



County Offices  
Newland  
Lincoln  
LN1 1YL

3 January 2020

**Planning and Regulation Committee**

A meeting of the Planning and Regulation Committee will be held on **Monday, 13 January 2020 at 10.30 am in Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'Debbie Barnes'.

Debbie Barnes OBE  
Chief Executive

**Membership of the Planning and Regulation Committee**  
**(15 Members of the Council)**

Councillors I G Fleetwood (Chairman), T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, S P Roe, P A Skinner, H Spratt, M J Storer and C L Strange



**PLANNING AND REGULATION COMMITTEE AGENDA  
MONDAY, 13 JANUARY 2020**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 2 December 2019	5 - 8
4.	Traffic Items	
4.1	Marston: Main St, School lane and Stonepit lane – Proposed Waiting Restrictions	9 - 14
4.2	Ruskington, B1188 Rectory Road - Proposed Zebra Crossing Facility	15 - 24
4.3	Great Limber A18 - Proposed 30mph Speed Limit	25 - 32
5.	County Matter Applications	
5.1	To retain a tank for the storage of liquid organic waste at Land off A1084, Kettleby, Brigg, DN20 9HH - Robert Farrow (Design) Ltd - 139858	33 - 50
5.2	To retain a tank for the storage of liquid organic waste at Dembleby Farm, Ropsley, Grantham, NG34 0EQ - Robert Farrow (Design) Ltd - 19/1105/CCC	51 - 66
5.3	To retain a tank for the storage of liquid organic waste at Somerby Low Farm, Somerby, Barnetby, DN38 6EY - Robert Farrow (Design) Ltd - 139837	67 - 84

Democratic Services Officer Contact Details

Name: **Steve Blagg**  
Direct Dial **01522 553788**  
E Mail Address [steve.blagg@lincolnshire.gov.uk](mailto:steve.blagg@lincolnshire.gov.uk)

**Please note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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[www.lincolnshire.gov.uk/committeerecords](http://www.lincolnshire.gov.uk/committeerecords)





**PLANNING AND REGULATION  
COMMITTEE  
2 DECEMBER 2019**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

Councillors T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, S P Roe, P A Skinner and C L Strange

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Nicole Hilton (Assistant Director - Communities), Neil McBride (Head of Planning), Marc Willis (Applications Team Manager) and Mandy Withington (Senior Solicitor)

38 APOLOGIES/REPLACEMENT MEMBERS

An apology for absence was received from Councillor H Spratt.

39 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations made at this stage of the meeting.

40 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND  
REGULATION COMMITTEE HELD ON 4 NOVEMBER 2019

RESOLVED

That the minutes of the previous meeting of the Committee held on 4 November 2019, be agreed as a correct record and signed by the Chairman subject to "Mrs Mandy Withington, Solicitor" being added to the list of those in attendance under "Officers in attendance".

41 TRAFFIC ITEMS

42 A46 MARKET RASEN - HOLTON LE MOOR: PROPOSED 50MPH SPEED  
LIMIT

The Committee received a report in connection with objections received to the proposed introduction of a 50mph speed limit on the A46 at Holton le Moor.

The report gave details of the existing conditions, the proposals, objections and comments by officers on the objections received.

## PLANNING AND REGULATION COMMITTEE 2 DECEMBER 2019

The local Member, also a member of the Committee, commented that in the last few years Town and Parish Councils in the area had raised the matter of the number of accidents in this area, including deaths, with the Lincolnshire Road Safety Partnership and all of these bodies were in full support of the proposals in the report.

On a motion by Councillor I G Fleetwood, seconded by Councillor D Brailsford, it was –

RESOLVED (12 votes for, 0 votes against and 1 abstention (Councillor C L Strange abstained from voting as he had declared his support for the proposals in the report as the local Member)

That the objections received be overruled and the Order as advertised be confirmed.

### 43 COUNTY MATTER APPLICATIONS

### 44 TO VARY CONDITIONS 3 AND 5 OF PLANNING PERMISSION N199/01211/18 TO INCREASE THE TONNAGE OF WASTE MATERIALS PROCESSED AND EXTEND THE AREA OF HARD STANDING AT HIGHFIELD QUARRY, BLUESTONE HEATH ROAD, WELTON LE MARSH - WELTON AGGREGATES LTD.(AGENT: HUGHES CRAVEN LTD) - N/199/01837/19

(NOTE: Councillor C L Strange requested that a note should be made in the minutes that he was a member of the Lincolnshire Wolds Area of Outstanding Natural Beauty Joint Advisory Committee)

Since the publication of the report a response to consultation had been received from Executive Councillor C J Davie for Economy and Place, the local Member, stating that he fully supported the officer's recommendations in the report and therefore supported the approval of the application.

Oliver Craven, representing the applicant, was in attendance to respond to questions from Members. He stated that as he fully supported the recommendations in the report he did not propose to address the Committee.

Questions from Members to Oliver Craven included:-

- It was noted that there was a shortage of trees around the applicant's site and was it possible for more trees to be planted? There was a shortage of trees, generally, in Lincolnshire. Oliver Craven stated that this request could not be considered as this application appertained to the base of the quarry which could not be seen. However, he would advise the applicant of the Member's wishes.
- Was any machinery on the site used all the time? Oliver Craven stated that there many machines used on the site but there were periods when they were not in use.

**PLANNING AND REGULATION COMMITTEE**  
**2 DECEMBER 2019**

- What traffic increase would take place on the site? Oliver Craven stated that there would be a maximum daily increase of ten vehicles arriving into the site and ten vehicles leaving the site although in reality it was expected to be less than this. It was likely that any increase in aggregate output would coincide with a reduction in chalk output as recycled aggregate was more in demand.

Members' comments included an enquiry about enforcement and whether it was possible to control HGV movements under the terms of the quarrying permissions and over the years the site had expanded and now housed a range of different operations and activities. Given the range of activities it was difficult to differentiate traffic movements associated with each and therefore to impose enforceable conditions to restrict total movements.

On a motion by Councillor I G Fleetwood, seconded by Councillor T R Ashton, it was –

RESOLVED (11 votes for, 0 votes against and 1 abstention. Note: Councillor D McNally had left the meeting during the discussion and voting on this matter)

(a) That this report forms part of the Council's Statement pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which requires the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 30(1) (d) the Council must make available for public inspection a statement which contains:-

- the reasoned conclusion of the Council on the significant effects of the development on the environment, taking into account an examination of the environmental information;
- any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
- a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment;
- any monitoring measures considered appropriate by the Council;
- the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
- a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;
- information regarding the right to challenge the validity of the decision and the procedures for doing so.

(b) That planning permission be granted subject to the conditions detailed in the report.

The meeting closed at 10.59 am

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 January 2020</b>
Subject:	<b>Marston: Main St, School lane and Stonepit lane – proposed waiting restrictions</b>

**Summary:**

This report considers objections to a proposal for a traffic regulation order to introduce waiting restrictions at Main Street, School Lane and Stonepit Lane, Marston.

**Recommendation(s):**

That the objections are overruled and the order as advertised be introduced.

**1. Background**

Following concerns raised by residents with regard to parking in the vicinity of the village school, visits to the area took place to investigate the issues raised.

A school safety zone has been in place on Main Street and School Lane for some time. This advises a 'no stopping' restriction on the zig zag markings daily between 8 – 9 am and 3 - 4 pm, and is generally well observed. This being the case, at school drop off and pick up times parking takes place beyond the zone further along School Lane, on Stonepit Lane and around its junction with Main Street. Observations confirm that this can result in obstruction to footways, private accesses and traffic flow, and to visibility for vehicles exiting Stonepit Lane. In order to manage parking at these locations and therefore improve pedestrian safety and traffic flow it is proposed to introduce a 24 hour restriction to remove parking on one side of the road only or on both sides where the carriageway narrows down. The extents of the restriction are shown at Appendix A, and these were publicly advertised from 23 August until 20 September 2019.

**1.1 Objections**

Twenty-six objections and comments were received following the public advertisement of these proposals. These raised the following concerns:

- The proposals are too onerous, are unnecessary and an overreaction to minor traffic disruption which is inevitable in areas around schools.

- The removal of parking will result in increased traffic speeds.
- The Parish Council objects to the restrictions on School Lane, preferring an extension of the school safety zone to include the access to the school car park.
- Parking will relocate to Main Street where it will cause disruption to traffic flow and safety.
- Suggestions are made that the restrictions should apply at school start and finish times only to reduce the impact on parking for visitors to the Community Hub. It is felt that the restrictions as proposed will reduce attendance at the Hub and the church, and will affect pupil numbers attending the school.

## **1.2 Comments**

Site visits have confirmed that parked vehicles on School Lane and Stonepit Lane result in obstruction to footways and traffic flow, and parking on Main Street impairs visibility for vehicles exiting Stonepit Lane. The restrictions proposed are the minimum required to manage on street parking whilst retaining provision wherever possible. It is unlikely that traffic speeds will increase following a reduction in parking given the distances involved.

The proposals comprise enforceable restrictions as opposed to the advisory status of the school safety zone markings. For this reason a traffic regulation order is preferable to an extension of the zone as suggested.

It is understood that parking may be displaced further away from the school beyond the extents of the school safety zone on Main Street. Displacement of on street parking is taken into consideration in the design of schemes which restrict parking. However such parking on Main Street is unlikely to result in obstruction to traffic flow as the carriageway here is generally wider throughout than it is on the side roads.

Requests for a lesser restriction to be imposed are noted. However the 24 hour restriction is proposed where parked vehicles will potentially cause an issue for through traffic and residents' access at any time. This being the case a part time restriction will not remedy the situation, and after consideration, was not pursued as an option. The unrestricted lengths will remain available to visitors to the Community Hub and church and it should be borne in mind that the restriction imposed by the school safety zone applies between 8 and 9am and 3 and 4pm only. Its effect on parking is therefore minimal and as it is an advisory restriction it cannot be enforced.

## **2. Conclusion**

The restrictions proposed serve to manage on street parking on roads and junctions in the vicinity of the local primary school. It is anticipated that improvements to pedestrian safety and traffic flow will result following their introduction.

### 3. Consultation

The following were consulted with regard to these proposals: Local Member and District Councillors; Marston Parish Council; South Kesteven District Council; Lincolnshire Police; EMAS; Lincolnshire Fire & Rescue; Road Haulage Association; Freight Transport Association; Lincs Interconnect Bus Service; Centrebus.

#### a) Have Risks and Impact Analysis been carried out??

No

#### b) Risks and Impact Analysis

n/a

### Appendices

These are listed below and attached at the back of the report	
Appendix A	Plan showing extent of proposed restrictions.

### Background Papers

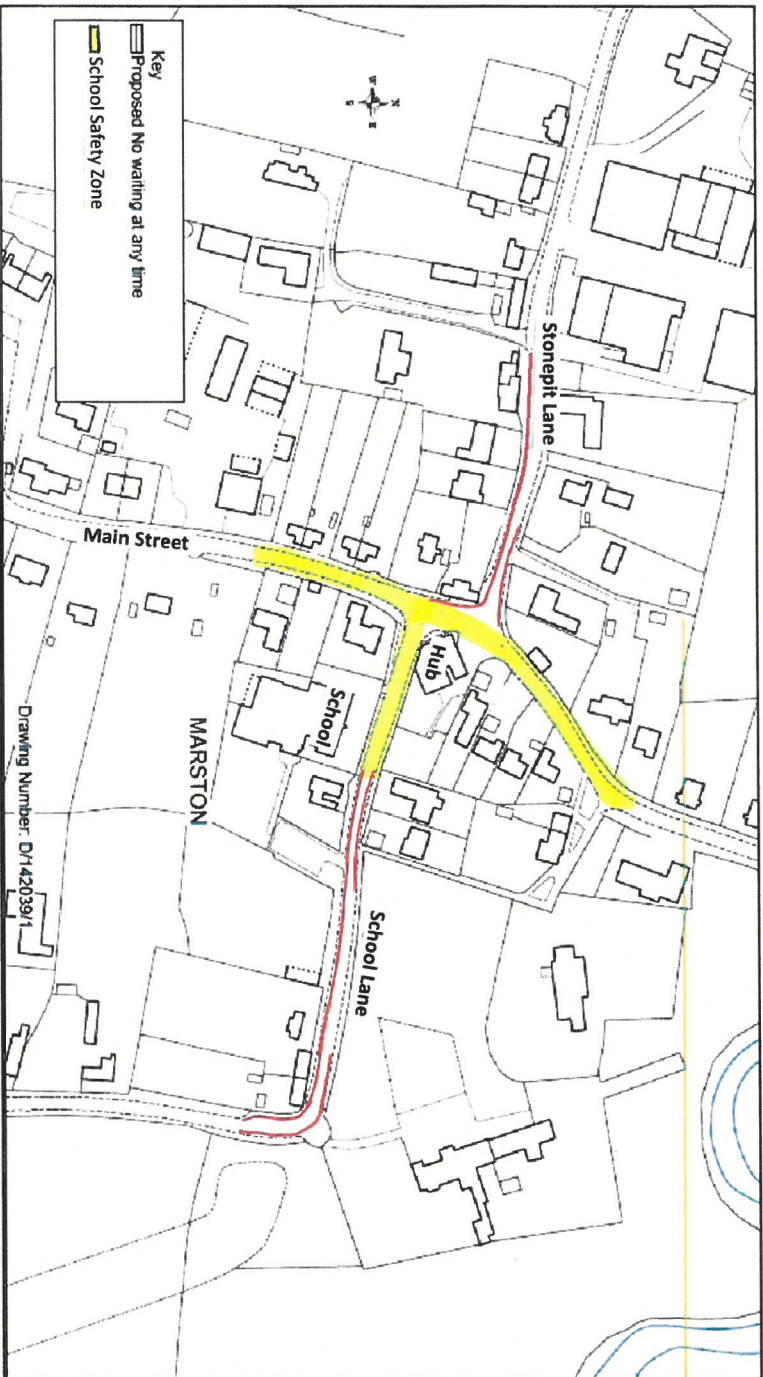
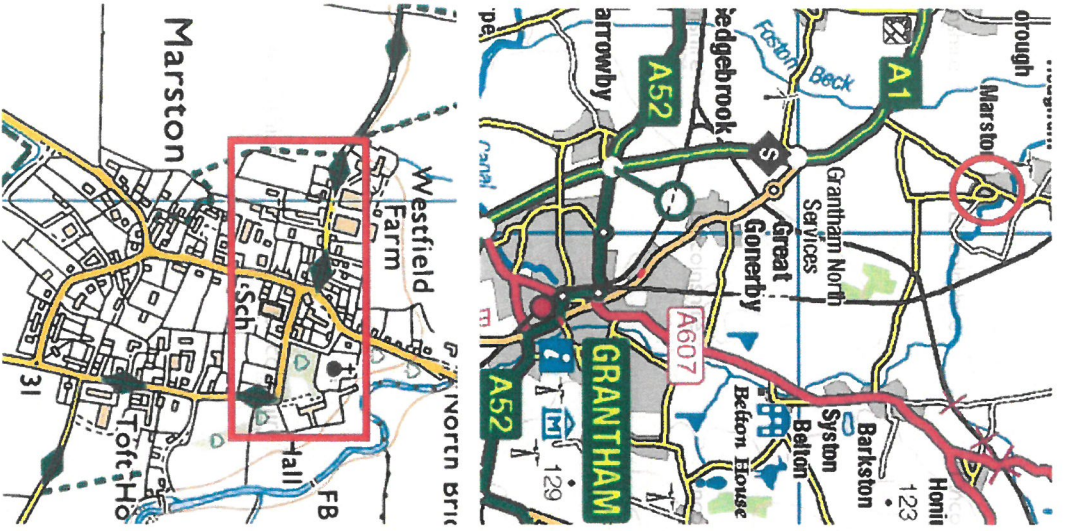
Document title	Where the document can be viewed
Copies of objections.	

