

**Open Report on behalf of Andy Gutherson  
Interim Executive Director for Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>4 February 2019</b>
Subject:	<b>County Matter Application - 138772</b>

**Summary:**

Planning permission is sought by G H By Products for the construction of a liquid fertiliser storage lagoon at Park Farm, Gainsborough Road, Willingham by Stow, Gainsborough, DN21 5JX.

The storage lagoon would have a capacity to hold 25,000 tonnes per annum of non-hazardous liquid wastes (derived from the food and waste industries) which would be temporarily stored prior to use on the farm holding as a replacement for artificial fertilisers. The lagoon would provide a fully contained winter storage facility which would allow the wastes to be retained on site so they are available for spreading and use during the summer period.

The potential impacts of the proposed development would largely be mitigated, minimised and reduced through the implementation of the mitigation measures proposed within the application or addition mitigation secured through appropriate conditions. As a consequence the construction and use of a lagoon for the storage of liquid wastes would accord with the relevant policies as cited and identified within the Lincolnshire Minerals and Waste Local Plan and Central Lincolnshire Local Plan.

**Recommendation:**

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

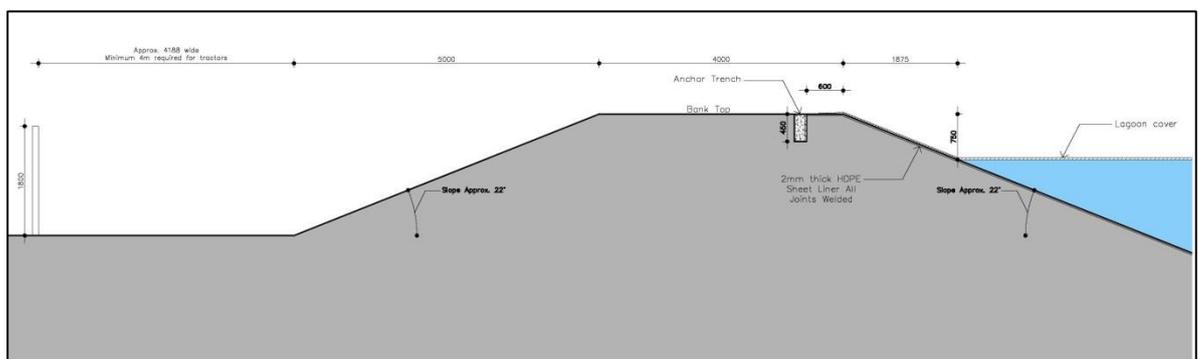
**Background**

1. In 2010 West Lindsey District Council granted retrospective planning permission for a slurry tank at Park Farm (reference: 125400). Condition 1 attached to this permission restricted its use to the storage of cattle slurry derived from the farm only. On 10 May 2018 a Section 73 application was granted by West Lindsey District Council (reference: 137401) which allowed the removal of Condition 1 of permission 125400 so as to allow Park Farm

to import non-agricultural wastes for storage within the existing slurry tank. Since that date it has become apparent that there is insufficient storage capacity available at the farm for both the farm slurry and imported wastes during the closed spreading season. An application has therefore been submitted which seeks permission to construct a new slurry lagoon which would be used to hold the imported non-agricultural wastes. Details of this application are set out in this report.

## The Application

2. Planning permission is sought by GH By Products for the construction of a liquid fertiliser storage lagoon at Park Farm, Gainsborough Road, Willingham By Stow, Gainsborough. The proposal site is approximately 0.7 hectares in area and lies in a field adjacent to the farmyard. The access would be via an existing concrete road approximately 1km in length giving egress onto the junction of Marton Road and Gainsborough Road.
3. The lagoon would be used to temporarily store imported non-hazardous liquid wastes comprising of sludges, washwaters and bio-fertilisers derived from the food and waste industry. These wastes are rich in nitrogen, phosphate and potash as well as micro nutrients which make them suitable for spreading on farmland (subject to the Environment Agency Environmental Permitting regime and compliance with Nitrate Vulnerable Zones spreading restrictions). The purpose of the lagoon is to provide sufficient storage capacity to allow them to be held on site during the winter months so that they are available for spreading and use during the summer months. The wastes would be held within the lagoon prior to their application to farmland as a replacement for artificial fertilisers.
4. The proposed lagoon has been designed to have a holding capacity of 4437 cubic metres and would be excavated to a depth not exceeding 2 metres below ground level. The lagoon would be 94 metres long by 28.4 metres wide and surrounded by a 2m high bank constructed using the excavated soils. The outer slope of this bank would be 5 metres wide.



