties.

(f) MOD Safeguarding (RAF Coningsby) – has no safeguarding objections to this proposal.

(g) Historic Environment Officer (Lincolnshire County Council) – responded that there are no known archaeological implications for the above proposal.

(h) Public Health (Lincolnshire County Council) (summarised) – advised that it does not have specialist environmental public health scientists with detailed knowledge of operations such as anaerobic digestion.

The operation will require an Environmental Permit and the Environment Agency permitting team will consult the local Director of Public Health and Public Health England's Centre for Radiation, Chemical and Environmental Hazards (CRCE), and we place great emphasis on the opinion of the CRCE team who do employ environmental scientists.

Providing there are sufficient and robust conditions in place to control both the waste streams used in the plant and the operation of the plant itself then no significant risks to the health of the population can be foreseen.

In general, the Public Health division's concerns would then be around general wellbeing – in particular road safety and nuisance from odour and we note that these concerns are echoed by other consultees.

There should be weight placed on Highways' assessment of the further drawings and, if approved, we would support a condition preventing vehicles waiting on the road.

Odour is the principle objection raised by neighbouring residents and businesses. Boston West Golf Club affords a valuable green space providing recreation opportunities and a decline in use should be avoided. Due emphasis should be placed on assessing the robustness of the Odour Management Plan and how waste is stored and transferred to the anaerobic digester.

(i) Frampton Parish Council – have no objection to the proposed AD plant in principle but does have concerns with regard to odour emissions from the site.

47. The following bodies/persons were consulted on the application before or on the 15 November 2017 and following the submission of further information 2 February 2018 but no response/comments had been received within the statutory consultation period or by the time this report was prepared:

County Councillor A Austin
Environmental Health (Boston Borough Council)
Lincolnshire Fire and Rescue
Arboricultural Officer (Lincolnshire County Council)
Countryside Access Officer (Lincolnshire County Council)
Wyberton Parish Council

48. The application has been publicised by way of site notice posted near to the site and in the press (Lincolnshire Echo 23 November 2017), twenty neighbour letters were posted and two neighbour letters were hand delivered. A second period of consultation was carried out following the submission of further details. Twenty three representations had been received by the time this report was prepared and summary of the comments received are set out below:

- The applicant has failed to demonstrate that safe access arrangements can be made to the site. Traffic associated with this proposal would impede the existing industrial operations at Premier Composites that share the site access and/or result in increased risks to highway safety.
- Initially it was claimed that the surrounding land would provide crops to the AD Plant however this has subsequently been revised as the land surrounding the site is no longer in the control of the applicant or their agents. Feedstock materials would therefore be sourced from further afield.
- The proposed pipeline will blight both a proposed residential allocation (ref: Wes002) and safeguarded route for the Boston Western Distributor Road which are identified within the emerging South East Lincolnshire Local Plan (SELLP) (Publication Version March 2017).
- Land owners along the proposed pipeline route have not been contacted by the applicant.
- The proposed development has the potential to be extremely damaging to tourism business in close proximity due to odour impacts.
- Increase in traffic on and off the B1192 which it is not capable of handling the traffic already using it and impacts of increased HGV traffic on Kirton Drove and North Forty Foot Bank roads and junctions.
- Kirton Drove is already dangerous for people walking and this proposal would increase this danger.
- Kirton Drove and North Forty Foot Bank road surfaces are poor and the increase in heavy traffic will cause more damage.
- There are no proposals for planting trees to screen the site.
- The importation of brassica waste would pose a biohazard to the vegetable storage facilities nearby from airborne spores.
- The AD plant will have health impacts due to the release of H_2S Hydrogen Sulphide and CH_4 Methane.
- The site will cause light pollution spoiling the dark night sky.
- The proposed maize feedstock would have to travel from much further afield and therefore would have a significant carbon footprint and

research concluded *'that using agricultural crops for biogas production is not environmentally sustainable'*.