This report was written by Natasha Gault, who can be contacted on 01522 782070 or [natasha.gault@lincolnshire.gov.uk](mailto:natasha.gault@lincolnshire.gov.uk).

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# Appendix A



**Lincolnshire**  
COUNTY COUNCIL

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**ENVIRONMENT & ECONOMY DIVISION**  
**REGISTRAR**

Minor Works and Traffic

Lancaster House

36 Orchard Street

Lincoln LN1 1XX

DRAWN BY  
**NWG**

SHEET No. **1 of 1**

DRAWING NUMBER

**0 0 1MARSTONNWG13022019**

CHECKED BY

REVISION **2 of 2**

**Proposed Waiting Restrictions**

SCALE

NTS

DATE **30/04/2019**

**Marston: Main Street, Stonepitt Lane, School Lane**

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 January 2020</b>
Subject:	<b>Ruskington, B1188 Rectory Road - proposed Zebra Crossing facility</b>

**Summary:**

This report considers the outcome of a pedestrian crossing survey carried out in response to a request for a pedestrian crossing facility at the location shown at Appendix A.

**Recommendation(s):**

That the Committee considers the criteria set out in the Pedestrian Crossing Policy and supports the submission of a funding bid for a feasibility study and design for the installation of a Zebra crossing at this location.

**1. Background**

1.1 In May 2018 a request was received from a resident of Ruskington for a crossing facility to be installed on the B1188 in the village to aid pedestrians crossing the road, in particular school children in the vicinity of the primary school.

**Objections**

1.2 The B1188 within Ruskington is subject to a 30mph speed limit and forms three relatively straight sections of road punctuated by two sharp bends. Wide verges and set back frontage development may encourage some drivers to travel above the prevailing speed limit. School children cross Rectory Road with the aid of a school crossing patrol and following discussions with the Lincolnshire Road Safety partnership this was identified as an appropriate site for the pedestrian crossing survey. The survey took place over a period of nine hours on 1st May 2019.

**Survey Result and Proposal**

1.3 The data recorded during the survey is used in the PV<sup>2</sup>ASCW calculation which in this case produced a score of 0.45. Table 1 shown below, extracted from the Pedestrian Crossing Policy document, indicates that this is below the threshold for the minimum intervention, a pedestrian refuge.

Table 1

Crossing Type	PV <sup>2</sup> ASCW greater than (1 X 10 <sup>8</sup> )	Crossing facility not to be used if speed limit is greater than:	Crossing facility not to be used if traffic flow greater than:
Pedestrian Refuge	0.5	60 mph	Not applicable
Zebra Crossing	0.8	30 mph	500 vehicles per hour
Signal Controlled Crossing	1.2	50 mph	Not applicable

**NOTE:** The threshold for dual carriageways is increased by 100%

However the policy also stipulates that where a score lies within 10% of the threshold for a facility then, subject to this committee's approval, works towards its installation can be pursued. Investigations into the feasibility of a refuge at this location however suggests a cost estimate of approximately £100,000 will be required to deliver the scheme, owing to carriageway widening required and subsequent diversion of utility plant. The cost of a Zebra crossing will be in the region of £70,000, including feasibility and design costs. In these circumstances the policy allows for consideration to be given to a Zebra crossing where site constraints render a refuge impractical or too costly. Again, this is subject to this committee's approval.

Additional information required for this report is supplied below:-

- Traffic and pedestrian survey counts (shown at Appendices B&C)
- A Stage 1 Road Safety Audit completed in November concluded that there are no road safety concerns relating to the provision of a Zebra crossing at the location proposed, and that there have been no reported personal injury accidents recorded within the vicinity over the past 3 years.
- Cost implications: The cost of installing a Zebra crossing is estimated at £60,000, with an additional £10,000 required for a feasibility study and scheme design.

## 2. Conclusion

The policy enables some flexibility in terms of scheme selection and in the case of this site two approvals will be required from this committee in order to progress a zebra crossing at this location:

- Approval for delivery of a pedestrian refuge based on a PV<sup>2</sup>ASCW score within 10% of the threshold required
- Approval to upgrade this facility to a Zebra Crossing on the basis of installation costs.

## 3. Consultation

The local Member for the area has been consulted for their views on the proposals.

**a) Have Risks and Impact Analysis been carried out??**

No

**b) Risks and Impact Analysis**

n/a

**Appendices**

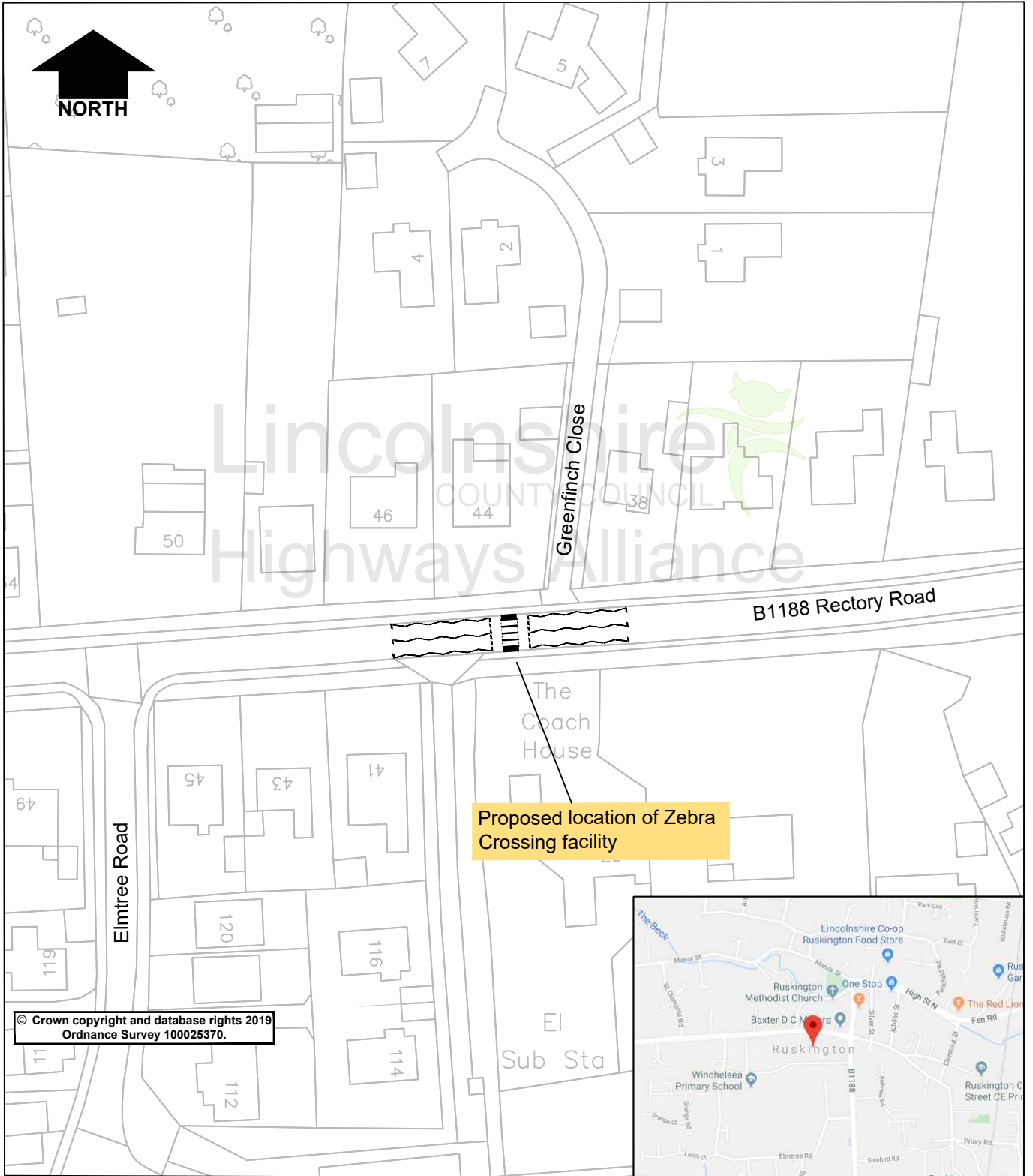
These are listed below and attached at the back of the report	
Appendix A	Plan showing proposed location of Zebra Crossing facility
Appendix B	Traffic survey counts
Appendix C	Pedestrian survey counts

**Background Papers**

Document title	Where the document can be viewed
Pedestrian crossing survey summary; Stage 1 Road Safety Audit; Lincolnshire Pedestrian Crossing policy	

This report was written by Jeanne Gibson, who can be contacted on 01522 782070 or [jeanne.gibson@lincolnshire.gov.uk](mailto:jeanne.gibson@lincolnshire.gov.uk).

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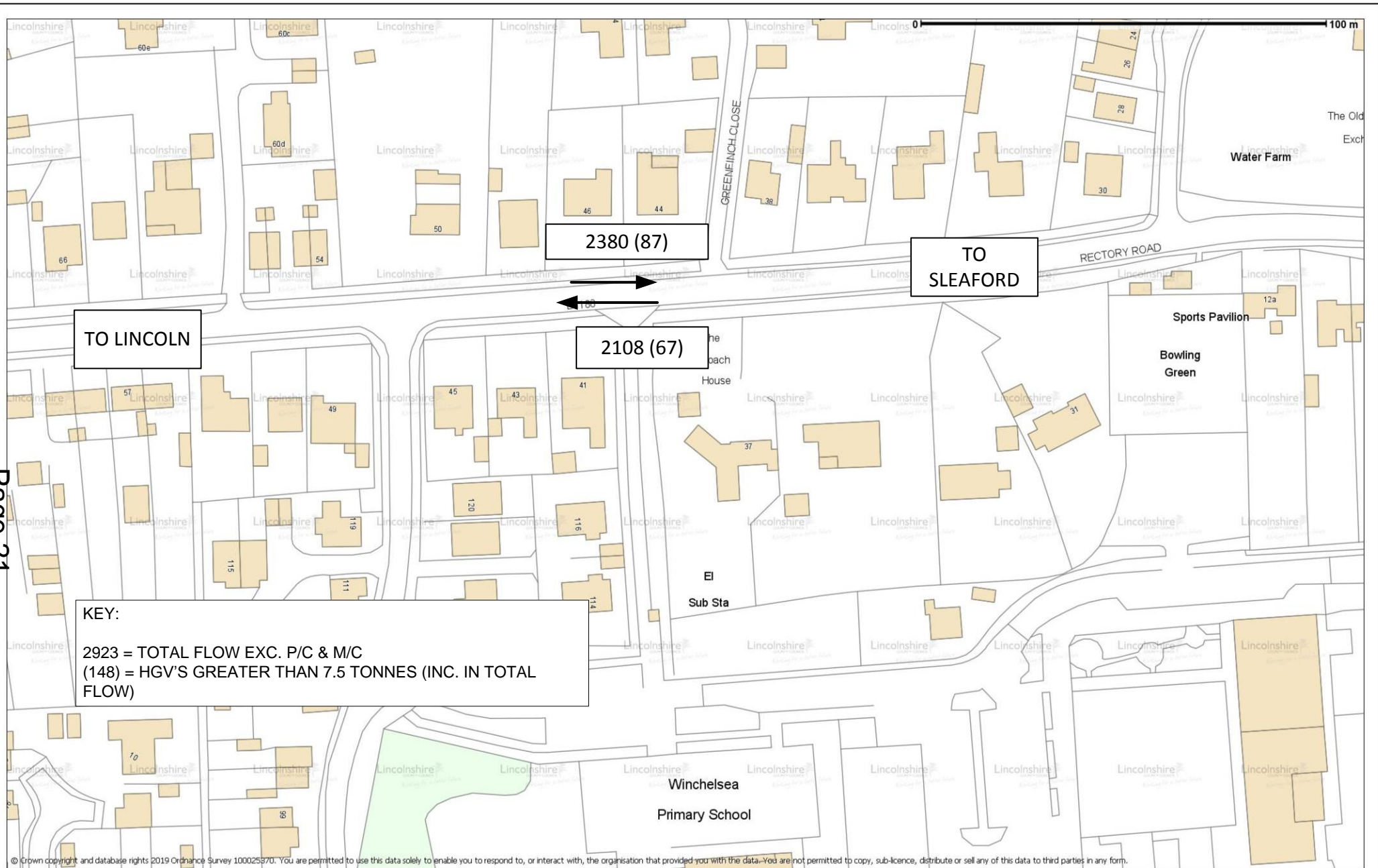
**Lincolnshire**  
COUNTY COUNCIL  
**Highways Alliance**

Lancaster House  
36 Orchard Street  
Lincoln  
LN1 1XX

Rev.	Description	Drawn	Ch'kd	Auth	Date
	Project	Drawn		Date	
	Ruskington B1188 Rectory Road Proposed Zebra Crossing Facility	JE			12.19
		Ch'kd		Date	
		JG			12.19
	Status	Project No.	Auth	Traced	
		RZC			
	Drawing Title				Scale
	Appendix A				1:1000 @A4
	Drawing No.				Rev.
	H/JE/RZC/001				0

