

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

Report to:	Planning and Regulation Committee
Date:	2 October 2017
Subject:	County Matter Application - N57/0833/17

Summary:

Planning permission is sought by FKB Limited (Agent: The Greenspan Agency) for the change of use from an agri-based anaerobic digestion facility to a commercial anaerobic digestion facility at Holdingham Biogas, Holdingham. The proposed change of use being the introduction of waste as a feedstock in the form of wheat syrup, glycerol, poultry litter and waste vegetables.

The key considerations in this case are whether this development would be appropriate in terms of location and whether the introduction of waste streams would result in harm to the amenity of the local community or the environment and have any impact on the highway network and highway safety.

Having taken into account the location and the nature of the changes proposed and the details submitted in support of this application, the proposed introduction of waste as a feedstock would not give rise to any new significant environmental, amenity or highway network or highway safety impacts over and above those which have already been deemed acceptable or which could not be reasonably controlled through the imposition of planning conditions. Therefore the proposed change of use from agri-based to commercial anaerobic digestion is considered acceptable and can be supported as the development would still accord with the objectives and principles of the cited policies of the National Planning Policy Framework, Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies and 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 granted.

Background

1. The Holdingham Anaerobic Digester (AD) development was granted planning permission (reference: 14/0080/FUL) by North Kesteven District Council on

4 November 2014. The AD plant was designed to process approximately 70,000 tonnes of feedstock per annum. The application was submitted with a concurrent application (reference: 14/0078/FUL) for the construction of a large poultry farm immediately to the north of the AD plant site. At that time, it was proposed that the AD plant would receive annually approximately 6,840 tonnes of litter waste arising from the poultry farm as feedstock with the greater proportion of the feedstock being from energy crops grown within a 10 mile radius of the site. The poultry farm application was however subsequently refused planning permission and so the AD plant was amended to source all feedstock materials from energy crops. The various schemes and details required by planning conditions attached to the NKDC planning permission have all been approved and a number of non-material amendments have also been approved.

The Application

2. Planning permission is sought by FBK Limited to change the use from an agri-based anaerobic digestion facility to commercial anaerobic digestion facility at Holdingham Biogas, Holdingham.
3. The applicant is seeking to introduce 34,000 tonnes of waste feedstock in the form of wheat syrup (derived from the production of bioethanol from wheat), glycerol (the residue from the production of biodiesel), poultry litter and waste vegetables rejected as unfit for consumption. Table 1 (below) provides further information of the waste types and their origins. This volume of waste would represent less than 50% of the total throughput of feedstock into the AD plant as the remainder of the feedstock would continue to be the energy crops.

