

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

Report to:	Planning and Regulation Committee
Date:	29 July 2019
Subject:	County Matter Application – 139472

Summary:

Retrospective planning permission is sought by D. R. Jacques & Son (Agent: Robert Farrow (Design) Ltd) for the retention of a temporary store for liquid organic waste at Land to the north of Kirton Road, Blyton.

The temporary storage tank is to be used for the storage of non-hazardous liquid organic waste (derived from the food and drinks industries) and has a holding capacity of 1480 cubic metres which is also be the proposed annual throughput for the site. The storage tank would provide a fully contained winter storage facility which would allow the wastes to be retained on site so that they are available for application when ground conditions permit.

The potential impacts associated with the retention and use of tank could be mitigated, minimised and reduced through the implementation of mitigation measures proposed within the application or additional mitigation secured through appropriate conditions. Subject to these conditions and controls, the retention and use of the temporary storage tank 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 temporary planning permission be granted.

Background

1. In February 2019 the County Council's Planning Enforcement team received a complaint that a tank had been constructed near Blyton and that it was to be used for the storage of imported wastes (case reference: INV/006/19). Prior to the construction of the tank it is understood that imported food and drinks wastes were being imported and directly applied to the farmland surrounding the site which, subject to certain restrictions, did not require

planning permission. However, the construction of the tank and proposed importation and storage of wastes not arising from that farmholding does require planning permission and consequently this application has been submitted.

The Application

2. Planning permission is sought by D. R. Jacques & Son (Agent: Robert Farrow (Design) Ltd) for the retention of a temporary store for liquid organic waste at land to the north of Kirton Road, Blyton. The application site is approximately 707 square metres in area and the tank has been constructed on the concrete runway of the former airfield that is surrounded by fields of arable crops. The storage tank (with cover) has already been constructed but has not yet been brought into use.
3. The temporary storage tank is approx. 24.58m in diameter and is a total height of 3.12m in height of which 0.50m is below ground and forms the foundations. The tank is constructed of galvanised steel and has plastic coated panels (grey in colour) and a cover on top. The tank is surrounded by a 2m high wire mesh security fence with gates to allow access to the tank filling and discharge points and for maintenance. The tank has a holding capacity of 1480 cubic metres, which is also to be the proposed annual throughput for the site, and the spreading of the wastes would be subject of an Environmental Permit issued by the Environment Agency.



Storage tank with cover

4. The tank would receive imported non-hazardous liquid wastes derived from the food and drinks production industries. These wastes are rich in nitrogen, phosphate and potash which are essential for soil fertility and therefore would be applied to the farmland as a nutrient rich replacement for artificial fertilisers. The applicant states that subject to controls, this is an environmentally friendly way of recycling material back to the land and diverting waste away from landfill. However, when the weather or ground conditions are not suitable to apply these wastes directly to the land, an on-farm storage facility is necessary.
5. The wastes would be delivered to the site in sealed tankers and the storage tank would be filled and emptied via the two built in fill/discharge points. This would mean that the surface of the waste would not be disturbed during transfer and stirring.



Tanker/Tank discharge point

6. The applicant states that the liquid organic wastes have been delivered regularly to the site and directly applied to the fields when weather and ground conditions permitted – generally during the Spring. The site has therefore been accessed by tankers for some years and on an 'as required' basis. There would be no change in the overall number of deliveries carried out to the site by this proposal however the number of movements may now take place over a longer period and vary throughout the year with most

deliveries expected to occur during the winter period when spreading would be restricted.

7. Access to the site is via an existing concrete road, which had formerly been part of a runway and is shared with Blyton Park. The access route is approximately 500m in length and gives access to an existing agricultural shed and wind turbine. The entrance to the site is gated and formed of a double width kerbed bell mouth with visibility splays onto the B1205 Kirton Road.



Access off Kirton Road

8. When weather and ground conditions permit, the wastes would be applied to the surrounding farmland using specialist direct injection equipment towed by a tractor. The applicant states that this method of application would help to reduce odour emissions however given the prevailing wind direction and distance of the site from the sensitive receptors these should not be at a risk or impacted by potential odours. Notwithstanding this weekly odour checks would also be carried out by qualified staff and these would be increased to daily checks when the wastes in the tank are being stirred and emptied. In the event that odours are detected beyond the site boundaries and are at such a level that they are likely to cause nuisance immediate action would be taken to cease handling operations and the cause investigated and dealt with.