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**JOB**  
**No:41995**

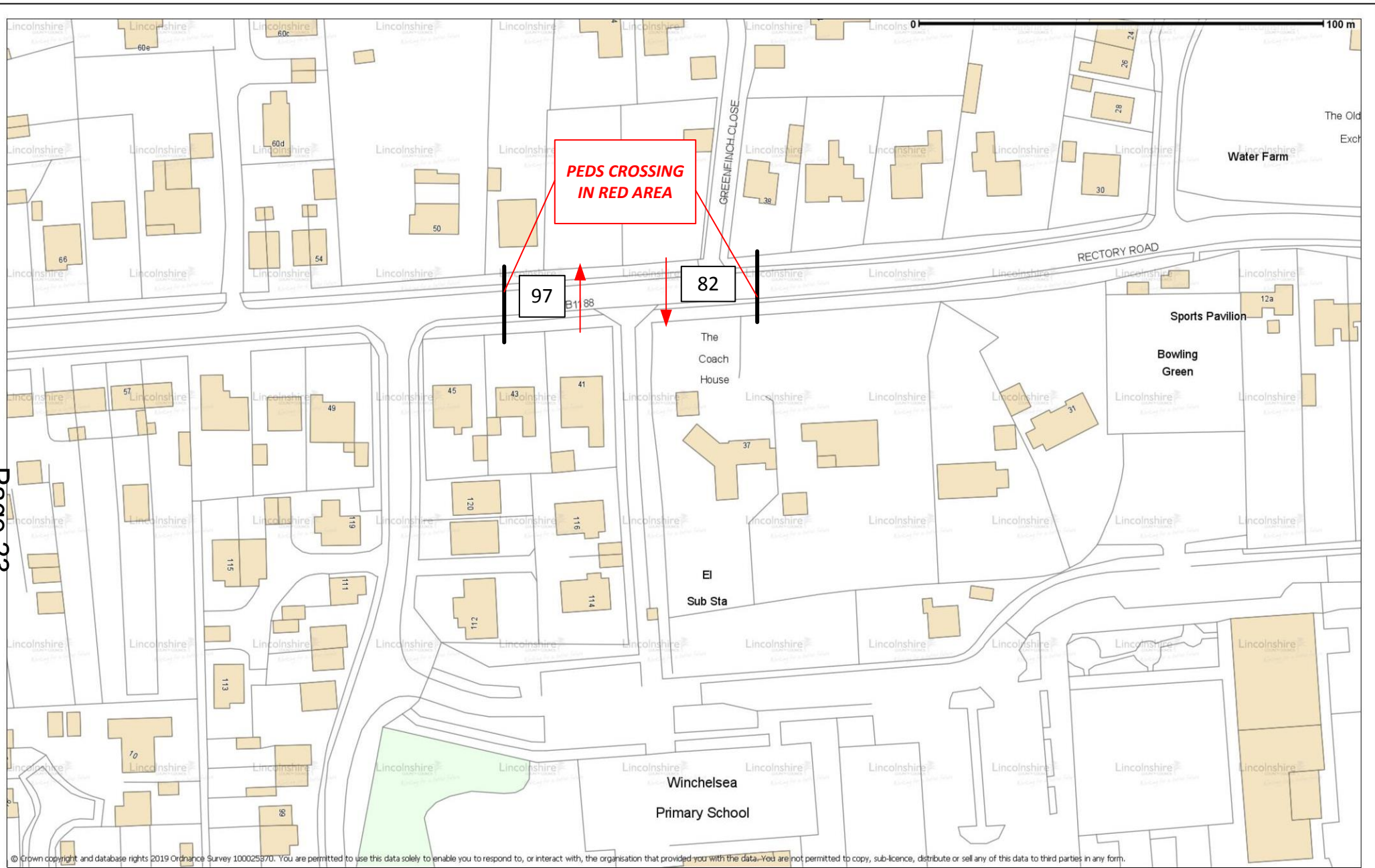
Scale 1:1250



**SITE: RUSKINGTON RECTORY ROAD B1188**  
**SURVEY TYPE: Pedestrian Count/Traffic Survey**  
**DAY/DATE: WEDNESDAY 1<sup>ST</sup> MAY 2019**  
**DURATION: 8.00 – 18.00 hrs**



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**JOB**  
**No:41995**

Scale 1:1250



**SITE: RUSKINGTON RECTORY ROAD B1188**  
**SURVEY TYPE: Pedestrian Count/Traffic Survey**  
**DAY/DATE: WEDNESDAY 1<sup>ST</sup> MAY 2019**  
**DURATION: 8.00 – 18.00 hrs**



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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 January 2020</b>
Subject:	<b>Great Limber A18 - Proposed 30mph Speed Limit</b>

**Summary:**

This report considers objections received to the statutory consultation for the above proposal, the extent of which is shown at Appendix A.

**Recommendation(s):**

That the Committee overrules the objections and that the proposal is publicly advertised.

**1. Background**

- 1.1 Following a request from Great Limber Parish Council for the existing 40mph speed limit on the A18 through the village to be reduced to 30mph, three speed surveys were carried out at various locations in October 2017. The plan at Appendix B shows these sites and the mean speed of traffic measured at each.
- 1.2 Sites 1 and 2 indicate levels of 36 and 35 mph whilst Site 3 recorded 38mph. In accordance with the speed limit policy where the mean speed data falls within 3mph of the threshold for a lower limit it will be classed as a borderline case and will be submitted to this Committee for approval to pursue an order for the reduced limit. This applies at Sites 1 and 2 and a paper on this matter was presented to this Committee on 4 June 2018 with a recommendation that the reduction to a 30mph speed limit in accordance with the policy be approved as shown in Appendix B. Site 3 indicates a mean a mean speed beyond the borderline threshold and it was therefore proposed to retain the existing 40mph limit here and at the western end of the village.
- 1.3 The recommendation was approved and a formal consultation process for a 30mph limit to be introduced was initiated in July 2019.

## **Objections**

- 1.4 Three objections have been received to this proposal, including one from the Parish Council.
- 1.5 Each suggests an extension to the proposed 30mph limit further out of the village and also extensions to the existing 40mph limits in both directions.
- 1.6 The Parish council has objected to the extents of the new limit proposed and have requested that it be extended in both directions to include bends in the road alignment, and that the current extents of the 40mph limit be extended further out of the village also. A third objection suggests that these extensions should apply for 2.5km to the east and 0.5km to the west.

## **Comments**

- 1.7 Owing to lack of frontage development on the outskirts of the village and beyond, extensions to the existing 40mph limits have been assessed separately as rural limits as defined in the policy. There have been three reported accidents in total along the lengths 2.5km to the east and 0.5km to the west respectively. However the criteria have not been met and I regret therefore that this request cannot be progressed at this time.
- 1.8 The speed limit policy is designed to promote speed limits in built up areas where more activity on the highway is generated, or in rural areas where accidents have been reported. The majority of drivers adjust their speed in accordance with road conditions and it is for this reason that speed limits are not used to reduce speed at such locations unless they are employed as part of an accident reduction scheme. At Great Limber the bends on the approaches to the village are highlighted to drivers by warning signage, and street lighting is in place on both approaches beyond the existing 40 limit termination points.

## **2. Conclusion**

- 2.1 The 30mph speed limit as proposed is compliant with the policy criteria and the locations of its terminal points on the approaches to the village centre ensure its impact is concentrated at this point.

## **3. Consultation**

- 3.1 Consultation for this proposal included the local Member and District Councillors, the police, Lincolnshire Fire and Rescue, EMAS, Great Limber Parish Council, West Lindsey District Council, Road Haulage Association, Freight Transport Association, Bus services Stagecoach and Sherwood Travel, Transport Services.

### **a) Have Risks and Impact Analysis been carried out??**

No

### **b) Risks and Impact Analysis**

n/a

## Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location plan
Appendix B	Plan of proposed 30 mph speed limit

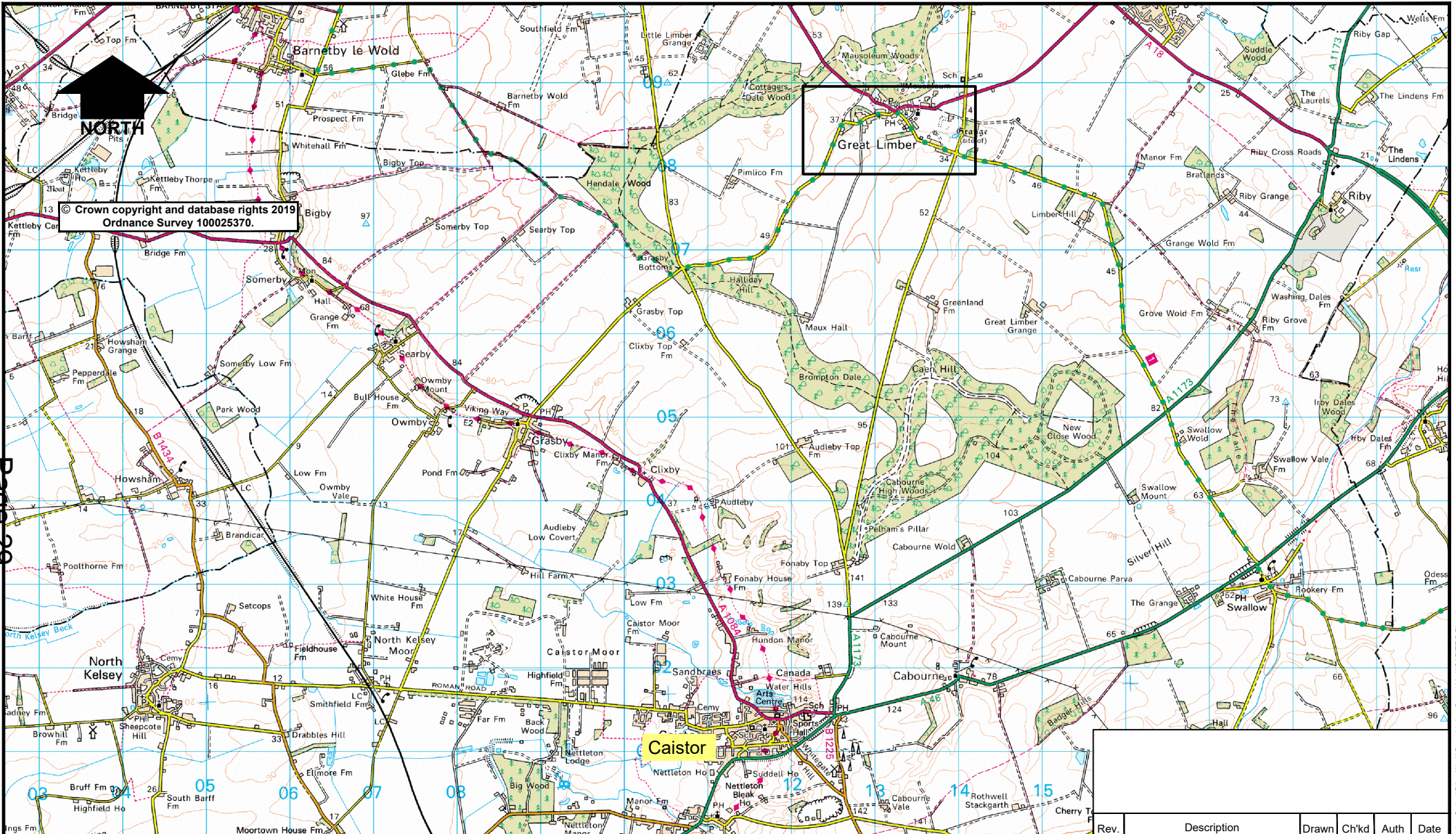
## Background Papers

Document title	Where the document can be viewed
Speed survey information and letters of objection.	

This report was written by Jeanne Gibson, who can be contacted on 01522 782070 or [jeanne.gibson@lincolnshire.gov.uk](mailto:jeanne.gibson@lincolnshire.gov.uk).

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**Lincolnshire**  
COUNTY COUNCIL  
**Highways Alliance**

Lancaster House, 36 Orchard Street, Lincoln, LN1 1YZ

Project **A18 Great Limber Proposed 30mph Speed Limit**

Status Project No. **GLSL**

Drawing Title **Appendix A**

Drawing No. **H/JE/GLSL/001**




Rev.	Description	Drawn	Ch'kd	Auth	Date
		JE			12.19
		JG			12.19
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		Rev.		Scale	NTS

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**Key**

-  Existing 30mph limit
-  Existing 40mph limit
-  Proposed 30mph limit

**Lincolnshire**  
COUNTY COUNCIL  
**Highways Alliance**  
Lancaster House, 36 Orchard Street, Lincoln, LN1 1YZ

Project: A18 Great Limber Proposed 30mph Speed Limit

Status: Project No. GLSL

Drawing Title: Appendix B

Drawing No. H/JE/GLSL/002

Rev.	Description	Drawn	Ch'kd	Auth	Date
		JE			12.19
		JG			12.19
					Traced
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**Open Report on behalf of Andy Gutherson  
Executive Director for Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 January 2020</b>
Subject:	<b>County Matter Application - 139858</b>

**Summary:**

Planning permission is sought by Whites Recycling (Agent: Robert Farrow (Design) Ltd) to retain a tank for the storage of liquid organic waste at Land off A1084, Kettleby.

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 1250 cubic metres which is also the proposed annual throughput for the site. The storage tank would provide a winter storage facility which would allow the wastes to be retained on site so that they are available for application when ground conditions permit.