- The site would result in the loss of Grade 1 agricultural land.
- The vehicle movements, construction and operation of the site are likely to have noise impacts on both residents and local business 24 hours a day 7 days a week.
- The Odour Assessment fails to adequately demonstrate that consideration has been given to impacts on fresh air supply to the adjacent business and nearest residential property.
- The plant will have unacceptable odour impacts on both residents, business and tourism, particularly those with outdoor facilities, in the area.
- Loss of business due to odour impacts would result in loss of employment in the area.
- There is no information about fire prevention or security.
- The wind direction data was taken from RAF Cranwell and should have been from RAF Coningsby to give a true picture (wind rose data provided).
- The site is too close to residential properties.
- The industrial site will have an unacceptable visual impact on the fenland landscape.
- Contamination of watercourses (especially the North Forty Foot Drain) and land due to explosions, impacts and spillages.
- The site is within a Flood Zone will the site be built 1 metre above ground level?
- The applicant already has an AD Plant at Laburnum Farm, why couldn't that site be extended?
- Verge cutting will kill off natural flora and fauna.
- The route of the pipeline is in the 'no development' zone (9 metre) enforced by the Black Sluice IDB.
- The route and depth of the pipeline may restrict future drainage schemes which could result in standing water leading to soil erosion, loss of soil structure and crop loss and prevent the digging of reservoirs.
- The gas pipeline under the farm ditches may create problems in clearing silt from the ditches.
- The development would result in increased rodent activity.
- One letter of support highlighted the benefits of the application in relation to the reduction of carbon emissions, reduction in reliance on fossil fuels and the use of artificial fertilisers and the long term economic, employment and environmental benefits of AD plants.

District Council's Recommendations

49. Boston Borough Council has no objections but has requested that consideration be given to the impact that the proposed anaerobic digester and access road would have upon the environment, the character of the area, existing nearby businesses (including Premier Composites, Elm Farm Cottages and Boston West Golf Course, Club and Hotel) as well as general amenity.

50. In respect of the potential impacts of the development on the proposed Sustainable Urban Extension (identified as Wes002 to the south of North Forty Foot Bank), the Council has confirmed that an outline planning application has been submitted and is currently under consideration (ref: B/17/0367). The Council however does not consider the proposed pipeline likely to compromise the layout of dwellings in any future reserved matters application (if approved).

Conclusions

51. The key issues to be considered in relation to this application are the principle of a waste development in this location, landscape and visual impacts, noise and odour impacts, highways, flood risk, historic environment and cumulative effects.

Need and Locational Considerations

52. Policy W1 of the Core Strategy and Development Management Policies (CSDMP 2016) directs the Waste Planning Authority to identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arising in the County. The proposed development would use a mixture of feedstocks sourced within a 10 mile radius of the site and would include arable crops, predominantly maize, as well as agricultural wastes which would include cattle manure and chicken litter. In addition waste arising from the cropping of vegetables would be received and the potential to include grass verge cuttings is being explored.

53. The anaerobic digestion plant would be, in part an energy recovery facility as it would utilise and treat these crops and wastes to produce gas to grid and electricity as well as produce digestate for spreading on agricultural land. Tables 9 and 10 of the CSDMP which supports Policy W1 confirm that there is a need to secure such additional facilities in order to manage waste streams and so this proposal would help to contribute towards meeting this capacity gap and help to deliver the overall objective of pushing waste streams up the waste hierarchy.

54. In terms of location, it is necessary to consider the suitability of this site and assess its compliance with the locational and environmental criteria set out in the Development Plan – which includes the CSDMP and Site Locations Document.

55. The Site Locations Document does identify potential areas considered for anaerobic digestion plants however this site is not within one of those identified preferred areas. Although this site may not be allocated however does not necessarily mean that the construction of an AD plant in this location is unacceptable and instead consideration should be given to the locational criteria and policies as contained within CSDMP Policies W3 and W5.

56. Policy W3 of the CSDMP recognises that it may not be possible to locate anaerobic digestion facilities in and around main urban areas and so consequently advises that such facilities should be considered against the criteria in Policy W5. Policy W5 identifies the location criteria that would need to be met in assessing new proposals for anaerobic digestion plants and states that facilities should be located:

- at a suitable stand-off distance from any sensitive receptors; and
- be located on land which constitutes previously developed land and/or contaminated land, existing planned industrial/employment land or redundant agricultural and forestry buildings and their curtilages; or
- land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

57. In this case, the AD plant is located outside the settlement boundary of the nearest villages (i.e. Hubbert's Bridge and Langrick) and therefore is classed as being within the open countryside. The nearest residential sensitive receptor is 130 metres to the south east of the site boundary and a composites factory abuts the proposed site although the actual factory building is approximately 50 metres distant from the shared boundary. There are tourist and leisure businesses located to the north of the A1121 at Hubbert's Bridge and approximately 900 metres to the south and south east of the proposed site. A vegetable cold store and a number of residential properties are located 360 metres to the north. With the exception of the nearest residential property and factory, for which impacts will be considered separately, the AD plant is considered a suitable standoff distance from potential sensitive receptors.