9. Finally, there would be no increase in impermeable surfaces as a result of this development and therefore no increase in flood risk with surface water run-off continuing to be directed toward the surrounding fields (as is currently the case).

Site and Surroundings

10. The proposal site lies approximately 100m to the north of Kirton Road and 1.75km east of Blyton village. The nearest residential property is located 350m to the south east of the site with other receptors less than one kilometre distant being located to the south west and west. Although the Blyton Park raceway is in close proximity the use of this facility is sporadic and for comparatively short periods of time.
11. The area is generally flat and lies within a gentle rolling landscape. There are limited views of the tank from Kirton Road and distant views are obscured due to hedges interspersed with mature trees. The dominant features in the landscape are the adjacent wind turbine and agricultural shed. A small pond lies approximately 25m to the west and is separated from the tank by a vegetated soil bund. There are no historic sites with views of the site, the nearest being the site of Southorpe medieval village approximately two kilometres to the east.



Turbine and agricultural shed

Main Planning Considerations

Planning Policy Context

12. The National Planning Policy Framework (February 2019) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

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 reasonable related in scale and kind to the development.

Paragraph 80 (Strong, competitive economy) 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 (Locational needs of different businesses) states that planning decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 83 (Supporting a prosperous rural economy) 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 (Local business needs in rural areas) 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 surrounding 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).

13. 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

14. 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 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 W7 (Small Scale Waste Facilities) – states that permission will be granted for small scale waste, outside of the main urban areas where there is a proven need to locate such a facility and the proposal accords with all relevant Development Management Policies, are well located to the arisings of waste it would manage and on land which constitutes previously developed land.

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.

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.

15. 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

16. (a) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- (b) Natural England – has no comments to make but referred to their standing advice that is available on-line.
- (c) Environment Agency (EA) – has no objection to the development as submitted and requests that an Informative be attached to the planning permission in respect of the Environmental Permitting (England and Wales) Regulations 2016.

The following bodies/persons were consulted on the application on 17 May 2019. 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 C Perraton-Williams;
Blyton Parish Council;
Loughton Parish Council (Neighbouring Parish);
Northorpe Parish Council (Neighbouring Parish);
Public Health (Lincolnshire County Council); and
Ministry of Defence (Safeguarding).

17. The application has been publicised by way of a site notice posted on the highway sign adjacent to the entrance to the site and advertised in the Lincolnshire Echo on 30 May 2019. Notification letters were also sent to 11 local residents and businesses. Five representations have been received in response to this publicity/notification and a summary of the comments and objections received are as follows:
- The tank has been built and in place for some months now. Why has tank been erected before permission was sought? This should not be allowed.
 - The tank can be seen from the road now that the arable crops have been harvested.
 - The approval of this would severely impact on the quality of life of local residents.
 - The tank is next to a pond and raceway track and will surely smell which will affect visitors to the track.
 - The tank is outside the village and so may not affect local residents but it is requested that their concerns be taken into account and mitigated.
 - There are too many different activities on Blyton Airfield and the Council are unable to deal with existing breaches of regulations.

District Council's Recommendations

18. West Lindsey District Council has no objection but recommend that the following be considered in the determination of the application:

- access, parking and traffic movements associated with deliveries and spreading;
- lighting of the site;
- odour;
- neighbour amenity;
- pollution of waster environment and contamination and flood risk;
- cumulative impacts with other lagoons and similar uses within the area;
- ecology (on and round the site); and
- visual amenity.

In terms of odour, the Environmental Protection section state that the odour control measures as set out in the application should be adhered to/conditioned and a cover used over the tank (with appropriate venting).

Conclusions

19. The storage tank would be used to hold imported non-agricultural liquid wastes derived from the food and drink manufacturing sector prior to their application to land as a nutrient rich replacement for artificial fertilisers. The farmland has been receiving this waste for some time and the spreading of these wastes would be subject to regulation and controls imposed by the Environment Agency. The key land-use planning issues to be considered in the determination of this application are therefore those relating to the need for the development; the design and location of the temporary storage tank; and, an assessment of any environment and amenity impacts such as visual impact, odour and traffic, etc.