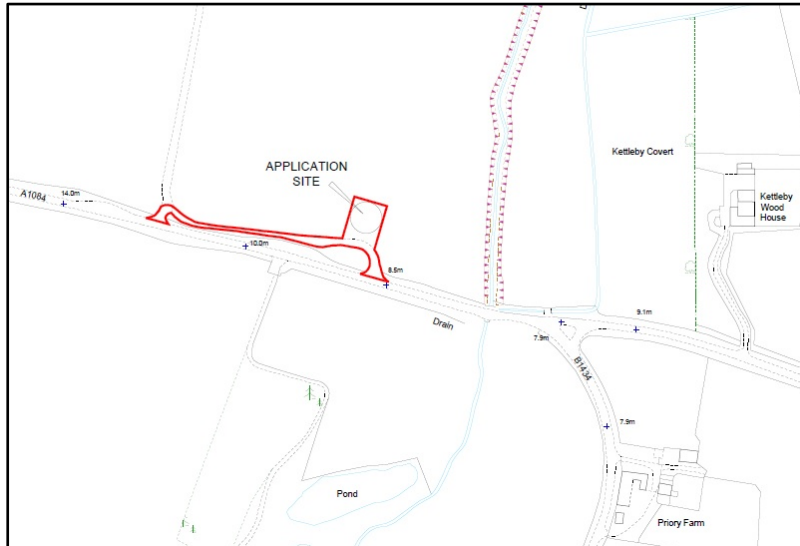
The potential impacts associated with the retention and use of the tank could be mitigated, minimised and reduced through the implementation of mitigation measures proposed within the application or additional mitigation secured through appropriate conditions. Subject to these conditions and controls,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

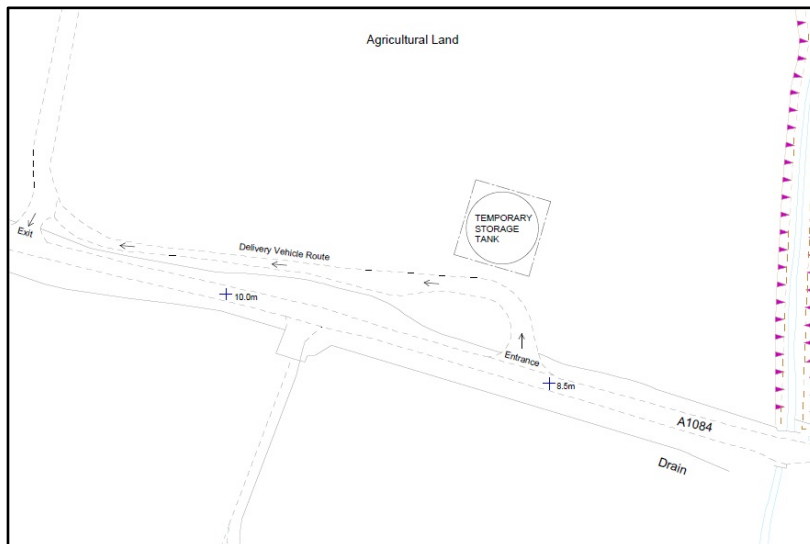
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

**The Application**

1. Retrospective planning permission is sought to retain a tank for the storage of liquid organic waste at Land off A1084, Kettleby. The application states that construction of the tank was completed in September 2018.



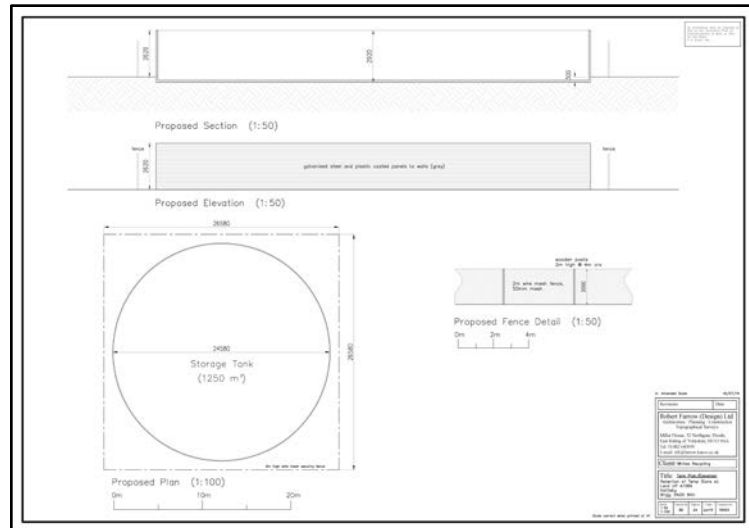
Location Plan



Proposed Site Plan

2. The tank is used to store liquid organic food waste which is temporarily held prior to being applied to farmland as a soil fertiliser. These wastes mainly comprise of liquid wastes produced by the food and drink industry, however the application also indicates that the wastes could include wastes derived from agriculture, horticulture, forestry, hunting and fishing, food preparation and processing, wastes from waste management facilities, off-site water treatment plants and the preparation of water intended for human consumption and water for industrial use. The waste types fall within specific European Waste Catalogue (EWC) codes which can provide rich nutrients for agricultural benefit such as nitrogen, potash and phosphate which are essential to soil fertility and can increase crop yields. These wastes can therefore, subject to control, be used as an alternative to costly chemical fertilisers.

- The tank is circular and has an approximate diameter of 24.5 metres and height of 2.6 metres. It has a capacity of 1250 cubic metres, which is the maximum proposed annual volume. It is constructed of galvanised steel and grey plastic panels and is covered with a liner. It is enclosed by a 2 metres high post and wire mesh fence. The store is a temporary structure and can be erected and dismantled within a week with minimal machinery and man power.



Elevation



- Vehicles enter the site via an unmade private track, approximately 190 metres long, which is located directly off the A1084, and has the appearance of a layby. The wastes are delivered to the site by sealed tankers, typically 44 tonne non-hazardous aluminium vacuum tanks with an approximate total capacity of 28,000 – 30,000 litres. The applicant states that it takes on average 33 deliveries to fill the tank to capacity, and waste intakes are monitored to ensure the tank does not overflow. Prior to the siting of the storage tank, the site was used as an access point for the delivery of fertilisers during the spreading seasons. The applicant states that consequently the number of vehicle movements to and from the site would not therefore alter from the numbers historically experienced at the site.

5. For the majority of the year, direct application of fertiliser to the land would continue and there would be long periods when there would be no deliveries to the store or collections from it, consequently the number of vehicles delivering in any one year varies depending on weather conditions. However, the storage facility would allow a build-up of reserve for when the weather is unsuitable for spreading directly onto the land, typically during wet and wintery weather. The tank may therefore be empty for long periods of time, but if there is a sustained wet or wintery period then the tank would be filled and used. The waste would continue to be transferred into the storage tank via a flat pipe into the inlet pipe. The wastes are stirred before spreading and a flat pipe is connected to the discharge pipe which can be attached onto a tractor tank for spreading onto the fields.
6. As the storage tank would only be used when wastes cannot be directly applied to the land, there would be for long periods when there would be no vehicle movements to the storage facility. When deliveries do occur, they would be undertaken by one lorry at a time. It is anticipated that deliveries would take place from early morning to late afternoon/early evening. The application states that it would never be planned to have more than one delivery vehicle at a time and under no circumstances would vehicles be queuing on the highway.

### Odour

7. The application states that the site is relatively open with flat countryside in all directions and under prevailing wind conditions any odour is likely to travel across farmland to an existing belt of trees. Odour sources are identified as originating from the impact of the exposure of the material to the atmosphere. The material is transported to site in sealed lorry tanks and then transferred to the storage tank. When it is spread it is removed by secure pipework to sealed tanks which are pulled by tractors, and spread onto the land by an umbilical pipe spreading system.
8. The store would be audited by an experienced staff member and the odour checks would increase when operations, such as stirring and emptying are carried out. If odours are detected, beyond site boundaries, at levels likely to cause a nuisance, then immediate action would be taken to cease the handling operations and the cause would be investigated.
9. All complaints would be recorded and levels would be monitored regularly and, as all wastes are sourced from known and approved producers, it allows issues to be managed. If an odour complaint were to be substantiated, a detailed investigation would be carried out and appropriate remedial action undertaken.
10. The application includes an Emergency Spill/Incident Procedure which identifies the main causes of spill and incidents as including: overfilling; damaged or leaking liner; containment and pipework failure; collisions or accident during transport or delivery; weather related problems, fires or explosions and; deliberate acts. Management control measures are



identified which include regular audits of the site and maintenance to check the integrity of the tank and pipework. The procedure identifies contingency, reporting measures and emergency plans.

### Site and Surroundings

11. The hamlet of Somerby is approximately 1000 metres to the north east of the site, Bigby is approximately 2.2 kilometres to the east and Brigg is located approximately 5 kilometres to the northwest. The tank is enclosed by a 2 metres high post and wire fence and positioned at the edge of agricultural fields. It is accessed directly from the A1084 by a private unmade farm track, which is approximately 190 metres long. There is an established belt of trees adjacent to the track which offers substantial screening of the tank from the A1084. Priory Farm is the nearest residential property and is approximately 250 metres to the south east.



### 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:

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 are 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).

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.

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 there would be a capacity gap of 332,796 tonnes per annum and so a need for facilities 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 facilities, 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 applications that accord with the policies in the 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 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, runoff 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 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.

Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site, however 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.

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 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 the 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

13. (a) Environmental Health Officer (West Lindsey District Council) - commented that odour has been experienced at the nearest sensitive property and therefore a cover should be put in place to address this. The applicant responded that it is preferred not to cover these types of stores as the wastes within the stores quickly form crusts that then act as a natural cover, and a lid would prevent the level of waste and free board from being assessed. The EHO commented that their experience is that these types of tank do not crust over. In response to the applicants statement that a cover would prevent the level on the tank from being seen, the EHO stated that a gauge on the tank would enable levels to be detected, which cannot in any case be assessed other than from an elevated level.
- (b) Environment Agency (EA) - initially objected to the application as they considered that the risk of potential harm to surface water quality posed by the development was unacceptable. The objection was based on a number of issues which included insufficient information or details to give sufficient confidence that the tank is of a suitable design and specification for the storage of these wastes and that suitable measures would be adopted to minimise or prevent the risks from spillages, to monitor levels within the tank and to reduce odour impacts on local sensitive receptors. Furthermore, the plans did not detail any secondary containment.

Further details relating to these matters were subsequently provided by the applicant and the Environment Agency has now withdrawn their initial objection subject to the imposition of conditions which would ensure that:

- appropriate level monitoring devices and procedures are implemented to ensure a sufficient freeboard is maintained to prevent overtopping of the store; and
- details of the spill procedures and associated mitigation procedures to reduce the risk to surface water are secured; and
- details of the methods to be used to prevent the liner of the tank inverting when it is empty; and

- requires the submission of an Odour Management Plan for approval.

It is also requested that an Informative be added which reminds the applicant of the need to obtain an Environmental Permit and that any container needs to be designed in accordance with an appropriate specification in CIRIA Report C759 - Livestock manure and silage store infrastructure for agriculture

- (c) Historic Places (Lincolnshire County Council) - the site is in an area of archaeological potential, which is contrary to the applications supporting statement. Within the immediate vicinity of the application site numerous multi-period metal working finds have been recorded, as well as undated crop marks. If consultation had occurred prior to construction of the storage tank consideration would have been given as to whether the development should be subject to an archaeological condition. However, as construction has been completed this is no longer possible. Any further development should have proper and due consideration on the impacts of the historic environment prior to development.
  - (d) Natural England - have no comments on the application and advise that they have standing advice which can be used to assess the impacts on protected species.
  - (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) - do not wish to restrict the grant of planning permission.
  - (f) Bigby Parish Council - do not object to the application.
14. The following individuals/organisations were consulted on 7 August 2019, but had not responded within the statutory consultation period or at the time this report was prepared:
- Local County Council Member, Councillor H Turner  
 Lincolnshire Wildlife Trust  
 Lincolnshire Fire and Rescue  
 Public Health (Lincolnshire County Council).
15. The application was publicised by site notices placed close to the site and at the start of the access track and a press notice was placed in the Lincolnshire Echo on 15 August 2019. One objection, set out in three separate responses and representing four individuals, was received as a result of this publicity which is summarised below:
- The tank was constructed approximately a year ago without any planning permission and the odour infiltrates their home and work place and that of her sons home and is affecting their quality of living.
  - The odour is having a detrimental impact on their business, which is a Christmas barn and is opened for 12 weeks of the year, between the

end of October and the end of December. In the 2018 opening period customers noticed and complained of the smell.

- Although the application (page 8, point 9.5.3) states that since the tank has been in use there have been no complaints of odour is true, it is because they have not been able to find out the owners and operators of the site. Complaints have been sent to the EHO, who have attended the site and odour monitoring charts have also been completed.
- The respondent's property has not been listed as one of those nearest to the site.
- The tank is seriously affecting quality of life and it is requested that it is refused and an enforcement notice put in place.
- The supporting information in the document states that no more than one tanker would be delivering on the site at any one time; on 15 November 2019 there were three, one parked on the main road and two on the track.

#### District Council's Recommendations

16. West Lindsey District Council commented that there is a watercourse approximately 90 metres to the east, residential dwellings 300 metres to the east and south east and 500 metres to the north of the site is Kettleby House, a Grade II Listed Building. The following should be considered in the determination of the application: access, parking and traffic movements; odour; neighbouring and visual amenity; pollution of the water environment, contamination and flood risk; ecology on and around the site. If the aforementioned matters and all other material considerations are found to be acceptable then they would not object to the application.

#### Conclusions

17. The application is seeking planning permission to retain an existing storage facility at land off the A1084, Kettleby. The tank would continue to be used to store liquid organic wastes which can then be used as a fertiliser on the surrounding agricultural fields. The main issues to consider in the determination of this application relate to the need and location of the development, the impact on the quality of the water environment, highway issues and amenity issues including odour and visual impact.

#### Need

18. The aims of National Policy and Policies W1, DM1 and DM2 of the Lincolnshire Minerals and Waste Local Plan seek to move waste up the waste hierarchy. The tank would store organic liquid wastes that can potentially be spread and used as a liquid fertiliser on the surrounding fields, as an alternative to chemical and artificial fertilisers. The use of these

wastes (in a controlled manner) would therefore provide a beneficial use and allow a greater volume of such wastes to be reused rather than simply disposed of, and therefore contribute toward moving the management of these wastes up the hierarchy. Consequently, when such facilities have been proposed in other locations and where the impacts have been demonstrated to be acceptable in all other respects, planning permission has been granted.

19. In this case, the tank would be used to store the liquid wastes, when weather conditions would prohibit direct application to land. Therefore, in principle at least, this proposal would partially comply with the wider aims of sustainable development, as set out under Policies DM1 and DM2 of the CSDMP and Policy LP1 of the CLLP, by virtue of the fact that a waste product would be capable of being reused, thereby moving waste up the waste hierarchy.

#### Location

20. In terms of location, the site has not been identified as a preferred site within the Site Locations document of the Lincolnshire Minerals and Waste Local Plan. However, this does not mean that the retention is unacceptable and consideration should be given to the locational criteria contained in Policies W3, W5 and W7 of the CSDMP. Policy W3 of the CSDMP, states that waste facilities should be located close to urban centres, however there is recognition 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 the criteria to be applied when assessing proposals for these types of facility outside of preferred urban areas.
21. In this case, the volume of wastes to be handled is relatively small and therefore the criteria, set out in Policy W7 for small scale facilities, is applicable. It is also considered that the wastes and the process are similar to those at anaerobic digestion plants, whereby Policy W5 applies, which states that such facilities should be located on land where it can be demonstrated they have close links to the existing use. The tank is located within an area of open countryside and to the north, west and south are arable fields, where the fertilizer would be applied, to the east is the A1084. It is accepted that there is therefore a need for a facility of this type to be located close to the fields upon which the wastes are to ultimately be applied and so this justifies a countryside location. Therefore the siting of the tank in this locality does comply with the broader approach advocated by Policies W3, W5 and W7 however, in order to be deemed fully compliant the development must also demonstrate compliance with all the other relevant Development Management Policies contained within the CSDMP and CLLP.