58. The AD plant itself would be constructed in an existing agricultural field, however it should be noted that the agricultural land in the immediate area would not be a source of feedstock to the AD facility. The closest agricultural land providing feedstock lies approximately four miles to the north. Although this proposal seeks to import wastes including chicken litter, cattle manure and vegetable waste, the applicant has confirmed that 66% of the feedstocks would be arable crops sourced within a 10 mile radius of the site and that similarly the final digestate produced would be spread back on the same land, which is largely arable in nature. Representations have questioned why the AD plant could not be located adjacent to an existing AD plant approximately four miles to the north, which is on land also belonging to the farmer who owns the land for this proposal. The agent (Qila Biogas Ltd) for the applicant (Boston Renewable Gas Limited) has indicated that unlike the AD plant at Laburnum House, which produces electricity with direct input into the electricity grid network at that site, the proposed development would be producing bio-methane (sufficient to heat 2,987 residential properties) for input into the gas grid network. The nearest connection for this is located within Endeavour Park to the west of Boston. The route of the proposed pipeline was the shortest distance (4.7km) available to the applicant from the proposed AD plant site.

59. Taking into account the above, I am not satisfied that from a general locational perspective, that the siting of such a plant could be considered acceptable, given that none of the feedstock will be sourced from the surrounding agricultural land nor would the digestate be spread in the immediate location. I do not therefore consider that the proposed plant meets the locational criteria set out in Policy W5 of the CSDMP. Although the source of materials would be agricultural in nature, the lack of association with the surrounding agricultural land would not meet the criteria that would be considered an acceptable form of development in the open countryside and therefore conflicts with the BBLP Policy CO1 and Policy 2 of the emerging SELLP.

Pipeline Route

60. Two representations have been made raising concerns about the potential impact that the proposed pipeline would have on the delivery of a proposed residential development located to the east of the site. In order to avoid any confusion it is necessary to clarify that the land in question is identified in the emerging South East Lincolnshire Local Plan as Wes002 - Land south of North Forty Foot Bank and has been earmarked as the potential to accommodate 1138 dwellings. The plan has not yet been adopted but an outline planning application has been submitted to Boston Borough Council which is seeking permission for the construction of 1200 dwellings. This application has yet to be determined. As well as the residential development the emerging Local Plan also allocates a potential employment allocation 'BO001 - Boston Endeavour Park' which is the point where the proposed pipeline would connect to the gas grid network and the pipeline route would fall within the safeguarded route of Phases 2 and 3 of the Boston Distributor Road. Despite the existence of these planned developments the Highways Officer has indicated that if permission were to be granted for this development the existence of any gas pipeline would not prohibit the construction of the road. Any such pipeline would be accommodated in the same way as any utility crossing the route of a road and therefore would not prevent the delivery of that project. In respect of the residential proposal, Boston Borough Council has similarly indicated that the identified route of the pipeline would not compromise the layout of dwellings in future reserved matters applications (if approved). As a result, there would be no reason to refuse the proposed AD Plant on the grounds that it could impact upon the delivery of that proposal.

61. Finally, should permission be granted, the Black Sluice Internal Drainage Board have also indicated that they would need to be contacted with regard to their infrastructure and advised of the need for the applicant to obtain the necessary permissions if they plan to work in, under and around drainage ditches along the pipeline route. As no in principle objection has been raised by the IDB there is no reason to believe that an agreement could not be reached and as such would not impede or prevent the development from taking place. As a result, the development is unlikely to have a negative or adverse impact upon the delivery of other proposed and planned

developments that are currently being promoted in the emerging South East Lincolnshire Local Plan.