Lagoon design

5. A steel security fence would be erected around the perimeter of the lagoon (4.2 metres from the external toe of the bund) and would be to a height not exceeding 1.8 metres. The fence would be supported by posts set in

concrete at 2.75 metre intervals and double gates that would provide 4.2 metres width of access for use by tankers and tractors that would be used to transport the imported wastes into and out of the lagoon. The applicant had initially proposed that a silver palisade fence be erected however in response to comments from West Lindsey District Council received during the consideration of this application (see comments later in this report) it is now proposed to erect paladin fence and this would be dark green in colour.

## Environmental and Amenity Impacts

### Odour & Pollution Control

6. The lagoon would be lined using a 2 millimetre thick High Density Polyethylene (HDPE) geo-membrane laid over a polypropylene non-woven geotextile membrane (HPS3). The lagoon would also be covered by a further HDPE geo-membrane which would be held in place using an anchor trench on the top of the bund. The HDPE lining/cover would have welded joints and liquids would be transferred and pumped into and out of the lagoon using fixed pipework connected to pipes on the delivery/spreading vehicles. When being spread to land, the liquids would be applied using an umbilical injection device. The applicant states that the proposed lagoon cover and use of a direct injection system would keep odour impacts to a minimum. The site would also be subject of an odour management plan as required by an Environmental Permit.
7. The application is supported by a geotechnical report which assesses the ground conditions in relation to geology, soil profiles, hydrology and hydrogeology. This report concludes that given the design and construction of the lagoon, as recommended by the Environment Agency, it is unlikely that the use of the lagoon would pose an unacceptable risk and would meet the requirements of the Water Framework Directive. With regard to surface waters these would be discharged to the nearest drainage ditch approximately 15 metres to the south.

### Highways

8. Prior to making the application the applicant states that they contacted the Highway Authority who confirmed that no road improvements would be required providing that the existing traffic to the site is not increased by over 30%. At present 155 cars and tractors (310 two-way movements) visit the site per week. These movements include those already associated with the importation of the liquid wastes as consented by the District Council permission. The applicant states that there would be no increase in existing traffic numbers as a result of this proposal. It is stated that the delivery of wastes would take place throughout the year and would not exceed an average of seven per day. All deliveries would be made between the hours of 05:30 and 22:00 using vehicles in the control of the applicant. The site would employ one full time member of staff and the entrance to the farm already benefits from a kerbed visibility splay capable of allowing two HGVs to pass.

## Site and Surroundings

9. Park Farm entrance lies adjacent to the entrance of Willingham by Stow Playing Field to the west of Willingham by Stow village.



View towards Willingham by Stow from the farm entrance

10. There are a number of residential properties on Marton Road to the south of the entrance although none are in close proximity to the proposed lagoon approximately 1km to the west.



Marton Road from the farm entrance

11. The nearest residential property to the lagoon is the farmhouse and this lies 200 metres to the east and separated from the site by the farmyard buildings and structures and a lagoon.
12. There are no public viewpoints of the proposal site and the whole site is screened from any views by the existing farm infrastructure, including buildings up to a height of 12 metres, to the north and east and a mature hedge to the south and west, grown to a height of approximately 1.25 metres consisting of native species. As a consequence only the very top of the earth bund and security fencing would be above the height of the hedge.
13. The surrounding land is both arable and pasture and whilst the site itself is generally level the wider landscape is gentle undulations.



Site within surrounding countryside

## Main Planning Considerations

### National Guidance

14. National Planning Policy Framework (NPPF) (July 2018) 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:

Paragraphs 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic; social and; environmental.