Need for waste management

20. 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 predicted capacity gaps for waste arising in the County. This is 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 and industrial waste streams by 2020.
21. In this case the temporary storage tank would be used to store approximately 1480 cubic metres (or 1480000 litres/1,480 tonnes) per annum of organic liquid wastes that are derived from commercial/industrial sources. Subject to compliance with Environmental Permitting and NVZ limits, these wastes are considered suitable for application to land as a replacement for artificial fertilisers. Whilst the temporary storage tank would not be used to actively treat or process the wastes, it would act as a 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 transfer and use of these wastes as a resource and therefore 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

22. 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. This 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 retention of the storage tank in this location is unacceptable. Instead consideration should be given to the locational criteria contained in Policies W3, W5 and W7 of the CSDMP.

23. Policy W3 of the CSDMP recognises that it may not be possible to locate all types of waste facilities in and around main urban areas and in recognition of this Policies W5 and W7 set out criteria to be applied when assessing proposals for these types of facility. In this case, the volume of wastes to be handled is relatively small and therefore the criteria, set out in Policy W7, is applicable. Similarly the wastes to be handled and stored in the tank have similar characteristics to that associated with biological treatment and anaerobic digestion plants (subject of Policy W5) which states that such facilities need to be located at a suitable distance away from sensitive receptors and, in the case of agricultural land, are located on land where it can be demonstrated they have close links to the existing use. In this case, the site is located outside the settlement boundary of the nearest village (Blyton) 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. The tank itself is located on an area of hardstanding that once formed part of the former airfield and lies adjacent Blyton Park which contains a mix of commercial businesses. The site is also surrounded by arable fields which would receive the wastes and therefore be utilised in connection with the existing farming operations and thus have close links to that existing use and activity. I am therefore satisfied that from a locational perspective, a temporary storage tank in this location would be considered acceptable and would not conflict with the locational criteria set out in Policies W3, W5, W7 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 Consideration

24. The site at its nearest public viewpoint (Kirton Road) is partially obscured by an existing soil bund, along the route to the site and hedges, interspersed by mature trees. There are no views from the village of Blyton and only distant obscured views from the nearest residential properties. Overall, the dominant landscape features in the immediate vicinity of the temporary storage tank are a wind turbine and an agricultural building and in relation to these structures, the tank does not present an increased adverse visual impact.
25. I am therefore satisfied that given the overall visual impact of the proposal it is not considered intrusive 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

26. There are no proposals to increase the number of tankers accessing the site over and above that which has previously been associated with the delivery of liquid organic wastes for direct application to the arable fields. In fact under this proposal the frequency of deliveries could reduce and be less intense as the wastes could be delivered over the winter period and not just as and when the wastes are available. The Highways Officer has raised no objection to the application or indicated that the access off Kirton Road requires improvement or that the B1205 is incapable of accommodating the traffic associated with this use. The entrance and internal access road are sufficiently wide to allow vehicles to enter and leave the site without waiting on the highway and in a forward gear and therefore I am satisfied that the proposal meets the aims and objectives of the NPPF, NPPW and Policies DM13 and DM14 of the CSDMP. Additionally it 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

27. The tank does not increase the overall impermeable surfaces at the site and therefore surface water run-off would not increase or be impacted over and above that already in existence. The tank is of a design and specification typical of that used for storing agricultural wastes and liquids and is sealed so as to prevent leakages or spillages. Therefore the risks of contamination or pollution to the nearby pond are considered minimal. In terms of the spreading operations, these would be carried out in accordance the 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 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 of the CLLP that seeks to ensure that development considers the requirements of the Water Framework Directive.

Odour

28. Representations have highlighted the possibility that the proposal would result in unacceptable odour impacts on neighbours and other land users. The use of this waste has been established on this farmland, insofar as in the past the material has been delivered on a campaign basis for direct application to the farmland for a short but intense period of time. This proposal seeks to store this material in a covered tank with deliveries being made less frequently during the months that the waste cannot be applied to the land. HCV tankers would deliver waste into the temporary storage tank via two couplings at the base of the tank, thus not disturbing the surface of the waste. The wastes would also be removed during dry periods and applied by tractor-drawn tankers and directly drilled into the ground. Given the design of the tank and method of transfer any odour associated with the storage and transfer of the liquid waste is unlikely to be greater than those already experienced and is associated with normal agricultural operations. Notwithstanding this, the applicant has indicated that during storage periods the site would be monitored for odour on a weekly basis and that during delivery and application operations, monitoring would be on a daily basis.
29. From a planning perspective, the measures designed and incorporated into the development are considered satisfactory to minimise any adverse amenity impacts, however, further details of the specific practices and measures to be adopted as part of the monitoring regime could be secured. Therefore it is recommended that a condition be imposed which requires the applicant to submit an Odour Monitoring Plan for the approval before any liquid waste can be deposited and stored within the tank. 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