Table 1 – Proposed Feedstocks*

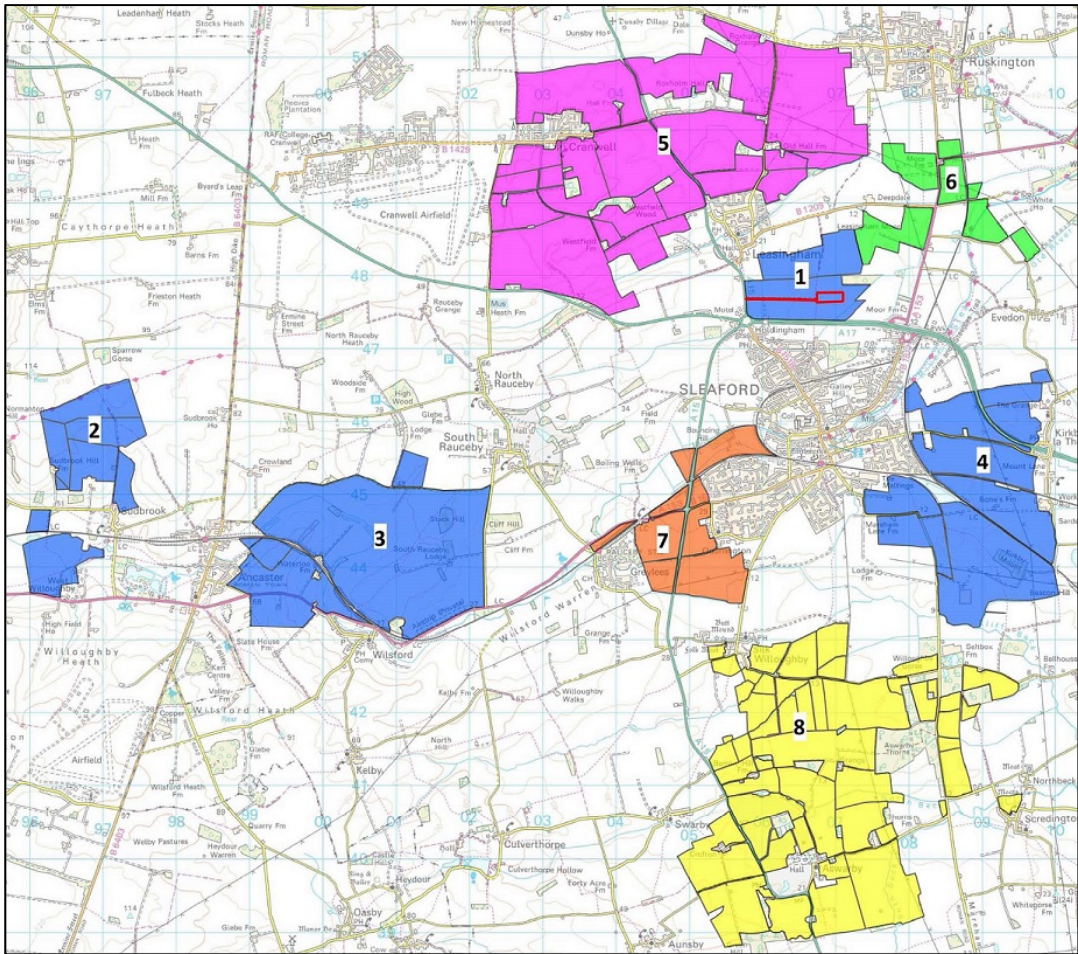
<i>Material</i>	<i>Description</i>	<i>Origins</i>
Wheat Syrup	Thick syrup	This is a waste material derived from the production of bioethanol from wheat. Wheat is brewed to create alcohol, a protein rich mixture remains after the distillation process. This mixture is a 'wheat syrup' which is suitable for digestion in an anaerobic digester. The material taken to the anaerobic digestion site will be accompanied by a waste transfer note and there is an intention to dispose of this material to land if it were not sent to the anaerobic digester.
Glycerol	Colourless liquid	A waste material from the production of biodiesel. In this case the biodiesel will be produced from recycled used vegetable oil (for example, oil that has been used for cooking). For every 10 units of biodiesel produced, around 1 unit of crude glycerol is produced. Therefore a significant quantity of this material is being generated within the biodiesel industry. Not all of this glycerol is refined into a pure glycerol form for use in food, cosmetics etc. The result is a waste stream from which energy can be recovered through anaerobic digestion.
Poultry Litter	A mixture of manure and soiled poultry bedding.	Poultry Litter (manure). Soiled poultry bedding, from farms.
Waste Vegetables	Waste Vegetables	Vegetables which are unfit for consumption and would otherwise be disposed of on farmland.

* A waste stream that had originally been proposed to be used as a feedstock material, namely bleaching clay, was subsequently withdrawn from this list by the applicant and therefore no longer forms part of the waste streams for which permission to import/use is being sought.

4. Liquid wastes would be discharged directly into the AD vessels via the existing coupling infrastructure and transferred using sealed vacuum pumps. Solid wastes would be delivered using tipper trucks and transferred using existing feed hoppers (used to incorporate the ensiled agricultural crops) directly into the AD vessels. Other than the existing consented silage, there are no proposals to store either liquid or solid wastes on site and so no new infrastructure or storage areas are to be constructed as part of this proposal. Given the overall capacity of each digester tank, each liquid waste delivery would represent only 0.16% of the digesters capacity and waste deliveries would only be made when the required void capacity to accommodate the imported waste is available.
5. The application is supported by an Odour Management Plan which includes a contingency plan to avoid a situation arising where delivered waste could not be immediately added to the digester tanks. The Odour Management Plan also includes a complaints system that would be managed by the Waste Planning Authority and the Environment Agency.