Paragraph 38 (Decision making) - states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 39 to 41 (Pre-application engagement and front-loading) - encourages parties to take advantage of the pre-application stage and to

engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraphs 47 & 48 (Determining applications) - states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) - states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Paragraph 80 - states that planning decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 82 - states that planning decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 83 - states that planning decisions should enable:

- a) The sustainable growth of all types of business in rural areas; and
- b) The development and diversification of agricultural and other land-based rural businesses;

Paragraph 84 - states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.

Paragraphs 124 to 127 (Achieving well-designed places) - states that good design is a key aspect of sustainable development and promotes decisions to ensure that developments function well and sympathetic to local character and landscape setting.

Paragraph 153 (Planning for Climate Change) - directs that in determining planning applications, local planning authorities should expect new

development to take account of landform and layout to minimise energy consumption.

Paragraph 170 (Conserving and enhancing the natural environment) - states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 178 (Ground conditions and pollution) - requires that planning conditions should ensure that a site is suitable for its proposed use taking account of ground conditions.

Paragraphs 180 to 183 (Pollution) - states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. 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.

Paragraphs 212 to 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016) and Site Locations (2017) and the Central Lincolnshire Local Plan (2017).

15. 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 noise, traffic and access and potential for conflict with other land-uses.

#### Local Plan Context

16. Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies 2016 (CSDMP) – the key policies of relevance in this case are as follows:

Policy W1 (Future requirements for New Waste Facilities) - states that the County Council will, through the Site Locations document, 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 up to and including 2031. Table 9 which supports this policy, identifies that by 2020 a capacity gap of 332,796 tonnes per annum of facilities needed to recycle commercial and industrial wastes such as the liquid wastes proposed to be handled by this development.

Policy W3 (Spatial Strategy for New Waste Facilities) - identifies that there is a preference for sites in and around main urban areas but also that proposals for new waste facilities outside the urban areas will be permitted for specified types of facility. A lagoon/facility of this type is not specifically identified within this policy however the wastes to be handled do have characteristics similar to those associated with biological treatment sites including anaerobic digestion plants and open air composting. Therefore it is considered appropriate to consider this proposal against the criterion of this policy (i.e. Policy W5).

Policy W5 (Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting) – given the similarities between elements of this proposed development/use and that of biological treatment facilities such as anaerobic digestion plants and open air composting, it is considered appropriate to assess this proposal against this policy. The policy states that planning permission will be granted where proposals are 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 proposals, the County Council will take a positive approach. Planning application that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) - states that proposals for waste management development should address locations being in close proximity to the waste arising unless other considerations override this aim and implement the Waste Hierarchy and reduce waste to landfill.

Policy DM3 (Quality of Life and Amenity) - states that planning permission will be granted, provided that it does not generate unacceptable adverse impacts arising from Odour, Emissions, Illumination, Visual Intrusion, Run-off to protected waters or Traffic to occupants of nearby dwellings and other sensitive receptors. Development should be well designed.

Policy DM6 (Impact on Landscape) - states that due regard should be given to the likely impact of the proposed development on landscape.

Policy DM13 (Sustainable Transport Movements) - states that waste development should seek to maximise where possible the use of the most sustainable transport options.

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 appropriate standard for use by traffic generated by the development and would not have an unacceptable impact on highway safety.

Policy DM16 (Water resources) - states that planning permission will be granted for developments where they would not have an unacceptable impact on surface or groundwater.

Policy DM17 (Cumulative Impacts) - states that planning permission will be granted where the cumulative impact would not result in significant adverse impacts, 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 concurrently or successively.

17. Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) that sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site however, although the site may not be allocated this does not necessarily mean that the proposal is unacceptable. Instead the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained in the CSDMP.

18. Central Lincolnshire Local Plan 2017 (CLLP) in line with NPPF, due weight should be given to relevant policies of the NPPF. The following policies (summarised) are of relevance to this proposal:

Policy LP1 (Presumption in Favour of Sustainable Development) - requires planning application that accord with the Policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy LP5 (Delivering Prosperity and Jobs) - supports expansion to existing businesses located outside allocated employment sites where they do not conflict with neighbouring land uses; will not impact unacceptably on the local highway network; and would not have an adverse impact on the character and appearance of the area.