#### Odour

22. Comments received as part of the publicity process from nearby properties and from the Environmental Health Officer at West Lindsey District Council have raised issues concerned with odour. The Environmental Health Officer



has confirmed there have been complaints about odour and has stated that the tank should have a proper lid, rather than liner and this, along with a volume gauge, should be a condition of any planning permission. The Environment Agency have also advised that a condition be imposed to secure an Odour Management Plan which, in conjunction with the requirements of the Environmental Permit, would ensure sufficient controls would be in place to reduce the impacts of odour. Subject to such conditions potential odour issues at the site could be minimised and therefore the development would not be contrary to Policy DM3 of the Lincolnshire Minerals and Waste Local Plan which set out to quality of life and local amenity.

### Highways and Traffic

23. The applicant states that the annual volume of waste that would come into the site would be 1250 cubic metres. This volume is also the maximum storage volume of the tank, and the application reports that it would take approximately 40 tanker loads to fill the tank to capacity. This would equate to less than one tanker per week visiting the site however, as discussed, the plan is still for fertiliser to be applied directly to the land and the tank would only be used when the weather conditions are wet or wintery. As the use of the tank would be dependent on the weather conditions, the deliveries to the tank would be variable, and there would be long periods when the tank would not be in use and hence no deliveries whilst at other times it is a reasonable assumption that there would be more than one delivery per day.
24. The site is reached by a private access track directly off the A1084, and it is considered that 40 deliveries, which would equate to 80 vehicular movements spread across two to three months would not be excessive. No objection has been received from the Highways Officer and consequently, it is considered that the application would not be contrary to Policy DM14 of the Lincolnshire Minerals and Waste Local Plan which seeks to ensure that arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic or residential amenity or the environment.

### Visual Amenity

25. The tank is located within open countryside and surrounded by agricultural fields, except to the south where the site is adjacent to the A1084, and there is a belt of mature trees between the access track to the site and the highway. There are no other buildings or structures in close proximity, the nearest being Priory Farm approximately 300 metres to the south east, with views to and from this property being obscured by its position and orientation adjacent to a bend on the B1434. Kettleby Wood House is approximately 280 metres due east, but views to and from this property are substantially screened by Kettleby Covert. The tank is a maximum of approximately 2.6 metres high which, at less than the height of an average single storey building, is considered to be relatively low. The muted green of the tank means that it is in keeping with the immediate surrounding

agricultural environment. Furthermore, it is considered that the design of the tank is in keeping with what would realistically be expected to be present in a rural agricultural setting. It is therefore concluded that the tank would not be contrary to Policies DM3 and DM6, of the Lincolnshire Minerals and Waste Local Plan and Policies LP17 and LP55 of the Central Lincolnshire Local Plan, all of which seek to protect the landscape and visual amenity.

### Human Rights Implications

26. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is balancing exercise and a matter of planning judgment. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

### Final Conclusions

27. The application is seeking planning permission to retain an existing tank, for the storage of organic liquid wastes. The application of such fertilisers can provide an agricultural benefit and an alternative to chemical fertilisers. Furthermore, it is also contributing to moving waste up the waste hierarchy and is therefore considered to be a sustainable practice. The location of the storage tank within the arable fields where the liquid waste is and would continue to be applied is considered to be an acceptable location in this situation. It is not considered that the development would be detrimental to the landscape or visual amenity and it is not deemed to have a negative impact on the highway network. It is considered that any potential odours can be mitigated for by the installation of a lid and the implementation of an odour management plan. Similarly, any potential risk to the water environment can be protected by the installation of appropriate level monitoring devices, spill procedures and details of management for when the store is empty, including methods to prevent liner inversion.

## **RECOMMENDATIONS**

That planning permission is granted subject to the following conditions:

1. No further wastes shall be imported and stored within the tank hereby permitted until the following requirements have been met:
  - (i) Within 1 month of the date of this permission an Odour Management Plan shall be submitted and be approved in writing by the Waste Planning Authority. The Odour Management 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 Management Plan shall thereafter be implemented in full and maintained for the duration of the development.

- (ii) Within 1 month of the date of this permission a Spill Procedure Management Plan shall be submitted and be approved in writing by the Waste Planning Authority. The Plan should contain a site specific risk assessment and identify mitigation procedures that would reduce the risks to surface waters and local habitat and also include details of the measures to be taken to prevent the inversion of the tank liner during the periods when the store is empty.
- (iii) Within 1 month of the date of this permission details of a lid for the tank and of appropriate level monitoring devices and procedures to be used to maintain an appropriate freeboard and prevent overtopping of the temporary store shall be submitted and be approved in writing by the Waste Planning Authority. The approved details shall thereafter be implemented in full and maintained for the duration of the development.

If any of above requirements are not met and complied with within 6 months of the date of this permission then the tank and all wastes and materials shall be removed from the site and the land reinstated to its former condition.

*Reason: To ensure that schemes relating to the matters specified are submitted for the written approval of the Waste Planning Authority within a reasonable timescale.*

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:

- Planning application Form and Planning Statement (date stamped received 8 July 2019);
- Drawing – Location Plan Retention of Temp Store (date stamped received 8 July 2019);
- Drawing -Tank Plan/Elevation (date stamped received 16 July 2019); and
- Drawing – Proposed Site Layout (date stamped received 8 July 2019).

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

3. A total of no more than 1250 cubic metres / 1250000 litres of liquid organic waste shall be brought to the site (as shown within the red line boundary on Drawing – 'Retention of Temp Store at land off A1084, Kettleby 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. 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. 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

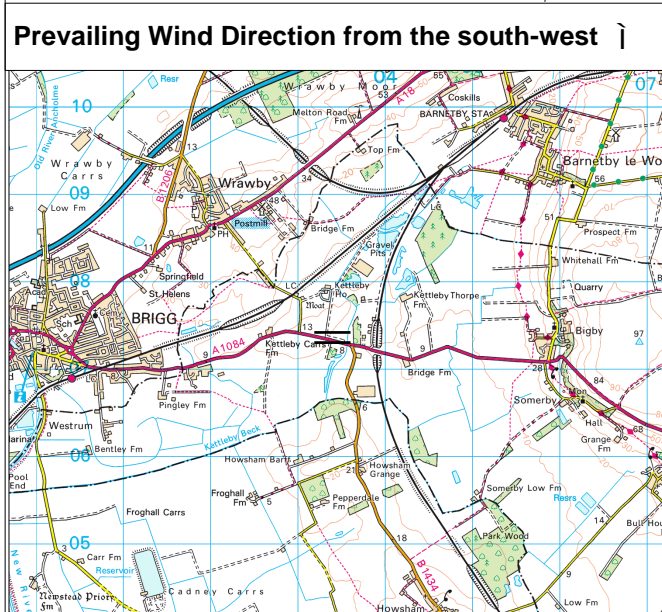
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File 139858	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012) National Planning Policy for Waste (NPPW) (October 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 's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Central Lincolnshire Local Plan (2017)	North Kesteven District Council's website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 13 JANUARY 2020



Lincolnshire County Council  
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**Location:**  
 Land off A1084  
 Kettleby  
 Brigg

**Description:**  
 To retain a tank for the storage of liquid organic waste

**Application No:** 139858  
**Scale:** 1:2500

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 January 2020</b>
Subject:	<b>County Matter Application - 19/1105/CCC</b>

**Summary:**

Planning permission is sought by Whites Recycling (Agent: Robert Farrow Design Ltd) to retain a tank for the storage of liquid organic waste at Dembleby Farm, Ropsley.

The tank is used to store liquid organic food waste which is temporarily held prior to being applied to farmland as a soil fertiliser. The wastes principally comprise of liquid wastes produced by the food and drink industry but could also include wastes from other sources/sectors including agriculture, horticulture, forestry, hunting and fishing, etc. The identified waste types fall within specific European Waste Catalogue (EWC) codes which can provide rich nutrients for agricultural benefit such as nitrogen, potash and phosphate and can therefore, subject to control, be used as an alternative to costly chemical fertilisers.

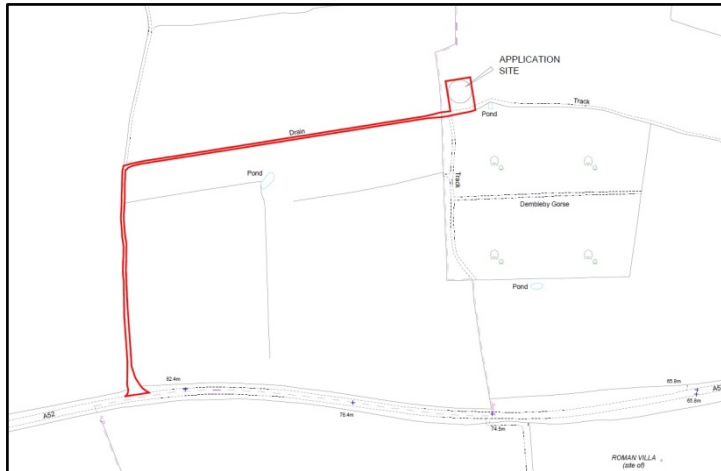
It is accepted that the spreading and use of organic liquid wastes as an alternative to chemical fertilisers can be an agricultural benefit and also represent a sustainable waste management practice. A countryside location for the tank is also considered justified however in this case the Environment Agency objects to the positioning of the tank as it is approximately 10m from a flowing field drain that drains into South Beck and so poses an unacceptable risk to both surface water and groundwater, and therefore the integrity of the water environment. Therefore, the tank should not be retained in this location and would need to be moved to a more suitable location as, given the risks posed to the water environment, the development is contrary to Policies W3, W5, W7, DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and Policy LP14 of the Central Lincolnshire Local Plan.

**Recommendation:**

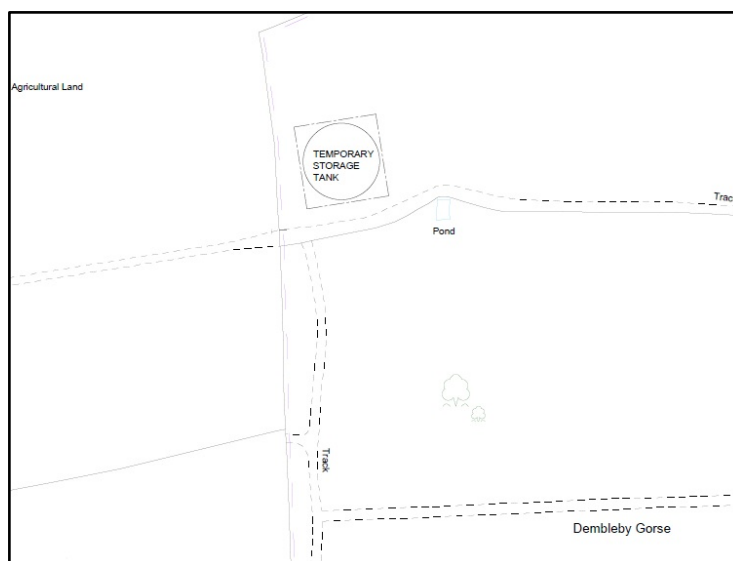
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be refused.

## The Application

1. Retrospective planning permission is sought to retain a tank for the storage of liquid organic waste at Dembleby Farm, Ropsley. The application states that construction of the tank was completed in November 2016.



## Location Plan



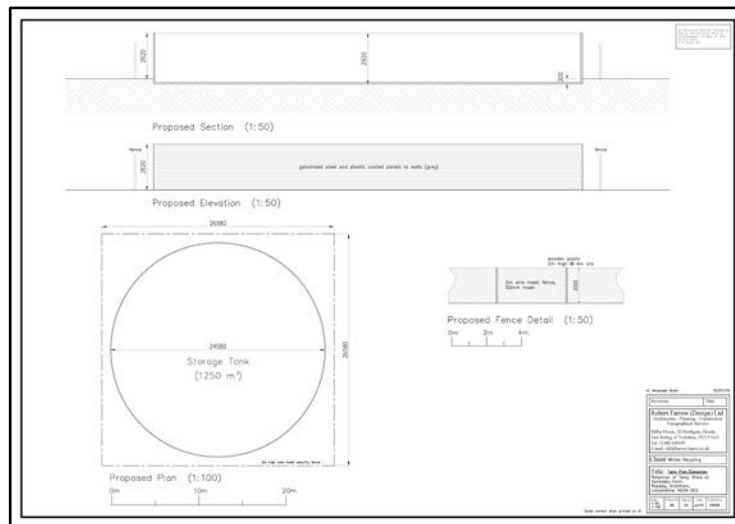
## Proposed Site Layout

2. The tank is used to store liquid organic food waste which is temporarily held prior to being applied to farmland as a soil fertiliser. The wastes principally comprise of liquid wastes produced by the food and drink industry however, the application also indicates that the wastes could include wastes from other sources/sectors including agriculture, horticulture, forestry, hunting and fishing, food preparation and processing and wastes from waste management facilities, off-site water treatment plants and the preparation of water intended for human consumption and water for industrial use. These waste types fall within specific European Waste Catalogue (EWC) codes which can provide rich nutrients for agricultural benefit such as nitrogen,



potash and phosphate which are essential to soil fertility and can increase crop yields. These wastes can therefore, subject to control, be used as an alternative to costly chemical fertilisers.

- The tank is circular and has an approximate diameter of 24.5m and height of 2.6m. It has a capacity of 1250m<sup>3</sup>, which is the maximum proposed annual volume. It is constructed of galvanised steel and grey plastic panels and is covered with a liner. It is enclosed by a 2m high post and wire mesh fence. The store is a temporary structure and can be erected and dismantled within a week with minimal machinery and man power.



Elevation Plan



- Vehicles enter the site via an unmade access track which is located directly off the A52. The wastes are delivered to the site by sealed tankers, typically 44 tonne non-hazardous aluminium vacuum tanks with an approximate total capacity of 28,000 – 30,000 litres. The applicant states that it takes on average 40 deliveries to fill the tank to capacity and waste intakes are monitored to ensure that the tank does not overflow.