Sustainable Development and Climate Change

62. Policies DM1 and DM2 of the CSDMP 2016 promote sustainable development that contributes to moving waste up the waste hierarchy and development that reduces distances travelled by HGVs whilst encouraging schemes that promote renewable energy generation, which would be piped directly into the national grid network. In this instance, the source of the feedstocks and end-use application of final digestate would take place within a 10 mile radius of the site and the use of waste streams, cattle manure, chicken litter and vegetable waste to produce energy and heat would help to reduce the demands and need for energy from other non-renewable sources. The use of the final digestate produced by the plant (both liquid and solid) would continue to be used as a fertiliser/soil improver which can enhance arable land and reduce reliance on the use of artificial fertilisers. Taking into account all of the above it is considered that the operations of the AD plant would represent a sustainable operation and make a positive contribution in terms of minimising the impacts of climate change and therefore would not conflict with nor compromise the emerging SELLP Policies 1 and 27 and comply with the objectives of CSDMP Policy DM2.

Flood Risk Assessment and Site Drainage

63. The application was supported by a Flood Risk Assessment which confirms that the proposed use/development would be considered as a 'Less Vulnerable' use and despite being with Flood Zone 3a, when taking into account the findings of the Strategic Flood Risk Assessment and presence of existing flood defences, the site is actually considered to be of 'low' probability of flooding from both fluvial and tidal sources. The site has been designed to be flood resilient and would maintain separate clean and dirty water drainage regimes to minimise the risk of contaminated water escaping in the event of a flood event. It is therefore considered that the proposed development accords with the objectives of the NPPF, NPPW and Policies DM3, DM15 and DM16 of the CSDMP and would not conflict with nor compromise Policies G3 and G4 of the Boston Borough Local Plan and Policies 3, 4, 5, 26 and 27 of the SELLP.

Noise

64. The submitted noise assessment identified that the daytime activities associated with the operations of the AD Plant would not exceed the existing noise climate experienced by neighbouring properties given that the B1192 is a busy road and contributes significantly to the background levels. During the night time operations of the site due to the configuration fixed plant at the site and that no mobile plant or machinery associated with the movement of feedstock would be operational, the impacts on sensitive receptors would be negligible. Many of the vehicle movements into and out of the site would be seasonal and by nature are transient. As a

consequence in terms of noise impacts the proposed development is consistent with the NPPF, NPPW and Policy DM3 of the CSDMP and would not conflict with nor compromise Policy ED11 of the BBLP, nor Policies 3, 26 and 27 of the emerging SELLP.

Landscape, Heritage, Visual Impact and Ecology

65. Policies G1 and ED11 of BBLP and the Policies 3, 25 and 27 of the emerging SELLP seek to ensure that the design and layout of new development takes into account the impacts on the surrounding area including amenity, habitats and heritage.

66. A Landscape and Visual Impact statement has been submitted with this application. This identifies the site as being within the Landscape Character Area LCA A1 Holland Reclaimed Fen however, given the proposed sites proximity to an existing industrial site and the screening afforded by the exiting mature conifer belt, the site would be effectively screened from the nearest residential property and Langrick Road and the visual impact of the development in close proximity to the site would be negligible. In terms of impacts on middle and long distance views, whilst it is noted that there is little screening to the north, particularly along North Forty Foot Bank, residential amenity from visual impact would be negligible given the separation distances and any views are limited and oblique at ground level. Views from public viewpoints to the south and west have also been assessed as being reduced and well screened by mature tree planting along Kirton Drove and within Boston West Golf course and a substantial, above ground level, agricultural reservoir.

67. In respect of impacts on designated heritage assets, the site would not have significant visual impacts on the Grade II listed buildings in and around Hubbert's Bridge as these are located approximately 900 metres to the south and southeast and any views are obscured by trees and intervening buildings and structures. No objections have therefore been received from the Historic Environment Team and in respect of archaeology it is advised that there are no known archaeological implications for the proposed development.

68. In terms of privacy and overlooking, the distance between the application site together with intervening planting, means that the development would not result in any harm to residential amenity in this regard. That the visual impacts of the development on residential amenity and leisure land uses in the wider locality is also not considered to be significant. Whilst there is only a limited amount of landscape planting proposed at the site and given that the surrounding area is of low ecological value, I am satisfied therefore that in terms of impacts on the landscape, heritage and ecology the proposed development conforms to the aims and objectives of the NPPF, NPPW and Policies DM3 and DM6 of the CSDMP and when considered cumulatively with the adjacent Industrial site in line with Policy DM17 of the CSDMP and as a consequence does not conflict with nor compromise Policies G1 and ED11 of the BBLP and Policies 3, 25 and 27 of the emerging SELLP.