Policy LP14 (Managing Water Resources) - states that development proposals should consider the requirements of the Water Framework Directive.

Policy LP17 (Landscape, Townscape and Views) - states that the character and setting should have regard to maintaining any natural features which positively contribute to the character of the area such as hedgerows and field patterns.

Policy LP26 (Design and Amenity) - requires development proposals to take into consideration the character and local distinctiveness of the area by

respecting existing topography, landscape character and identify, and relate well to the site and surroundings, in relation to siting, height, scale, massing and form. In addition consideration should be given to amenity of neighbouring land uses, including mitigating adverse impacts.

Policy LP55 (Development in the Countryside) - Part F: Agricultural diversification will be permitted, provided that the proposal will support farm enterprises and providing that the development is in an appropriate location for the proposed use; of a scale appropriate to its location; and of a scale appropriate to the business need.

#### Results of Consultation and Publicity

19. (a) Willingham by Stow Parish Council – object for the following reasons:
- Increase in site visits causing noise and disturbance;
  - Increase odour when lagoon is being filled and slurry being spread;
  - Contamination of soil through too frequent application of waste; and
  - Lagoon is adjacent to a rainwater ditch, so concerns that the slurry would enter the dyke during wet periods and find its way into a main watercourse.
- (b) Environment Agency (EA) – has no objection to this application but has requested that an informative be attached relating to 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (as amended), Environmental Permitting and Groundwater Protection being regimes within their remit as the regulating Authority.
- (c) Environmental Health Officer (West Lindsey Parish Council) – raises no concerns subject to the development being implemented and operated with the submitted details, particularly in relation to odour.
- (d) Highways & Lead Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of planning permission concluding that the proposed development is acceptable.

The following bodies/persons were consulted on the application on 12 December 2018. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

- Local County Council Member, Councillor R Butroid
  - Historic Environment Officer (Lincolnshire County Council)
  - Ministry of Defence Safeguarding
  - Marton & Gate Burton Parish Council (Adjacent)
  - Knaith Parish Council (Adjacent)
20. The application has been publicised by way of a site notice posted at the entrance to Park Farm and advertised in the Lincolnshire Echo on 20 December 2018. Notification letters were also sent to 12 local residents on

Marion Road. Three representations have been received in response to this publicity/notification and a summary of the comments and objections received are as follows:

- Concerns over increase in large vehicle activity on Marion Road which is a single track that is continually damaged by tractors and lorries;
- Noise from increased traffic;
- Potential contamination of local water courses and the water table; and
- Impacts of odour from the open lagoon that will impact upon the quality of life of residents in the village.

#### District Council's Recommendations

21. West Lindsey District Council has commented that no significant visual harm would occur due to the bund and the existing built form around the site. The Council therefore has no objection to the development on the basis that the bund and screening is retained and maintained at the same height; and that the lagoon is operated in accordance with procedures and details submitted to stop a harmful odour impact on the local residents.
22. It is added that they would however prefer if the proposed fencing was timber or alternatively an appropriate green colour or a colour which reflects the existing buildings so as to be more in keeping with its open countryside location.

#### Conclusions

23. The proposed lagoon would be used to hold imported non-agricultural liquid wastes prior to their application to land as a replacement for artificial fertiliser. The farm already benefits from an unconditional planning permission granted by West Lindsey District Council (reference: 137401) which allows these same waste types to be imported and stored within an existing above ground slurry tank. The principle of the importation and storage of such wastes has therefore previously been established. This application is seeking permission to construct a wholly new lagoon which would be used to provide winter storage capacity for these imported wastes and therefore enable them to be stored during the closed spreading season.
24. The key issues to be considered in the determination of this application are those relating to the need for the development, the design and location of the lagoon and an assessment of any potential impacts on ground and surface water, visual impact, odour and traffic.