30. The District Council has commented that in determining the application consideration should be given to the potential impacts of lighting. The applicant has indicated that deliveries would be subject to the availability of the wastes collected from the food and drink manufacturing and that these would take place during the winter months. Given this there is the potential for deliveries to take place during the darker periods such as early morning/evening. It is therefore recommended that a condition be imposed which requires details of any on external site lighting to be submitted for

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

Cumulative Impacts

31. The cumulative impacts are considered in relation to other existing operations in the immediate locality. Comments have been received with regard to the operations of the Blyton Park including, the noise and traffic associated with race-days in combination with that of the farming activities. In this instance the proposed development would be wholly to provide support to an existing agricultural operation. The liquid organic waste is already being delivered to the site and under this proposal the delivery of the wastes would be more spread out over the year and therefore reduce the intensity of those activities. The wastes themselves would only be applied during certain times of the year (respecting the NVZ application rules and weather/ground conditions) and therefore the day to day activities are unlikely to be significant or of such a level they would adversely impact upon the other uses. I am therefore satisfied that the development would not give rise to any significant increase in terms of cumulative adverse impacts and therefore comply with Policy DM17 of the CSDMP.

Temporary permission

32. The description of the application (i.e. for the retention of a temporary store for liquid organic waste) was proposed by the applicant and indicates that the tank would be temporary and not permanent. The description is worded in such a way that it would act to limit the duration of the development and therefore whilst the tank and its proposed use has been deemed acceptable, any permission granted must be granted on a temporary basis. This is because it is not possible to extend the scope of a development or grant permanent permission if this is contrary to the original description of the development. The applicant has not specified a period of time to retain the tank however it is considered a reasonable timeframe would be to limit this to a period of three years. Thereafter the tank should be removed and the site reinstated until or unless a subsequent permission is granted which would allow it to be retained longer. It is therefore recommended that conditions be imposed to secure this.

Final Conclusions

33. Overall I am satisfied that the potential impacts of the proposed development could 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 retention of the temporary storage tank for containing

liquid organic wastes, would accord with the relevant policies as cited and identified within the Lincolnshire Minerals and Waste Local Plan and Central Lincolnshire Local Plan.

34. 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 temporary planning permission be granted subject to the following conditions:

1. The storage tank and associated fencing hereby permitted shall be removed within three years of the date of this decision notice with all structures being removed from the site and the ground restored to its original level within 28 days of that date.

Reason: To reflect the fact the store is temporary and therefore that the tank is removed and the land restored to its former condition once the use has ceased.

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 and Drawings (date stamped received 25 April 2019):

- Planning application Form and Planning Statement;
- Drawing – 'Retention of Temp Store on land to the North of Kirton Road, Blyton DN21 3PE';
- Drawing No. 1 – 'Tank Plan/Elevation'; and
- Drawing No. 2 – 'Site Layout'.

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

3. A total of no more than 1480 cubic metres / 1480,000 litres of liquid organic waste shall be brought to the site (as shown within the red line boundary on Drawing – 'Retention of Temp Store on land to the North of Kirton Road, Blyton DN21 3PE') per calendar year and those wastes shall be spread on the surrounding farm holding only. The operator shall maintain records of the annual waste imports to the site which shall be retained for at least one year and be made available on request 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. Prior to the importation and storage of wastes within the tank hereby permitted an Odour Management Plan shall be submitted to and approved in writing by the Waste Planning Authority. The Odour Monitoring Plan shall identify any potential sensitive receptors, what measures would be taken to minimise odours and to monitor odour emissions arising from site operations, along with details of how odour complaints would be recorded and retained. Records of any complaints shall be retained for at least two years and made available to the Waste Planning Authority within 28 days of a request. The Odour Monitoring Plan shall thereafter be implemented in full and maintained for the duration of the development.

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

5. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours have first 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.