Odour and Air Quality

69. The application has been supported by both an Odour Impact Assessment (OIA) and an Air Quality Assessment (AQA), together with an Odour Management Plan (OMP). A number of concerns have been raised by local residents relating to potential odours and impacts on the viability of tourist and leisure businesses located to the south and south east of the proposal site. In addition concerns have been raised regarding the potential for impacts on clean air supply to the industrial operations adjacent to the south east boundary of site and bio-hazard to the vegetable storage 360 metres to the north.

70. Both the OIA and the AQA identified that the prevailing wind conditions were predominantly from the south west but with significant periods from the west. The OIA identified the key sources of odour including assessment of the crops proposed to be used, waste types to be imported and the storage regimes for all imported feedstock. The site layout ensures that the feed-hoppers are at a distance of 150 metres from the nearest occupied buildings and the clamps (being closest to sensitive receptors) are covered with impermeable sheeting where needed, to reduce infiltration by rainwater, that can exacerbate odour production and limit the amount of exposed material during input to the AD system. Chicken litter and vegetable waste would be held in a building, approximately 250 metres from the nearest occupied building, prior to incorporation into the AD vessels. The OMP sets out the risk management measures, probability of exposure and overall risk of operating the proposed site. The plan identified that the periods when materials would be transferred from storage to and during the operation of the feed hopper being the most vulnerable periods for the release of odour.

71. As a consequence and given the mitigation measures proposed in the OMP it is unlikely that any identified sensitive receptors or properties to the west, north west, north, south, south west or south east of the proposed site would be impacted by unacceptable odour that may arise at the site. With regard to sensitive receptors to the north east or east the nearest are over 300 metres distant and the distribution modelling indicated that odour impacts would be localised in nature. In addition from an air quality perspective the site is some considerable distance from Boston town centre the nearest Air Quality Management Area.

72. The OMP identifies the procedures to be carried out by the site operatives routinely to establish if the site is operating effectively to prevent odour emissions and to record meteorological conditions and any perceived failures in odour control. Where failures are identified mitigation would be implemented as necessary, up to an including cessation of operations, should it be required. In addition the site would operate a complaints procedure in the event of complaints being made to the site or to a relevant regulator such as the Waste Planning Authority or the Environment Agency on securing the necessary Environmental Permit.

73. The Boston Borough Council have not objected to the application nor indicated that their Environmental Health Officer has provided a negative response in relation to this proposed development but have requested that general amenity was of particular importance. It is not considered that the odour impacts of the development on residential amenity, leisure land uses, agricultural storage and industrial processes in the wider locality would be significant. I am satisfied therefore that in terms of odour impacts and air quality, the proposed development conforms to the aims and objectives of the NPPF and Policy DM3 of the CSDMP and when considered cumulatively with the odours associated with the adjacent Industrial site in line with Policy DM17 of the CSDMP and as a consequence does not conflict with nor compromise Policy ED11 of the BBLP and Policies 3, 26 and 27 of the emerging SELLP.

Highways and Highway Safety

74. The application was supported by a Transport Statement that identified that all feedstock would be transported to the site from the Laburnum House Farm agricultural holding located approximately four miles to the north and that all digestate would be exported from the site by the same route. During the consideration of this application the Highways Officer requested that the applicant provide detailed drawings of the proposed access to the site, with vehicle turning tracking plots, to demonstrate that the largest vehicles proposing to access the site could simultaneously turn into and out of the access, in both directions, without having to use land that is not within the control of the applicant.

75. Drawings have been submitted by the applicant however having considered these the Highways Officer has advised that these fail to provide sufficient evidence that adequate vehicular access could be provided without unacceptably compromising the safety of the public using the B1192, Langrick Road, those accessing and egressing the existing, adjacent business and those accessing and egressing the proposed development. The Highways Officer has provided the applicant with outline of where the inadequacies lay with particular emphasis on the inability for large vehicles to safely pass one another within the site entrance and consequently the potential impacts this would cause to safety of other road users. The proposed development would therefore have an adverse impact on highway safety and as a consequence would not meet the criteria set out in the NPPF, NPPW and Policies DM3, DM13 and DM14 of the CSDMP and would conflict with Policy G6 of the BBLP and Policy 27 of the emerging SELLP that seek development that can demonstrate satisfactory vehicular access and not cause significant harm in terms of highway safety.