#### Need for waste management

25. Waste Planning Authorities have a key role in delivering facilities that help to drive the management of waste up the waste hierarchy and which aim to treat wastes as a resource with their disposal being seen as the last option. Policies DM1 and DM2 of the CSDMP and Policy LP1 of the CLLP promote sustainable development. Policy W1 of the CSDMP directs the Waste

Planning Authority to identify locations for a range of new waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arising in the County. This demonstrated in the local plan confirming that there is a need to secure additional capacity of up to 332,796 tonnes per annum in order to manage commercial & industrial waste streams by 2020.

26. In this case the proposed lagoon would be used to store 25,000 tonnes per annum of liquid food wastes that are derived from commercial/industrial sources. Subject to compliance with Environmental Permitting and NVZ limits, these wastes are suitable for application to land as a replacement for artificial fertilisers. Whilst the proposed lagoon does not propose to actively treat or process the wastes, it would act as means to safely store and contain those wastes so they can be used as a resource and replacement for artificial fertilisers. In doing this, the facility would therefore provide a means to facilitate the use of these wastes as a resource and the move the management of these wastes up the waste hierarchy. The proposed development would therefore help in the achievement of the aims and objectives of the NPPF and Policies W1, DM1 and DM2 of the CSDMP and not conflict with nor compromise Policy LP1 of the CLLP.

#### Location

27. In terms of location, it is necessary to consider the suitability of this site in terms of its compliance with the locational and environmental criteria set out in the Development Plan – which includes the CSDMP. The site is not promoted as a preferred site within the Site Locations document of the Lincolnshire Minerals and Waste Local Plan however although the site may not be allocated this does not necessarily mean that the construction of the lagoon in this location is unacceptable. Instead consideration should be given to the locational criteria contained in Policies W3 and W5 of the CSDMP 2016.
28. Policy W3 of the CSDMP recognises that it may not be possible to locate all types of waste facility in and around main urban areas. In recognition of this Policy W5, which requires facilities that have similar characteristics to that associated with this development, to be located at suitable distances from sensitive receptors and, in the case of agricultural land, to be located on land where it can be demonstrated they have close links to the existing use. In this case, the lagoon would be located at Park Farm which is located outside the settlement boundary of the nearest village (Willingham by Stow) and therefore is classed as being within the open countryside. Policy LP55 of the CLLP advises that within the open countryside diversification should enhance the agricultural business and not conflict with other policies within the Plan.
29. The lagoon itself would be located within the farm complex and be utilised in relation to the existing farming operations and so have close links to that existing use and activity. I am therefore satisfied that from a locational perspective, a lagoon in this location would be considered acceptable and

would not conflict with the locational criteria set out in Policies W3, W5 and DM2 of the CSDMP as the proposal would be an acceptable form of development in the open countryside and therefore not conflict with CLLP Policy LP55.

### Landscape & Visual Considerations

30. The proposed lagoon would be located within a field surrounded on two sides by mature hedges planted with native species. The remaining two sides would be wholly screened from viewpoints within Willingham by Stow by the existing agricultural buildings and as such the site would be invisible to views from outside of the farm yard and surrounding farmland. No objections have therefore been raised to this proposal from a visual perspective however West Lindsey District Council have recommended that the security fencing be coloured dark green or a colour in keeping with the buildings so as to blend into the landscape. The applicant has confirmed that this will be the case and a condition is recommended to confirm this. Subject to this I am therefore satisfied that given the overall visual impact of the proposal it is not considered intrusive this revision is not required and that the development as submitted is in accordance with Policy DM3 and DM6 of the CSDMP and Policies LP17 and LP26 of the CLLP which requires that due regard be given to the likely impact of developments on the landscape and mitigation through good design where appropriate.

### Highways and Highway Safety

31. Representations have been received expressing concerns about a potential increase in lorry and tractor movements along Marton Road. Whilst these concerns are noted, the Highways Officer has confirmed that the existing road network would not be adversely impacted from a capacity or safety perspective by the proposed HGV tankering of liquid waste to the farm. An average of 7 HGV tankers per day would access the site and these would be wholly in the control of the applicant. Access to the site would be via an existing farm entrance and 1km long concrete road which has an adequate visibility splay onto the junction of Marton Road and Gainsborough Road. Given this the development would not have an unacceptable adverse impact on the function or safety of the highway network, however it is recommended that a suitably worded condition be attached requiring the applicant to prevent deposit of mud or other deleterious material onto the public highway. Subject to this, the proposal meets the aims and objectives of the NPPF, NPPW and Policies DM13 and DM14 of the CSDMP and would not compromise or conflict with Policy LP5 that seeks to support development that does not have an unacceptable impact on highway capacity or safety.