Highways, Transportation and Location

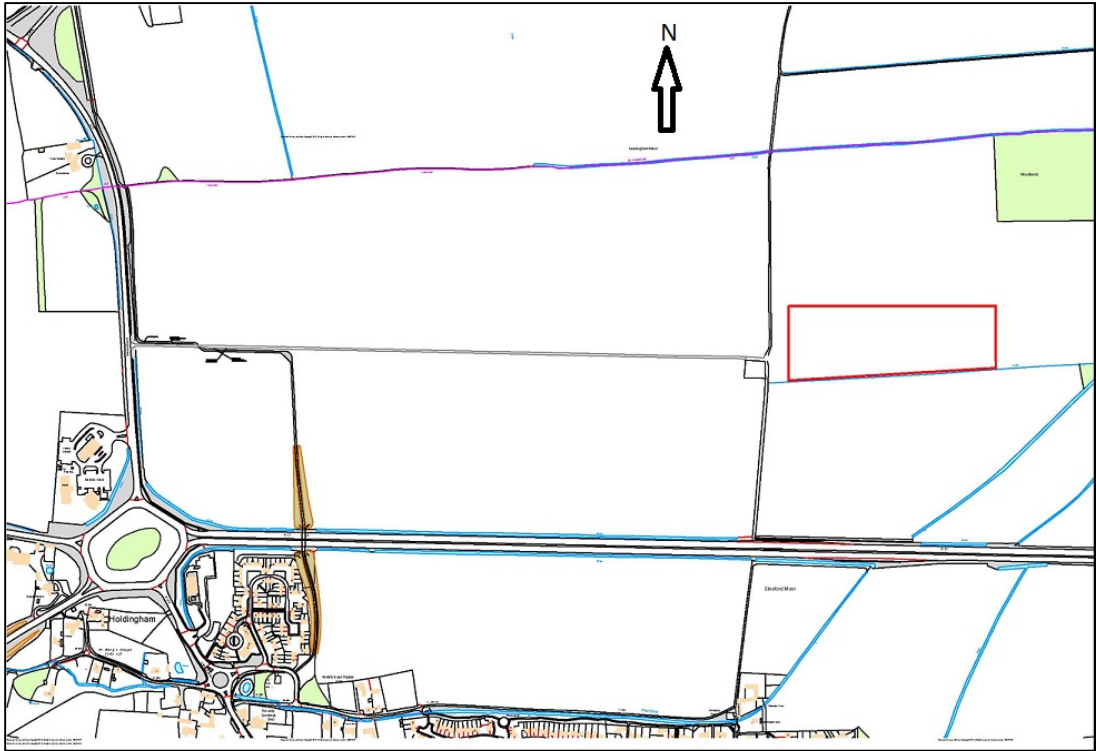
6. There are no proposals to increase the total annual throughput of the Anaerobic Digester Plant, being less than 70,000 tonnes of feedstock (crops and waste combined). The liquid wastes would be transported to the site in tankers and the solid wastes would be delivered using tipper trucks and would be transferred within 24 hours. The agent for the applicant has indicated that whilst the proposed importation of waste material would involve transportation by road, given that a proportion of the existing crop feedstock is already transported to the site by road (which would be substantially replaced by the imported wastes) there would be no additional impacts on capacity to the highway network or road safety.
7. The source of the arable crops would continue to be within a 10 mile radius of the site (Plan 1), where the land is being leased and farmed by the applicant as detailed in the original planning application determined by North Kesteven District Council. The area marked 1 and part of the area marked 6 are accessed via internal farm tracks. The arable crops would represent the greater proportion of the feedstock to the AD plant. Given the seasonal nature of arable crops there would continue to be intense periods of vehicular activity but a fewer number of seasonal vehicle movements should the introduction of waste streams be approved. The vehicle movements of the waste streams would be spread over a 12 month period. The digestate, liquid and solid, would be distributed back to the same agricultural holdings where the energy crops are grown.



Plan 1 – Sources of arable feedstocks

Site and Surroundings

8. The AD plant site is approximately 1 kilometre east of the A15 and 300 metres north of the A17. The site (Plan 2) lies approximately 750 metres to the north east of an area currently under development as the residential urban extension of Sleaford town that could, in time, extend in an easterly direction for approximately 600 metres towards the AD site. This urban extension would however still be separated from the AD plant by the A17 and an agricultural field and so at its nearest point the proposed urban extension, when constructed, would be 350 metres distant.