Human Rights Implications

76. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these

rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

Final Conclusions

77. The proposed development is accepted as being a sustainable waste management practice. It is also accepted that many of the potential environmental impacts arising from the operations of the AD Plant could be mitigated, minimised or reduced through the implementation of the mitigation measure proposed within the application and/or through the imposition of planning conditions.

78. In terms of location, whilst AD Plants often need to be located away from sensitive receptors and therefore are typically proposed in rural and open countryside locations, where such facilities are proposed outside of main urban areas Policy W5 of the CSDMP only seeks to support these where such facilities are located and have close links to an existing agricultural practice or waste management use. In this case, none of the feedstocks to be used by the AD Plant are to be sourced from the immediate surrounding agricultural land nor would the digestate arising from the site be spread upon it. The proposal site is also not an existing waste management use or land that is identified within the Lincolnshire Minerals & Waste Local Plan: Site Locations or within the existing or emerging Local Plans as suitable for industrial or commercial uses. Given there is no direct relationship or link between the AD Plant and the land around it, the applicant has therefore failed to demonstrate a connection with an existing agricultural operation and thus failed to demonstrate why there is a justifiable reason to support the development in this particular location. The proposed development therefore fails to meet the criteria set out in Policy W5 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management document.

79. In addition to the above, the applicant was failed to demonstrate that vehicles associated with the importation and export of materials via the proposed access onto B1192 Langrick Road could do so without putting at risk the safety and function of the highway network. As such the proposed development would not comply with Policies DM3, DM13 and DM14 of the CSDMP and Policy G6 of the BBLP and Policy 27 of the emerging SELLP.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. The proposal site is located within the open countryside. Whilst it is accepted that anaerobic digestion plants often need to be located away from sensitive receptors and therefore can be acceptable in rural and open countryside locations, such facilities will only be supported where they meet the locational criteria set out in Policy W5 of the Lincolnshire Minerals & Waste Local Plan. In this case, the proposal site is not an existing waste

management use or land that is identified within the Lincolnshire Minerals & Waste Local Plan: Site Locations document or within the existing or emerging Local Plans as suitable for industrial or commercial uses. Whilst the surrounding land is in agricultural use, the applicant has failed to demonstrate a connection or close link to the proposed development and an existing agricultural operation and thus failed to demonstrate why there is a justifiable reason to support the development in this particular location. The proposed development therefore fails to meet the criteria set out in Policy W5 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management document and BBLP Policy CO1 and Policy 2 of the emerging SELLP.

2. There is insufficient space within the access road serving the site and the junction of that access road with Langrick Road to allow two-way vehicle movements. The frequency of vehicle movements associated with the delivery of feedstock material, the exportation of digestate and the activities of the adjacent business that already uses the access to the proposed development would be such that vehicles would be slowing, waiting, turning and conducting other manoeuvres in the vicinity of the access to an extent that unacceptable interference with the safety and function of Langrick Road. Although the applicant has proposed to carry out improvements to the site entrance and to the public highway as part of the development, the applicant has failed to demonstrate that adequate vehicular access could be provided and as a result the proposed development would have an adverse impact on the safety and function of the highway network and therefore contrary to Policies DM3, DM13 and DM14 of the CSDMP and Policy G6 of the BBLP and Policy 27 of the emerging SELLP.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