### Ground & Surface Water

32. Comments have been received questioning whether the proposal would pose a threat to groundwater and rivers. The lagoon has been designed and would be engineered to ensure that the contents are fully contained

within a sealed unit. Ground investigations have been carried out to assess the vulnerability of the groundwater in line with the requirements of the Water Framework Directive and surface water would be managed separately from the liquid waste to ensure that it can be discharged to the nearest drainage ditch running along the hedgerow of the field. The Environment Agency has raised no objection to the proposal from a surface water or ground pollution perspective and therefore there is no reason to believe the lagoon and storage of these wastes would pose a pollution risk.

33. With regard to the spreading of the liquid wastes, these would be carried out in accordance with Code of Good Agricultural Practice and Nitrate Vulnerable Zone restrictions and would also be subject to an Environmental Permit. These controls and limits would ensure that the use of these wastes would not pose a pollution risk to the land, the wider environment or any nearby watercourses and groundwater. As a consequence the proposal meets the aims and objectives of the NPPF, NPPW and Policy DM16 of the CSDMP and would not compromise or conflict with Policy LP14 that seeks to ensure that development considers the requirements of the Water Framework Directive.

#### Odour

34. Representations have highlighted the possibility that the proposal would result in unacceptable odour impacts given past incidents caused by the spreading of slurry at the farm and given that the village of Willingham by Stow is east of the lagoon site. The spreading of slurry arising from livestock operations is an accepted agricultural practice and does not form part of this application. The use of liquid wastes from commercial/industrial sources is however proposed by this application and so should properly be considered. In this case the lagoon has been designed to be a sealed unit with direct injection of the tankered waste into the lagoon via lie flat pipework. This system would be reversed when extracting the liquids and these would be applied to land by direct injection via an umbilical system. Given these design features and practices, any odours associated with the storage and spreading of the liquid waste would be unlikely to be greater than those already experienced and are associated with normal agricultural operations. Notwithstanding this, the applicant has been advised that the lagoon will need an Environmental Permit and that as part of this an Odour Management Plan would be required. Whilst from a planning perspective, the measures designed and incorporated into the development are considered satisfactory to minimise any adverse amenity impacts, it is recommended that a condition be imposed which would require the submission of an Odour Management Plan before any liquid waste can be deposited into the lagoon. This requirement will ensure that there is certainty over the measures to be adopted to minimise odour and ensure adequate control and enforcement could be taken by either the planning or pollution regulatory authorities should issues arise. As a consequence the proposal meets the aims and objectives of the NPPF, NPPW and Policy DM3 of the CSDMP and would not compromise or conflict with Policy LP26

that seeks to ensure development that considers the amenity of neighbouring land users and mitigates potential adverse impacts.

### Lighting & Noise

35. Whilst no comments have been received regarding lighting, the applicant has indicated that deliveries could take place between 05:30 hours and 22:00 hours and therefore activities associated with the use of the lagoon are likely to occur during darkness. It is therefore recommended that a condition be imposed which requires details of any required external lighting to be submitted for approval should this be deemed necessary. Such a condition would give your Officer's an ability to ensure that the impacts of any lighting do not have an unacceptable adverse impact on the open countryside location. As a consequence the proposal meets the aims and objectives of the NPPF, NPPW and Policy DM3 of the CSDMP and would not compromise or conflict with Policy LP26 that seeks to ensure development that considers the amenity of neighbouring land users and mitigates potential adverse impacts.

### Cumulative Impacts

36. The cumulative impacts should be considered in relation to the other existing operations in the immediate locality. In this instance the proposed development would be wholly to provide support to an existing agricultural operation - in the form of an alternative source to artificial fertiliser. It is considered that the proposed development, when taken into account with the existing agricultural use of the site, would not give rise to any significant adverse impacts and therefore comply with Policy DM17 of the CSDMP.