5. For the majority of the year, direct application of fertiliser to the land would continue and consequently there would be long periods when there would be no deliveries to the store or collections from it. However, the storage facility would allow a build-up of reserve when the weather is unsuitable for spreading directly onto the land - typically during wet and wintery weather. The tank may therefore be empty for long periods of time, but if there is a sustained wet or wintery period then the tank would be filled and used. The waste would continue to be transferred into the storage tank via a flat pipe into the inlet pipe. The wastes are stirred before spreading and a flat pipe is connected to the discharge pipe which can be attached onto a tractor tank for spreading onto the fields.
6. As the storage tank would only be used when wastes cannot be directly applied to land there would be long periods when there would be no vehicle movements to the storage facility. When deliveries do occur they would be undertaken by one lorry at a time. It is anticipated that deliveries would take place from early morning to late afternoon/early evening. The application states that under no circumstances would multiple vehicles be queuing on the highway waiting to deliver. If, for some unforeseen reason, more than one vehicle does arrive at the tank, only one will be permitted at a time and any other vehicle will be directed to a suitable parking zone.

#### Odour

7. The application states that the site is relatively open with flat countryside in all directions and under prevailing wind conditions any odour is likely to travel across farmland to an existing belt of trees. Odour sources are identified as originating from the impact of the exposure of the material to the atmosphere. The material is transported to site in sealed lorry containers and then transferred to the tank. When it is spread it is removed by secure pipework to sealed tanks which are pulled by tractors, and spread onto the land by an umbilical pipe spreading system.
8. The store would be audited by an experienced staff member and the odour checks would increase when operations, such as stirring and emptying, are carried out. If odours are detected, beyond site boundaries, at levels likely to cause a nuisance, then immediate action would be taken to cease the handling operations and the cause would be investigated.
9. All complaints would be recorded and levels would be monitored regularly and, as all wastes are sourced from known and approved producers, it allows issues to be managed. The applicant states that since the site has been in use they have not received any complaints.
10. The application includes an Emergency Spill/Incident Procedure which identifies the main causes of spill and incidents as including: overfilling; damaged or leaking liner; containment and pipework failure; collisions or accident during transport or delivery; weather related problems, fires or explosions and; deliberate acts. Management control measures are

identified which include regular audits of the site and maintenance to check the integrity of the tank and pipework. The procedure identifies contingency, reporting measures and emergency plans.

## Site and Surroundings

11. Dembleby is located approximately 13km to the east of Grantham town centre. The storage tank is located within open countryside and it is approximately 2.4km west of Dembleby. The land is undulating and the site is set within agricultural fields. There is a copse immediately to the south of the tank and field tracks to the south and east. The tank is accessed by an unmade farm track which leads directly off the A52. The nearest property to the site is approximately 760m to the south west on the opposite side of the A52.



## 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 the 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:

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 are sympathetic to local character and landscape setting.

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).

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 the protection of water quality, landscape and visual impacts, traffic and access and odours.

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 there would be a capacity gap of 332,796 tonnes per annum and so a need for facilities 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 facilities, 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 applications that accord with the policies in the 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 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, runoff 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 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.

Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site, however 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.

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 applications that accord with the Policies in the Local Plan to be approved without delay, unless material considerations indicate otherwise.

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 the 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

13. (a) Environment Agency (EA) - object to the application as they consider that the risk of potential harm to surface water quality posed by this development is unacceptable.

The EA initially objected on a number of grounds which included insufficient information or details to give them confidence that the tank was of a suitable design/specification for the storage of these wastes and that suitable measures would be adopted to minimise or prevent the risks from spillages, to monitor levels within the tank and to reduce odour impacts on local sensitive receptors. Further details relating to some of these matters were subsequently provided by the applicant and whilst the Agency are not completely satisfied with all of the details provided to date, if the development was deemed to be acceptable then further details could be secured by way of planning conditions.

Notwithstanding the above, the EA maintain an overall in principle objection to this development due to the location of the store. The temporary store is located within 10 metres of a flowing field drain and any spill from the store would cause a significant risk of pollution to this watercourse and those it subsequently leads to - in this case South Beck, which feeds into Scredlington South Beck. The site is located in a source protection zone (Zone 3) and on a secondary B aquifer and it is therefore considered that the risk of potential harm posed to surface water quality is unacceptable. The EA therefore has concerns that the tanks position means that the potential harm to surface water quality is unacceptable and so would be contrary to paragraph 170 of the NPPF. Therefore, the store should be relocated to a suitable location which is not field drained or in close proximity to a watercourse.

- (b) Historic Places (Lincolnshire County Council) – the development has no impact on the built environment and therefore there are no objections to the application.
- (c) Natural England - have no comments on the application and advise that they have standing advice which can be used to assess the impacts on protected species.
- (d) Heydour Parish Council - the Parish Council note that the tank is out of sight and not near to any houses, but concern was raised regarding smell and possible leakage, and the Parish Council confirms that it concurs with the views of the Environment Agency regarding concerns about environmental impact.

- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council)  
– the existing access is unbound and does not promote safe and suitable access to the site and this should be improved in accordance with the Local Highways Specification.

14. The following individuals/organisations were consulted on 7 August 2019 but had not responded within the statutory consultation period or at the time this report was prepared:

Local County Council Member, Councillor H Hill  
Local County Council Member, Councillor A Hagues  
Environmental Health Officer (North Kesteven District Council)  
Aunsby, Dembleby and Scott Willoughby and Crofton Parish Council  
Lincolnshire Fire and Rescue  
Public Health (Lincolnshire County Council)  
Lincolnshire Wildlife Trust.

15. The application was publicised by site notices placed close to the site and at the start of the access track, and a press notice was placed in the Lincolnshire Echo on 15 August 2019. No representations had been received as a result of this publicity, either within the statutory consultation period or, at the time this report was prepared.

#### District Council's Recommendations

16. North Kesteven District Council was consulted on 7 August 2019 but had not responded within the statutory consultation period or at the time this report was prepared.

#### Conclusions

17. The application is seeking planning permission to retain an existing storage tank at Dembleby Farm, Ropsley. The tank would continue to be used to store liquid organic wastes which are then used as a fertiliser on the surrounding agricultural fields. The main issues to consider in the determination of this application relate to the impact on the quality of the water environment and whether the development in all other respects is deemed acceptable in terms of need, location, highway issues and amenity issues including odour.

#### Water Environment

18. The Environment Agency maintains an objection to the application due to the potential risk posed to the water environment. The tank is in close proximity to a flowing field drain that flows into the South Beck and any overtopping or failure of the tank would be detrimental to this water body and those they flow into. In addition, there would be an unacceptable risk posed to a Secondary B aquifer, which have the potential to store and yield limited amounts of groundwater. The application would therefore be



contrary to Policy DM16 of the Lincolnshire Minerals and Waste Local Plan and Policy LP55 of the CLLP, which aim to ensure that development does not compromise the water environment.

19. Notwithstanding the above, and for the avoidance of doubt, an assessment of the development in terms of its potential environmental and amenity impacts and compliance when considered against other policies and criteria within the Development Plan is given below.

### Need

20. The aims of National Policy and Policies W1, DM1 and DM2 of the Lincolnshire Minerals and Waste Local Plan seek to move waste up the waste hierarchy. The tank would store organic liquid wastes that can potentially be spread and used as a liquid fertiliser on the surrounding fields as an alternative to chemical and artificial fertilisers. The use of these wastes (in a controlled manner) would therefore provide a beneficial use and allow a greater volume of such wastes to be reused rather than simply disposed of and therefore contribute toward moving the management of these wastes up the waste hierarchy. Consequently, when such facilities have been proposed in acceptable locations and where the impacts have been demonstrated to be acceptable in all other respects, planning permission has been granted.
21. In this case, the tank would be used to store the liquid wastes when weather conditions would prohibit direct application to land. Therefore, in principle at least, this proposal would partially comply with the wider aims of sustainable development as set out under Policies DM1 and DM2 of the CSDMP by virtue of the fact that a waste product would be capable of being reused, thereby moving waste up the waste hierarchy.

### Location

22. In terms of location, the site has not been identified as a preferred site within the Site Locations document of the Lincolnshire Minerals and Waste Local Plan. However, this does not mean that the retention is unacceptable and consideration should be given to the locational criteria contained in Policies W3, W5 and W7 of the CSDMP. Policy W3 of the CSDMP states that waste facilities should be located close to urban centres, however there is a recognition that it may not be possible to locate all types of waste facilities in and around the main urban areas. In recognition of this, Policies W5 and W7 set out the criteria to be applied when assessing proposals for these types of facility outside of preferred urban areas.
23. In this case, the volume of waste to be handled is relatively small and therefore the criteria set out in Policy W7 for small scale facilities, is applicable. It is also considered that the wastes and the process are similar to those at anaerobic digestion plants, whereby Policy W5 applies, which states that such facilities should be located on land where it can be demonstrated they have close links to the existing use. The tank is located

within an area of open countryside and is surrounded by arable fields where the fertiliser would be applied. It is accepted that there is therefore a need for a facility of this type to be located close to the fields upon which the wastes are to ultimately be applied and so this justifies a countryside location. Therefore the siting of the tank in this locality does comply with the broader locational approach advocated by Policies W3, W5 and W7, however, in order to be deemed fully compliant the development must also demonstrate compliance with all the other relevant Development Management Policies contained within the CSDMP and CLLP. For reasons given above regarding the risk posed to surface water quality given its positioning, this is not the case and therefore for these reasons the proposal also fails to fully comply with these policies.

### Odour

24. The nature of the development means that there is a potential for odour in the atmosphere. The main causes of odour are when the waste comes into contact with the atmosphere during delivery, emptying and stirring. The tank is in the open countryside and the nearest sensitive receptor is over 750m distant.
25. If the development had been considered to be acceptable in all other respects then conditions could have been imposed to secure and address any potential odour issues. For example, a condition could have required the applicant to implement an Odour Management Plan which, in combination with the requirements of the Environmental Permit, would ensure that sufficient controls would be in place to reduce the impacts of odour. A condition could have also required the tank to be fitted with a suitable lid, instead of the liner that is currently in place.

### Highways and Traffic

26. The applicant states that the annual volume of waste that would come into the site would be 1250m<sup>3</sup>. This volume is also the maximum storage volume of the tank and it would take approximately 40 tanker loads to fill the tank to capacity. This would equate to less than one tanker per week visiting the site however, as discussed, the plan is still for fertiliser to be applied directly to the land and the tank would only be used when the weather conditions are wet or wintery. As the use of the tank would be dependent on the weather conditions, deliveries to the tank would be variable and there could be long periods when the tank would not be in use and hence no deliveries, whilst at other times it is a reasonable assumption that there would be more than one delivery per day.
27. The site itself is reached by an existing farm access track from the A52 and it is considered that 40 deliveries, which would equate to 80 vehicular movements spread potentially across two to three months, would not be excessive. However, the Highways Officer has stated that the existing access from an A road is unbound and does not promote safe and suitable access to the site and would therefore need to be improved in accordance

with the Local Highway Authority's specification. The applicant confirmed that they would be willing to carry out any works to meet the Local Highway Authority's standards and requirements. Consequently, had the development been acceptable in all other respects a condition could have been imposed to ensure that it would not have been contrary to Policy DM14 of the Lincolnshire Minerals and Waste Local Plan which seeks to ensure that arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic or residential amenity or the environment.

### Visual Amenity

28. The tank is located within open countryside and surrounded by agricultural fields. There are no other buildings or structures in close proximity, and the nearest property is over 750m away to the south west of the tank. The tank is a maximum of approximately 2.6m high which, at less than the height of an average single storey building, is considered to be relatively low. The muted green of the tank means that it is in keeping with the immediate surrounding agricultural environment. Furthermore, it is considered that the design of the tank is in keeping with what would realistically be expected to be present in a rural agricultural setting. It is therefore concluded that the design of the tank would not be contrary to Policies DM3 and DM6, of the Lincolnshire Minerals and Waste Local Plan and Policies LP17 and LP55 of the Central Lincolnshire Local Plan, all of which seek to protect the landscape and visual amenity.

### Human Rights Implications

29. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is balancing exercise and a matter of planning judgment. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

### Final Conclusions

30. It is accepted that the spreading and use of organic liquid wastes such as those stored within the tank can provide an agricultural benefit by acting as an alternative to chemical fertilisers and also represents a sustainable waste management practice. Additionally, whilst it is accepted that given the type of wastes stored and as these are to be applied on farmland, a countryside location is justified however in this case the Environment Agency objects to this proposal as the position of the tank, being approximately 10m from a flowing field drain that drains into the South Beck, means that there is an unacceptable risk to both surface water and groundwater and therefore the

integrity of the water environment. If the tank were to breach and its contents emptied, then this would have a detrimental impact on the status of the water environment and therefore the tank should not be permitted to be retained in this location and would need to be move to a more suitable location. Given the risks posed to the water environment, the development is contrary to Policies DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and consequently also Policies W3, W5 and W7as well as Policy LP14 of the Central Lincolnshire Local Plan and Paragraphs 170, 178, 180, 181, 182 and 183 of the National Planning Policy Framework.

<b>RECOMMENDATIONS</b>
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That planning permission be refused for the following reasons:

The position of the tank, being approximately 10m from a flowing field drain that drains into the South Beck, means that there is an unacceptable risk to both surface water and groundwater and therefore the integrity of the water environment. If the tank was to breach and its contents emptied, then this would have a detrimental impact on the status of the water environment and therefore the tank is unacceptable in the proposed location.

Given the risks posed to the water environment, the development is contrary to Policies DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and consequently also Policies W3, W5 and W7 as well as Policy LP14 of the Central Lincolnshire Local Plan and Paragraphs 170, 178, 180, 181, 182 and 183 of the National Planning Policy Framework.