Informatives

Attention is drawn to:

- (i) Environment Agency letter dated 05 June 2019, reference: AN/2019/129036/01-L01; and
- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified/enhancements to the proposal/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
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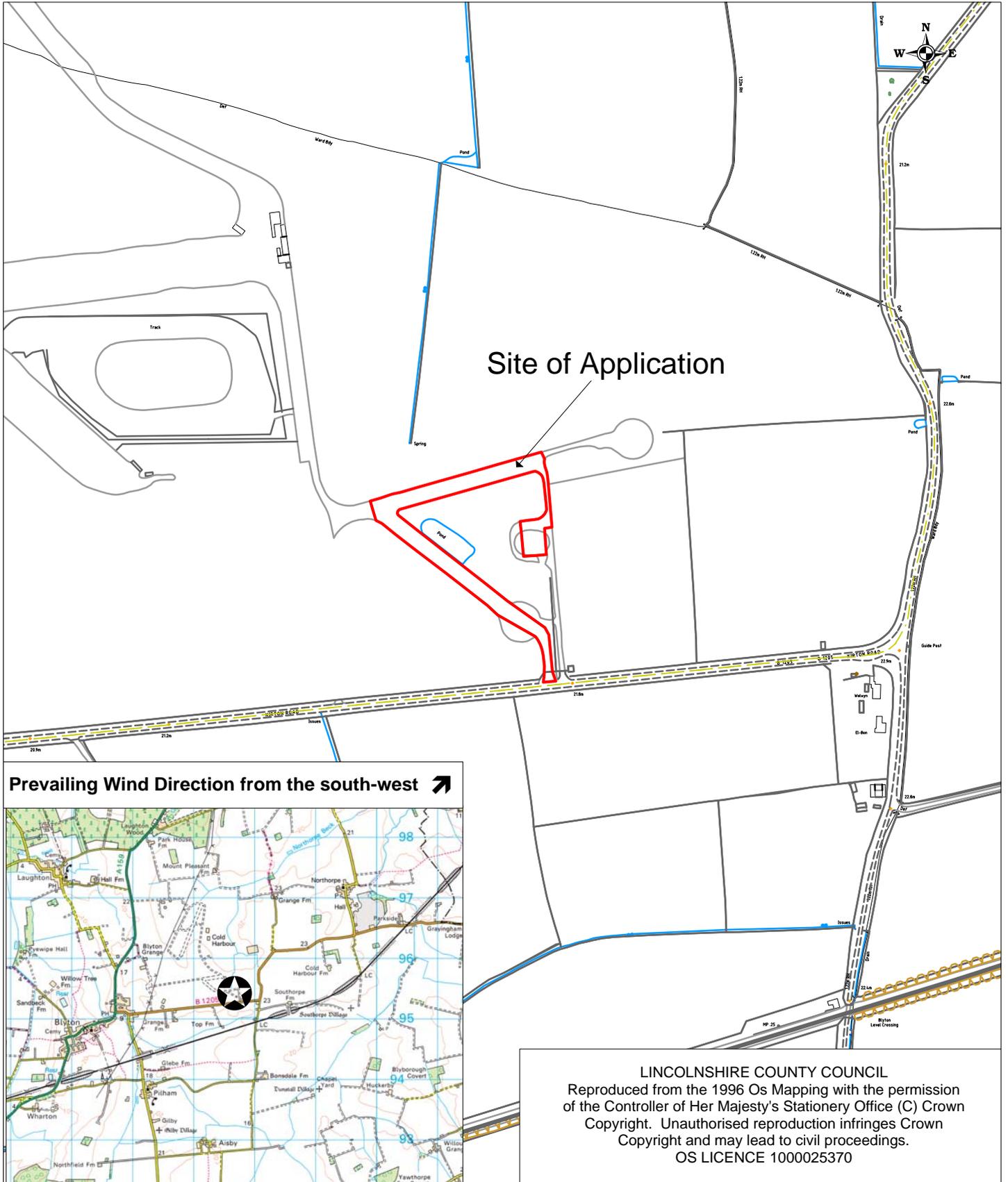
Background Papers

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 139472	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2019) National Planning Policy Waste (2014)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) Site Locations (2017) Central Lincolnshire Local Plan (2017)	Lincolnshire County Council's website www.lincolnshire.gov.uk North Kesteven District Council's website www.n-kesteven.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL Appendix A
 PLANNING AND REGULATION COMMITTEE 29 JULY 2019



LINCOLNSHIRE COUNTY COUNCIL
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Location:
 Land to the north of Kirton Road
 Blyton

Description:
 For the retention of a temporary store for liquid
 organic waste

Application No: 139472
Scale: 1:5000