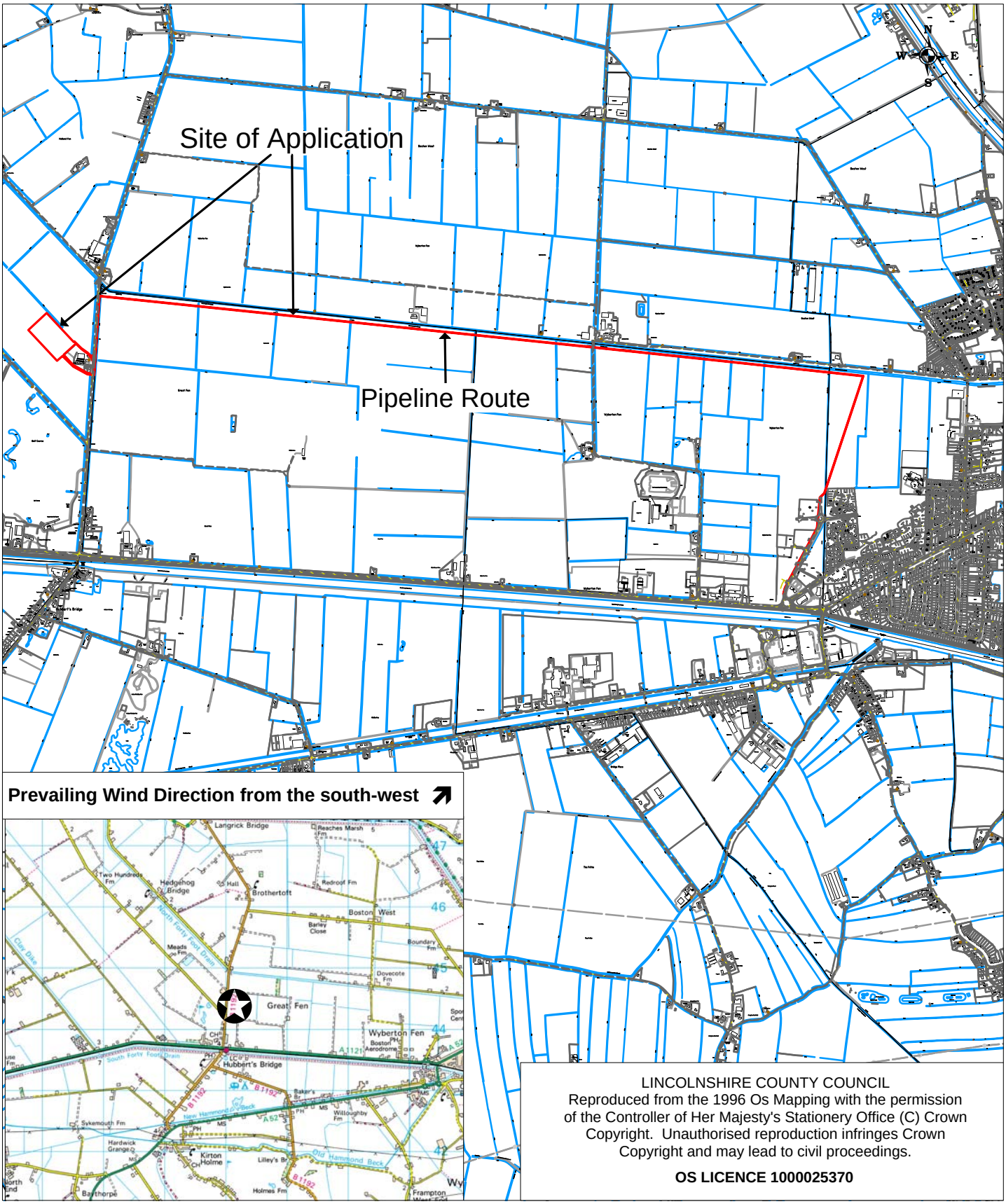
Document title	Where the document can be viewed
Planning Application File PL/0127/17	Lincolnshire County Council, Planning, Lancaster House, Orchard Street, Lincoln LN1 1XX
Planning Application File B/17/0367	Boston Borough Council, Municipal Buildings, West Street, Boston, PE21 8QR
National Planning Policy Framework (2012) National Planning Policy Waste (2014)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (2016) Site Locations Document (2017)	Lincolnshire County Council website http://www.lincolnshire.gov.uk/
Boston Borough Local Plan (1999)	Boston Borough Council website http://www.boston.gov.uk/
South East Lincolnshire Local Plan (Publication Version March 2017)	South East Lincolnshire Joint Planning website http://www.southeastlincslocalplan.org/

This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

Appendix A

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 5 MARCH 2018



Location:
Land west of B1192
Langrick Road
Brothertoft

Application No: B/17/0477

Scale: 1:25 000

Description:
For the installation of an agricultural anaerobic digestion facility and associated plant and equipment including underground pipework and landscaping

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