**Informatives**

Attention is drawn to:

- (i) 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. 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

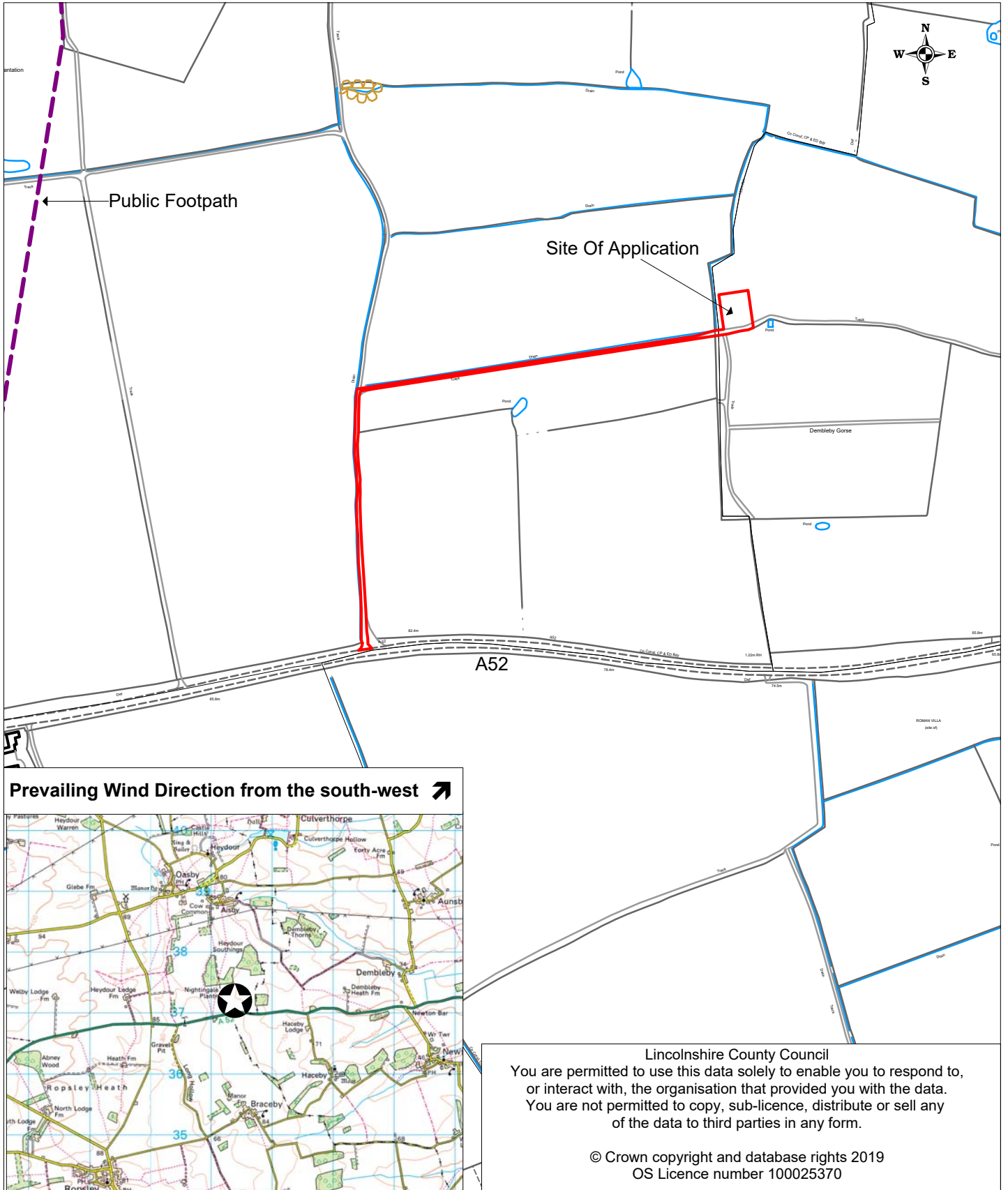
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File 19/1105/CCC	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012) National Planning Policy for 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's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Central Lincolnshire Local Plan (2017)	North Kesteven District Council's website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 13 JANUARY 2020



**Location:**  
 Dembleby Farm  
 Ropsley  
 Grantham  
**Application No:**19/1105/CCC  
**Scale:** 1:5000

**Description:**  
 To retain a tank for the storage of liquid organic waste

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 January 2020</b>
Subject:	<b>County Matter Application - 139837</b>

**Summary:**

Planning permission is sought by Whites Recycling (Agent: Robert Farrow (Design) Ltd) to retain a tank for the storage of liquid organic waste at Somerby Low Farm, Somerby.

The tank is used to store liquid organic food waste which is temporarily held prior to being applied to farmland as a soil fertiliser. The wastes principally comprise of liquid wastes produced by the food and drink industry but could also include wastes from other sources/sectors including agriculture, horticulture, forestry, hunting and fishing, etc. The identified waste types fall within specific European Waste Catalogue (EWC) codes which can provide rich nutrients for agricultural benefit such as nitrogen, potash and phosphate and can therefore, subject to control, be used as an alternative to costly chemical fertilisers.

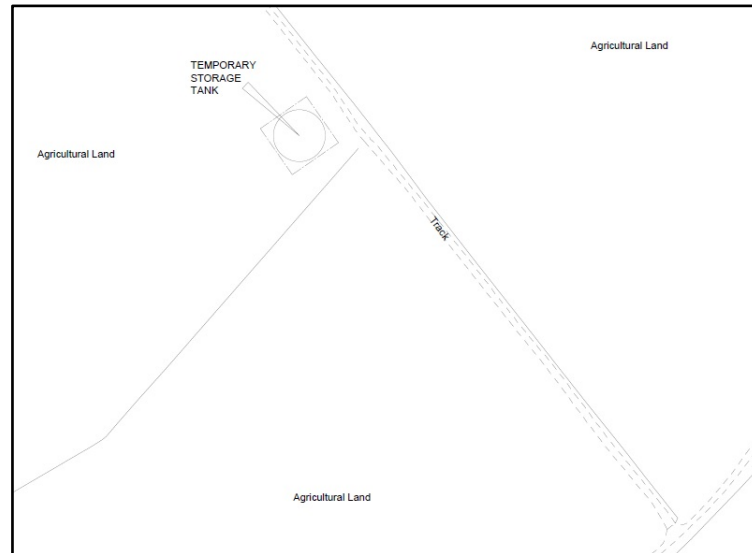
It is accepted that the spreading and use of organic liquid wastes as an alternative to chemical fertilisers can be an agricultural benefit and also represent a sustainable waste management practice. A countryside location for the tank is also considered justified however in this case the Environment Agency objects to the positioning of the tank as it is approximately 10m from a flowing field drain that drains into the Kettleby Beck and so poses an unacceptable risk to both surface water and groundwater and therefore the integrity of the water environment. Therefore the tank should not be retained in this location and would need to be moved to a more suitable location as given the risks posed to the water environment, the development is contrary to Policies W3, W5, W7, DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and Policy LP14 of the 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 refused.

## The Application

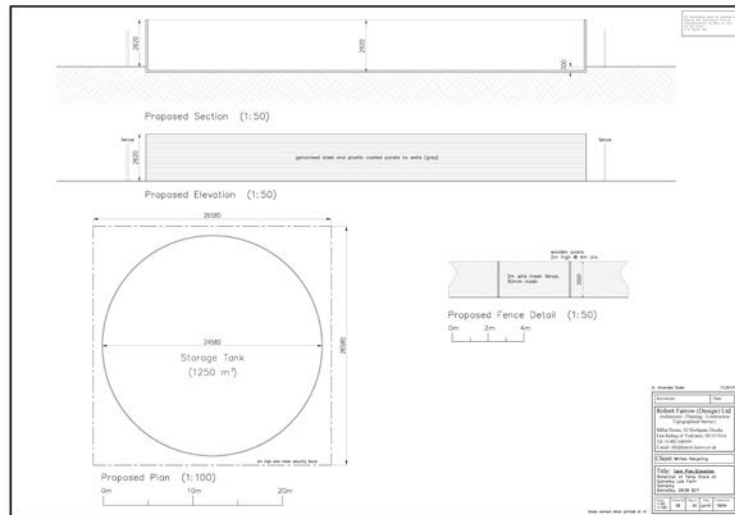
1. Retrospective planning permission is sought to retain a tank for the storage of liquid organic waste at Somerby Low Farm, Somerby. The application states that construction of the tank was completed in September 2018.



Site Layout Plan

2. The tank is used to store liquid organic food waste which is temporarily held prior to being applied to farmland as a soil fertiliser. The wastes principally comprise of liquid wastes produced by the food and drink industry however the application also indicates that the wastes could include wastes from other sources/sectors including agriculture, horticulture, forestry, hunting and fishing, food preparation and processing and wastes from waste management facilities, off-site water treatment plants and the preparation of water intended for human consumption and water for industrial use. These waste types fall within specific European Waste Catalogue (EWC) codes which can provide rich nutrients for agricultural benefit such as nitrogen, potash and phosphate which are essential to soil fertility and can increase crop yields. These wastes can therefore, subject to control, be used as an alternative to costly chemical fertilisers.
3. The tank is circular and has an approximate diameter of 24.5m and height of 2.6m. It has a capacity of 1250m<sup>3</sup>, which is the maximum proposed annual volume. It is constructed of galvanised steel and grey plastic panels and is covered with a liner. It is enclosed by a 2m high post and wire mesh fence. The store is a temporary structure and can be erected and dismantled within a week with minimal machinery and man power.





Elevation



4. Vehicles enter the site via an unmade access track which is located directly off the A1084. The wastes are delivered to the site by sealed tankers, typically 44 tonne non-hazardous aluminium vacuum tanks with an approximate total capacity of 28,000 – 30,000 litres. The applicant states that it takes on average 40 deliveries to fill the tank to capacity and waste intakes are monitored to ensure that the tank does not overflow.
5. For the majority of the year, direct application of fertiliser to the land would continue and consequently there would be long periods when there would be no deliveries to the store or collections from it. However, the storage facility would allow a build-up of reserve when the weather is unsuitable for spreading directly onto the land - typically during wet and wintery weather. The tank may therefore be empty for long periods of time, but if there is a sustained wet or wintery period then the tank would be filled and used. The waste would continue to be transferred into the storage tank via a flat pipe into the inlet pipe. The wastes are stirred before spreading and a flat pipe is connected to the discharge pipe which can be attached onto a tractor tank for spreading onto the fields.
6. As the storage tank would only be used when wastes cannot be directly applied to land, for long periods there would be no vehicle movements to the storage facility. When deliveries do occur they would be undertaken by one

lorry at a time. It is anticipated that deliveries would take place from early morning to late afternoon/early evening. The application states that under no circumstances would multiple vehicles be queuing on the highway waiting to deliver. If, for some unforeseen reason, more than one vehicle does arrive at the tank, only one will be permitted and any other vehicle will be directed to a suitable parking zone.

### Odour

7. The application states that the site is relatively open with flat countryside in all directions and under prevailing wind conditions any odour is likely to travel across farmland to an existing belt of trees. Odour sources are identified as originating from the impact of the exposure of the material to the atmosphere. The material is transported to site in sealed lorry tanks and then transferred to the tank. When it is spread it is removed by secure pipework to sealed tanks which are pulled by tractors, and spread onto the land by an umbilical pipe spreading system.
8. The store would be audited by an experienced staff member and the odour checks would increase when operations, such as stirring and emptying are carried out. If odours are detected, beyond site boundaries, at levels likely to cause a nuisance, then immediate action would be taken to cease the handling operations and the cause would be investigated.
9. All complaints would be recorded and levels would be monitored regularly and, as all wastes are sourced from known and approved producers, it allows issues to be managed. The applicant states that since the site has been in use they have not received any complaints.
10. The application includes an Emergency Spill/Incident Procedure which identifies the main causes of spill and incidents as including: overfilling; damaged or leaking liner; containment and pipework failure; collisions or accident during transport or delivery; weather related problems, fires or explosions and; deliberate acts. Management control measures are identified which include regular audits of the site and maintenance to check the integrity of the tank and pipework. The procedure identifies contingency, reporting measures and emergency plans.

### Site and Surroundings

11. The hamlet of Somerby is approximately 1km to the north east of the site and Brigg is located approximately 5km to the northwest. The tank is surrounded by a 2m high fence and positioned adjacent to an internal unmade farm track which is approximately 1000m distant from its junction with the A1084. There is an established belt of trees adjacent to the track, and the site is set within the wider farm holding and an area of agricultural fields. The surrounding countryside is flat and Low Farm is the nearest residential property and is approximately 500m to the south.



## 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 the 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:

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 are 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).

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 the protection of water quality, landscape and visual impacts, traffic and access and odours.

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 there would be a capacity gap of 332,796 tonnes per annum and so a need for facilities 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 facilities, 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 applications that accord with the policies in the 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 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, runoff 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.

Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site, however 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.

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 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 the 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

13. (a) Environment Agency (EA) - object to the application as they consider that the risk of potential harm to surface water quality posed by this development is unacceptable.

The EA initially objected on a number of grounds which included insufficient information or details to give them confidence that the tank was of a suitable design/specification for the storage of these wastes and that suitable measures would be adopted to minimise or prevent the risks from spillages, to monitor levels within the tank and to reduce odour impacts on local sensitive receptors. Further details relating to some of these matters were subsequently provided by the applicant and/or it was suggested that if the development was deemed to be acceptable then further details could be secured by way of planning conditions.

Notwithstanding the above, the EA maintain an overall in principle objection to this development due to the location of the store. The temporary store is located within 10 metres of a flowing field drain and any spill from the store would cause a significant risk of pollution to this watercourse and those it subsequently leads to - in this case Kettleby Beck. It could also be of risk to a Secondary A aquifer which is an aquifer capable of supporting water supplies at a local level and in some cases forming an important source of base flows to rivers. The EA therefore has concerns that the tanks position means that the potential harm to surface water quality is unacceptable and so would be contrary to paragraph 170 of the NPPF. Therefore the store should be relocated to a suitable location which is not field drained or in close proximity to a watercourse.

- (b) Historic Places (Lincolnshire County Council) – the site is in an area of archaeological potential, which is contrary to the applications supporting statement. Within the immediate vicinity of the application site numerous multi-period metal working finds have been recorded, as well as undated crop marks. If consultation had occurred prior to construction of the storage tank consideration would have been given as to whether the development should be subject to an archaeological condition. However, as construction has been completed this is no longer possible. Any further development should have proper and due consideration on the impacts of the historic environment prior to development.
- (c) Natural England - have no comments on the application and advise that they have standing advice which can be used to assess the impacts on protected species.
- (d) Somerby Parish Meeting - note that the tank was in place in September 2018, although it is unlikely that residents would have been aware given that the site is located within a farm estate and away from any

rights of public access. However, it would appear that since the facility has been installed there have been issues with unpleasant odours being carried towards the main part of Somerby village on the prevailing south-westerly winds. It is not possible to be entirely certain that the odours have emanated from the organic waste tempstore, but there would appear to be nothing else in that general direction that could be the source. For people living in one of the nearest properties, the odour has been considered to be unacceptable, and others have commented on the bad smell from time to time without having any understanding from where it has been coming. That lack of awareness of the source would explain why the applicant is able to state in the Planning Statement that "since the site has been in use we have received no complaints relating to odour".