### Final Conclusions

37. Overall I am satisfied that the potential impacts of the proposed development would largely be mitigated, minimised and reduced through the implementation of the mitigation measures proposed within the application or additional mitigation secured through appropriate conditions. As a consequence the construction and use of a lagoon for the storage of liquid wastes would accord with the relevant policies as cited and identified within the Lincolnshire Minerals and Waste Local Plan and Central Lincolnshire Local Plan.
38. Finally 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.

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

Documents (date stamped received 12 November 2018):

- Application Form, Planning, Design and Access Statement;
- Project No. 18-0530.01 – 'Proposed Slurry Store Investigation Report';
- Hardline 2mm HDPE Geomembrane;
- HP3 Needlepunched Nonwoven Geotextile; and
- E-mail dated 16 January 2019 – PL/0130/18 'Fencing';

Drawings:

- Drawing No. 1582H/18/012a – 'Proposed Layout & Location Plan' (date stamped received 28 November 2018);
- Drawing No. 1582H/18/013 – 'Proposed Lagoon Details' (date stamped received 12 November 2018); and
- Drawing No. 1582H/18/014 – 'Proposed Liner Detail' (date stamped received 12 November 2018).

*Reason: To ensure that the development is completed in accordance with the approved details.*

3. A total of no more than 25,000 tonnes of liquid waste shall be brought to the site as shown within the red line boundary on Drawing No. 1582H/18/012a per calendar year, for the purposes of the development hereby permitted. The operator shall maintain records of their quarterly waste imports to the site which shall be retained for at least two years and be made available to the Waste Planning Authority within 28 days of a request.

*Reason: To enable the Waste Planning Authority to monitor waste throughput to plan for future waste facilities.*

4. Notwithstanding the details of the fencing as shown on Drawing No. 1582H/18/013, the fencing to be erected around lagoon shall be 1.8m high Paladin style fencing and dark green in colour.
5. Prior to the storage of wastes within the lagoon hereby permitted an Odour Management Plan shall be submitted to and approved in writing by the Waste Planning Authority. The Odour Management Plan shall include an assessment of the odour risk, identify any potential sensitive receptors and any mitigation measures to be employed to minimise the identified risks. The approved Odour Management Plan shall thereafter be implemented in full and maintained for the duration of the development.
6. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the hours of 05:00 and 22:00 Monday to Sunday. No operations or activities shall be carried out on Sundays and Public or Bank Holidays.

*Reason: In the interests of general amenity of the area.*

7. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

*Reason: In the interests of general and visual amenity.*

8. The surface of the access and internal site roads shall be kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.

*Reason: To prevent mud or other deleterious materials derived from the development being transferred onto the public highway in the interests of highway safety and safeguarding the local amenity and the environment.*

#### Informatives

Attention is drawn to:

- (i) Environment Agency – Letter Ref: AN/2018/12840/01-L01 dated 14 January 2019; and
- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application, seeking further information to address issues identified and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in