Plan 2 – Location Plan

9. The nearest residential building on the A15 is The Grange and is approximately 250 metres north of the entrance to the site and there are commercial businesses approximately 100 metres to the south of the entrance. The curtilage of the village of Leasingham is approximately 1 kilometre to the northwest at its nearest point to the plant site. The nearest residential property in the town of Sleaford is approximately 500 metres to the south. Finally, the nearest residential property to the east is off the A153 and approximately 1 kilometre distant.



Photograph 1

10. The AD plant is surrounded by a 3 metre high grassed bund, planted with trees (Photograph 1) and has a single gated vehicular entrance. The site lies within level agricultural land divided by low planted hedgerows and internal tracks. Field Beck lies approximately 100 metres to the east of the site boundary and a small woodland is located 200 metres to the north east. The site is approximately 5 kilometres from The Wilsford Warren Site of Special Scientific Interest to the south west of Sleaford town. It should be noted that the prevailing winds in relation to the AD Plant site are from the southwest. The existing layout of the site and access including footways and crossing point for the Sustrans route and footpath which cross the site haul road (Photograph 2), would remain unchanged by this proposal and remain as per that which was proposed and approved by the NKDC as part of the original development.



Photograph 2

Main Planning Considerations

National Guidance

11. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

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

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

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

areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas

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

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

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

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

Paragraph 176 states that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation) the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily;

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

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

Paragraph 215 state that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. This is of relevance to the Lincolnshire County Council Core Strategy and Development Management Plan (2016) and 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 including protection of water quality and flood risk management, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, odour and noise.

Local Plan Context

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

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

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

Policy W4 (Locational Criteria for New Waste Facilities) identifies exceptions where location outside of the main urban areas would be acceptable, in this instance the biological treatment of waste;

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

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

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

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from odour, noise,

emissions, dust, contamination, illumination, visual intrusion, surface water run-off, traffic etc;

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

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

- The highway network is of an appropriate standard for use by the traffic generated by the development; and
- Arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

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

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

Central Lincolnshire Local Plan (CLLP) 2017 - the key policies of relevance in this case are as follows (summarised):

Policy LP2 (Spatial Strategy & Settlement Hierarchy) sets out the strategy and hierarchy to be applied when considering applications for siting new development. In this case, the proposal site lies outside the settlement of Leasingham and so is in the countryside. This policy states that development in the countryside should be restricted and therefore only permitted where it meets the criteria listed which includes that which is demonstrably essential to the effective operation of agriculture; renewable energy generation and proposals which fall under Policy LP55 and to minerals or waste development as required in accordance with the Minerals and Waste Local Development Documents (CSDMP 2016).

Policy LP13 (Accessibility and Transport) states that all development should demonstrate that they have had regard to the following criteria:

- c) Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network

of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas;

- j) Assist in the implementation of infrastructure which will help all communities in Central Lincolnshire, including people living in the villages and small settlements, to have opportunities to travel without a car for essential journeys;
- n) Deliver schemes that complement the aims of the Public Rights of Way Improvement Plan and the Green Infrastructure Study for Central Lincolnshire, where possible enhance linkages between settlements and to areas of natural greenspace and to the surrounding countryside.

Any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.

Policy LP14 (Managing Water Resources and Flood Risk) states that development proposals that are likely to impact on surface or ground water should consider the requirements of the Water Framework Directive and development proposals should demonstrate that (relevant criteria cited):

- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development; and
- q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure;

Policy LP17 (Landscape, Townscape and Views) states that proposal should protect and enhance the intrinsic value of our landscape, including the setting of settlements.

Policy LP19 (Renewable Energy Proposals) states that proposals for non-wind renewable energy development will be assessed on their merits with the impacts, both individual and cumulative, considered against the benefits of the scheme and take into account a range of criteria including surrounding landscape and townscape, residential and visual amenity, safety and highways. It is stated that proposals will be supported where the benefit of the development outweighs the harm caused and it is demonstrated that that any harm will be mitigated as far as reasonably possible. It is also added that renewable energy proposals which will

directly benefit a local community, have the support of the local community, will be particularly supported.