Odour management, including monitoring and mitigation is acknowledged as a significant consideration by the operator and whilst the management arrangements described in the statement are thorough, their effectiveness does not appear to have been borne out in practice, which would appear to be the case based on received reports. The Parish Meeting would not wish to formally object to the application, on the basis of the sound environmental case for the retention of the facility in terms of effectively dealing with food chain waste and reducing the use of chemical fertilisers. However, the above comments should be taken as an objection, should planning permission be granted without strict conditions regarding future odour management. Furthermore, the monitoring and enforcement of such conditions should be undertaken in a proactive manner by the appropriate regulatory authority and without reliance on the receipt of complaints from residents. The use of complaints in this respect should only be a last resort should all else fail and would most likely involve West Lindsey District Council under the provisions of the Environmental Protection Act 1990.

- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) - do not wish to restrict the grant of planning permission.
- (f) Bigby Parish Council - do not object to the application.
- (g) Environmental Health Officer (West Lindsey District Council) - has commented that in order to address the potential for odour, unless there is a proposal of an agreeable alternative to a cover, any permission should be conditioned for the tank to be covered and for the cover to remain in position and be maintained as necessary, at all times the tank is in use.

14. The following individuals/organisations were consulted on 7 August 2019 but had not responded within the statutory consultation period or at the time this report was prepared:

Local County Council Member, Councillor A Turner



Countryside and Public Rights of Way Officer (Lincolnshire County Council)  
Lincolnshire Fire and Rescue  
Safeguarding (Humberside Airport)  
Public Health (Lincolnshire County Council)  
Lincolnshire Wildlife Trust.

15. The application was publicised by site notices placed close to the site and at the start of the access track and a press notice was placed in the Lincolnshire Echo on 15 August 2019. No representations had been received as a result of this publicity, either within the statutory consultation period or at the time this report was prepared.

#### District Council's Recommendations

16. West Lindsey District Council commented that part of the site is within Flood Zone 2 and there is a Public Right of Way (PROW) approximately 300m to the east of the site. The following should be considered in the determination of the application:

- access, parking and traffic movements;
- odour;
- neighbouring and visual amenity;
- pollution of the water environment, contamination and flood risk;
- ecology on and around the site.

If the aforementioned matters and all other material considerations are found to be acceptable then West Lindsey District Council would not object to the application.

#### Conclusions

17. The application is seeking planning permission to retain an existing storage tank at Somerby Low Farm, Somerby. The tank would continue to be used to store liquid organic wastes which are then used as a fertiliser on the surrounding agricultural fields. The main issues to consider in the determination of this application relate to the impact on the quality of the water environment and whether the development in all other respects is deemed acceptable in terms of need, location, highway issues and amenity issues including odour.

#### Water Environment

18. The Environment Agency maintains an objection to the application due to the potential risk posed to the water environment. The tank is in close proximity to a flowing field drain that flows into the Kettleby Beck and any overtopping or failure of the tank would be detrimental to these water bodies and those they flow into. In addition, there would be an unacceptable risk posed to a Secondary A aquifer, which is capable of supporting local water supplies. The application would therefore be contrary to Policy DM16 of the Lincolnshire Minerals and Waste Local Plan and Policy LP55 of the CLLP,

which aim to ensure development does not compromise the water environment.

19. Notwithstanding the above, and for the avoidance of doubt, an assessment of the development in terms of its potential environmental and amenity impacts and compliance when considered against other policies and criteria within the Development Plan is given below.

### Need

20. The aims of National Policy and Policies W1, DM1 and DM2 of the Lincolnshire Minerals and Waste Local Plan seek to move waste up the waste hierarchy. The tank would store organic liquid wastes that can potentially be spread and used as a liquid fertiliser on the surrounding fields as an alternative to chemical and artificial fertilisers. The use of these wastes (in a controlled manner) would therefore provide a beneficial use and allow a greater volume of such wastes to be reused rather than simply disposed of and therefore contribute toward moving the management of these wastes up the waste hierarchy. Consequently when such facilities have been proposed in acceptable locations and where the impacts have been demonstrated to be acceptable in all other respects, planning permission has been granted.
21. In this case, the tank would be used to store the liquid wastes when weather conditions would prohibit direct application to land. Therefore, in principle at least, this proposal would partially comply with the wider aims of sustainable development as set out under Policies DM1 and DM2 of the CSDMP and Policy LP1 of the CLLP, by virtue of the fact that a waste product would be capable of being reused, thereby moving waste up the waste hierarchy

### Location

22. In terms of location, the site has not been identified as a preferred site within the Site Locations document of the Lincolnshire Minerals and Waste Local Plan. However, this does not mean that the retention is unacceptable and consideration should be given to the locational criteria contained in Policies W3, W5 and W7 of the CSDMP. Policy W3 of the CSDMP states that waste facilities should be located close to urban centres, however there is a recognition that it may not be possible to locate all types of waste facilities in and around the main urban areas. In recognition of this, Policies W5 and W7 set out the criteria to be applied when assessing proposals for these types of facility outside of preferred urban areas.
23. In this case, the volume of waste to be handled is relatively small and therefore the criteria set out in Policy W7 for small scale facilities, is applicable. It is also considered that the wastes and the process are similar to those at anaerobic digestion plants, whereby Policy W5 applies, which states that such facilities should be located on land where it can be demonstrated they have close links to the existing use. The tank is located within an area of open countryside and is surrounded by arable fields where

the fertiliser would be applied. It is accepted that there is therefore a need for a facility of this type to be located close to the fields upon which the wastes are to ultimately be applied and so this justifies a countryside location. Therefore the siting of the tank in this locality does comply with the broader locational approach advocated by Policies W3, W5 and W7, however, in order to be deemed fully compliant the development must also demonstrate compliance with all the other relevant Development Management Policies contained within the CSDMP and CLLP. For reasons given above regarding the risk posed to surface water quality given its positioning, this is not the case and therefore for these reasons the proposal also fails to fully comply with these policies.

### Odour

24. Comments received from Somerby Parish Council have raised issues in relation to odour. The Parish Council note that the tank has been in place since September 2018 although it is unlikely that residents would have been aware given the location of the tank within the farm holding. However, since the tank has been in place there have been issues with unpleasant odours in Somerby, which have been coming from a south westerly direction. The main causes of odour are when the waste comes into contact with the atmosphere during delivery, emptying and stirring. The Environmental Health Officer has stated that the tank should have a proper lid, rather than a liner, which would help to address the odour problem.
25. The above concerns and recommendations are noted and had the development been deemed acceptable in all other respects then conditions could have been imposed to secure and address these concerns. For example, a condition could have required the applicant implement an Odour Management Plan which, in combination with the requirements of the Environmental Permit, would ensure that sufficient controls would be in place to reduce the impacts of odour. A condition could have also required the tank to be fitted with a suitable lid as recommended by the EHO.

### Highways and Traffic

26. The applicant states that the annual volume of waste that would come into the site would be 1250m<sup>3</sup>. This volume is also the maximum storage volume of the tank and it would take approximately 40 tanker loads to fill the tank to capacity. This would equate to less than one tanker per week visiting the site however, as discussed, the plan is still for fertiliser to be applied directly to the land and the tank would only be used when the weather conditions are wet or wintery. As the use of the tank would be dependent on the weather conditions, deliveries to the tank would be variable and there could be long periods when the tank would not be in use and hence no deliveries, whilst at other times it is a reasonable assumption that there would be more than one delivery per day.
27. The site itself is reached by an existing farm access track from the A1084 and it is considered that 40 deliveries, which would equate to 80 vehicular

movements spread potentially across two to three months would not be excessive. No objection has been received from the Highways Officer and consequently, the application would not be contrary to Policy DM14 of the Lincolnshire Minerals and Waste Local Plan which seeks to ensure that arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic or residential amenity or the environment.

### Visual Amenity

28. The tank is located within open countryside and surrounded by agricultural fields. There are no other buildings or structures in close proximity, but the farm buildings and farm house of Somerby Low Farm are visible approximately 300m to the south. The tank is a maximum of approximately 2.6m high which, at less than the height of an average single storey building, is considered to be relatively low. The muted green of the tank means that it is in keeping with the immediate surrounding agricultural environment. Furthermore, it is considered that the design of the tank is in keeping with what would realistically be expected to be present in a rural agricultural setting. It is therefore concluded that the design of the tank would not be contrary to Policies DM3 and DM6, of the Lincolnshire Minerals and Waste Local Plan and Policies LP17 and LP55 of the Central Lincolnshire Local Plan, all of which seek to protect the landscape and visual amenity.

### Human Rights Implications

29. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is balancing exercise and a matter of planning judgment. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

### Final Conclusions

30. It is accepted that the spreading and use of organic liquid wastes such as those stored within the tank can provide an agricultural benefit by acting as an alternative to chemical fertilisers and also represents a sustainable waste management practice. Additionally, whilst it is accepted that given the type of wastes stored and as these are to be applied on farmland, a countryside location is justified however in this case the Environment Agency objects to this proposal as the position of the tank, being approximately 10m from a flowing field drain that drains into the Kettleby Beck, means that there is an unacceptable risk to both surface water and groundwater and therefore the integrity of the water environment. If the tank was to breach and its contents emptied, then this would have a detrimental impact on the status of the

water environment and therefore the tank should not be permitted to be retained in this location and would need to be move to a more suitable location. Given the risks posed to the water environment, the development is contrary to Policies DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and consequently also Policies W3, W5 and W7as well as Policy LP14 of the Central Lincolnshire Local Plan and Paragraphs 170, 178, 180, 181, 182 and 183 of the National Planning Policy Framework.

## **RECOMMENDATIONS**

That planning permission be refused for the following reasons:

The position of the tank, being approximately 10m from a flowing field drain that drains into the Kettleby Beck, means that there is an unacceptable risk to both surface water and groundwater and therefore the integrity of the water environment. If the tank was to breach and its contents emptied, then this would have a detrimental impact on the status of the water environment and therefore the tank should not be permitted in the proposed location.

Given the risks posed to the water environment, the development is contrary to Policies DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and consequently also Policies W3, W5 and W7 as well as Policy LP14 of the Central Lincolnshire Local Plan and Paragraphs 170, 178, 180, 181, 182 and 183 of the National Planning Policy Framework.

### **Informatives**

Attention is drawn to:

- (i) 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. 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

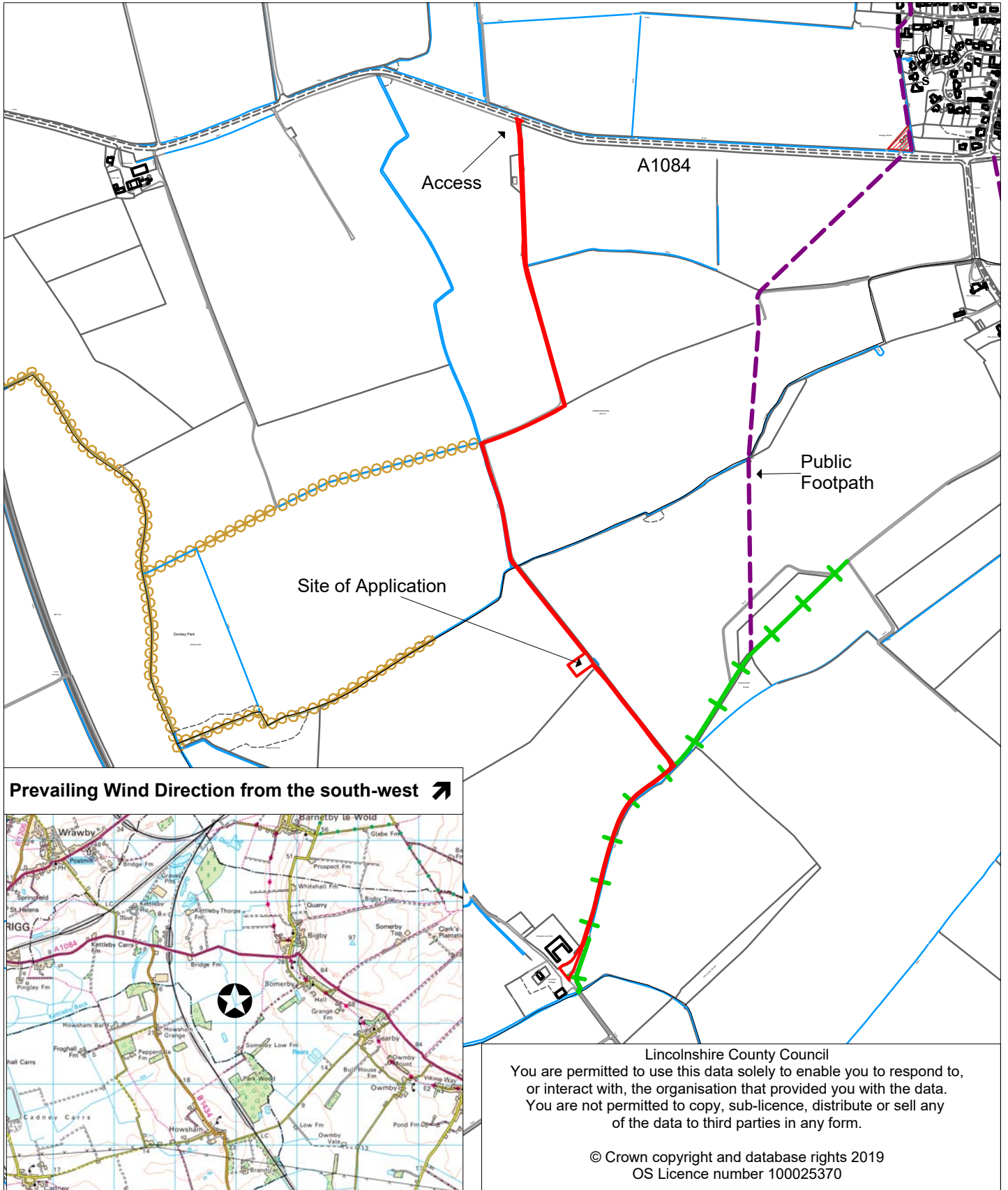
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File 139837	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012) National Planning Policy for 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's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Central Lincolnshire Local Plan (2017)	North Kesteven District Council's website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 13 JANUARY 2020



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**Location:**  
 Somerby Low Farm  
 Somerby  
 Barnetby

**Application No:** 139837  
**Scale:** 1:10000

**Description:**  
 To retain a tank for the storage of liquid organic waste

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