a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

**Appendix**

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

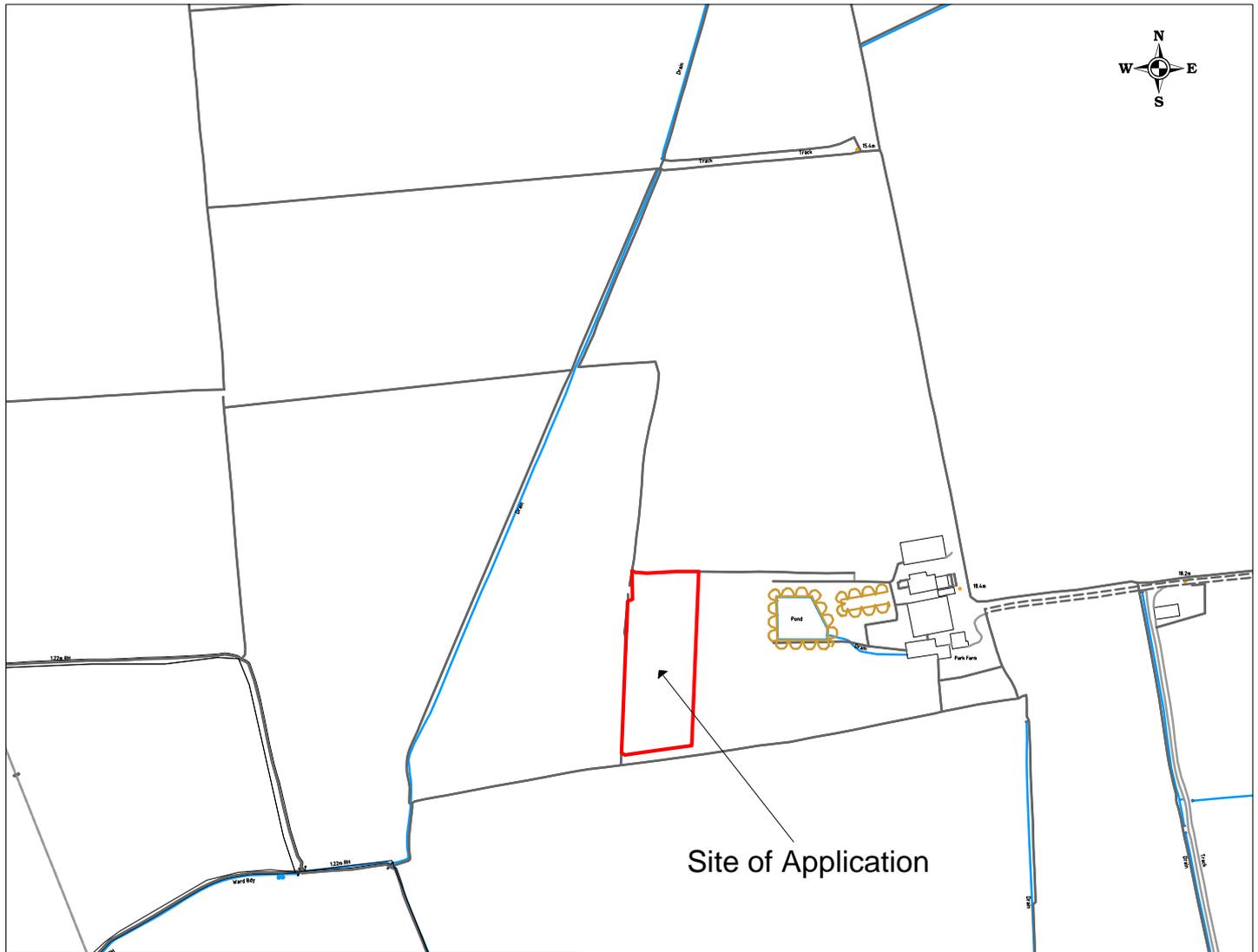
## Background Papers

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 138772	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
Planning Application Decisions 125400 137401	West Lindsey District Council Website <a href="https://planning.west-lindsey.gov.uk/">https://planning.west-lindsey.gov.uk/</a>
National Planning Policy Framework (2012) National Planning Policy Waste (2014)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) Site Locations (2017)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Central Lincolnshire Local Plan (2017)	North Kesteven District Council website <a href="https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/">https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</a>

This report was written by Felicity Webber, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)

LINCOLNSHIRE COUNTY COUNCIL Appendix A  
 PLANNING AND REGULATION COMMITTEE 4 FEBRUARY 2019



Prevailing Wind Direction from the south-west ↗



LINCOLNSHIRE COUNTY COUNCIL  
 Reproduced from the 1996 Os Mapping with the permission  
 of the Controller of Her Majesty's Stationery Office (C) Crown  
 Copyright. Unauthorised reproduction infringes Crown  
 Copyright and may lead to civil proceedings.  
 OS LICENCE 1000025370

<p><b>Location:</b>                  Park Farm, Gainsborough Road                  Willingham by Stow                  Gainsborough</p>	<p><b>Description:</b>                  For the construction of a liquid fertiliser storage                  lagoon</p>
<p><b>Application No:</b> 138772  <b>Scale:</b> 1:5000</p>	<p>Page 49</p>

This page is intentionally left blank