Policy LP20 (Green Infrastructure Network) states that development proposals must protect the linear features of the green infrastructure network that provide connectivity between green infrastructure assets, including public rights of way, bridleways, cycleways and waterways, and take opportunities to improve such features;

Policy LP26 (Design and Amenity) states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development and directs applicants that proposals should demonstrate that adverse impact upon air quality from odour, fumes, smoke, dust and other sources have been considered;

Policy LP55 (Development in the Countryside) sets out the criteria and issues that need to be taken into account when considering different types of development within the open countryside. In this case Part E (Non-residential development in the countryside) is of relevance and states that proposals will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy;
- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location; and

Part F (Agricultural diversification) is also of relevance and states that proposals involving farm based diversification will be permitted, provided that the proposal will support farm enterprises and providing that the development is:

- a. In an appropriate location for the proposed use;
- b. Of a scale appropriate to its location; and
- c. Of a scale appropriate to the business need.

Site Locations Document (Pre-submission Draft) of the Lincolnshire Minerals and Waste Local Plan (November 2016)

This document sets out the preferred sites and areas for future minerals and waste development and was formally examined by a Planning Inspector in July 2017. A decision on the 'soundness' of this document has been received 19 September 2017 and will form part of the Lincolnshire Minerals and Waste Local Plan.

The proposal site has not been promoted as a preferred site however although the site may not be allocated this does not necessarily mean that

the proposal is unacceptable as the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained within the CSDMP (June 2016).

Results of Consultation and Publicity

13. (a) Local County Council Member, Councillor M Storer - (who is a member of the Planning and Regulations Committee) has indicated that he will speak on this item at the meeting.
- (b) Sleaford Town Council – made the following comments/observations (summarised):
- Vehicle movements – general lack of information in relation to vehicle movements and traffic generation, timings and frequency of vehicle movements and therefore request that a Transport Assessment be provided by the applicant;
 - Odour Management – strongly contest the proposed removal of any condition which would limit and restrict the feedstock materials permitted to be used by the AD plant. Concerns are also expressed about the short term nature of the Odour Management Plan.

Following the submission of further information by the applicant the following additional observations were made:

- Concerns remain over the impact of the development on the residential areas of Leasingham and Holdingham;
 - Odour management issues still need addressing;
 - Concerns remain over vehicle movements;
 - Concerns over the possible increase of housing around the area, it is suggested that an evacuation plan is required to reflect this.
- (c) Leasingham Parish Council – raised the following issues and objections (summarised):
- Site Plan – commented that the base plan submitted fails to identify the current and ongoing housing developments on the outskirts of Sleaford which are in close proximity to the Holdingham roundabout;
 - Odour Management Plan – questioned the ability of the Environment Agency to enforce this and contest the claim that wheat syrup is odourless. Concerns also expressed regarding the movement, delivery and handling of poultry litter and bleaching clay and questions over the reliability of overall plant control in respect of odour incidents;
 - Multi-agency regulation – not convinced that sufficient evidence exists that the various consents can provide control over feedstocks; and

- Vehicle movements – identified ongoing problems with the approach and entrance from the A15 and the crossing of the Sustrans Cycle path.
- (d) Environment Agency (EA) – does not object to the planning application but advises that the operator would be required to apply for an Environmental Permit to receive waste at the site. The Agency has confirmed that the Permit application would need to be supported by information relating to operating techniques and a more detailed Odour Management Plan than that required for land-use planning purposes. An approved Odour Management Plan would form part of the management system documents required by the Permit.

Following the submission of further information by the applicant (i.e. confirming the removal of bleaching clay as a potential feedstock material) the following additional comments/observations were made (summarised):

Without the bleaching clay and based on the waste streams cited in the application (i.e. those cited in Table 1 above) the revised development would appear to be able to comply with the requirements of an Environmental Permit. The removal of bleaching clay also means that potential additional infrastructure/buildings to store those wastes are not required. The Agency does state that a waste management plan in respect of the Environmental Permit would require a strategy to identify how liquid wastes would be managed in the event that direct injection on the day of delivery is unavailable.

- (e) Environmental Health Officer (North Kesteven District Council) – comments from the Environmental Health Officer have been included within the representation received from North Kesteven District Council (see below).
- (f) Highway & Lead Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission.
- (g) MOD (Safeguarding) RAF Cranwell - has no safeguarding objections to this proposal.
- (h) Public Health (Lincolnshire County Council) – has stated that LCC does not have specialist environmental public health scientists with detailed knowledge of operations such as anaerobic digestion. However, the operations will require an Environmental Permit and the Environment Agency permitting team will consult the local Director of Public Health on that application.

It is added that following research the Public Health team consider anaerobic digestion in a positive light but would expect that there are sufficient and robust conditions in place to control both the waste streams used in the plant and the operations of the plant itself. Overall

the LCC Public Health team consider no significant risks to the health of the population can be foreseen but suggest that if permission is granted there should be no increase in traffic over the currently permitted operation. This is because the Public Health team would be concerned that should this occur this could lead to the pedestrian and cycle route between Leasingham and Sleaford being used less with a detrimental impact on health and well-being gain.

14. The application has been publicised by notices posted at the site and in the Lincolnshire Echo on 13 June 2017 and 140 letters of notification were sent to addresses in the locality. 59 objections have been received in response to this publicity/notification. A summary and outline of the issues/comments and objections received is set out below:
- Objections on the grounds that the introduction of waste undermines the original justification for the grant of the original planning permission.
 - Inappropriate location in close proximity to new housing and should be located away from towns and villages.
 - Objections on the grounds of odour (particularly poultry manure) and that fumes would be harmful.
 - Concerns regarding the potential burning of waste on site.
 - Concerns regarding traffic and potential increases causing congestion and impacts on air quality.
 - Poor transport infrastructure and road network capacity.
 - Concerns regarding vehicles carrying waste and the spilling of loads on the road.
 - Impacts on the Sustrans path (including mud and speed of vehicles) and public rights of way.
 - Comments that this is an industrial development in the countryside.
 - Concerns that this may lead to potential further development of a large scale chicken farm or other industrial uses on the site.
 - Objections on the ground of visual and noise impacts.
 - Impacts on the environment, including groundwater and watercourse contamination.
 - The waste feedstocks will attract vermin, flies, rats etc.
 - The use of waste is a less efficient feedstock than arable crops.
 - Blight on property values.
 - AD Plants have a track record of leakages and explosions and there is no evidence of a safe evacuation plan being in place for nearby residents.
 - No evidence of operator competence to run the site safely.
 - Objections on the grounds of alleged non-compliance with previous planning application.
 - Objections on the grounds of the loss of agricultural land.
 - Concerns that the applicant is seeking permission which would remove any condition or restriction on the type of waste materials permitted to be used as a feedstock.
 - Detrimental impacts on the health of residents, school and nursery.
 - The proposal offers no benefit to the town or residents.

- Comments received stating that this facility should remain as an agri-based AD facility only.

Finally, in addition to the above four comments have been received confirming that they have experienced no problems from the current operations at the site.

District Council's Recommendations

15. North Kesteven District Council (NKDC) initially responded objecting to the proposal on the following grounds/reasons (summarised):
 1. The AD plant was originally granted planning permission by NKDC as it was accepted that there were locational requirements for the site needing to be close to the source of feedstocks which were (at the time) to be limited to waste agricultural products sourced locally. This specific locational justification mitigated, to an extent, the landscape and visual impacts associated with the developments countryside location and also minimised vehicle movements associated with the delivery of those feedstocks. Without this it would have been unlikely that NKDC would have supported the development. The proposed change of use and inclusion of waste feedstocks makes this a commercial facility and NKDC are of the view that in terms of the principle of development and its location, such a facility would now be considered contrary to Policy W5 of the Lincolnshire Minerals and Waste Core Strategy & Development Management Policies (CSDMP) which requires such facilities to be preferentially directed towards previously developed land, existing or planning industrial/employment land or redundant agricultural and forestry buildings and their curtilages. This site does not satisfy any of these criteria or those cited in Policy W4 of the CSDMP.
 2. Object to the applicants proposal to have no restriction/condition on the range of feedstocks permitted to be used by the plant.
 3. Concerns expressed regarding the Odour Management Plan and in particular clarification sought as to whether or not new buildings/infrastructure would be required to accommodate the new feedstocks prior to their use. In the absence of further information and clarification it is therefore considered that the applicant has failed to demonstrate that the developmet would not significantly adversely impact upon the amenities of the closest occupiers at Leasingham and Holdingham Grange (CLLP site allocation CL1013a).

Following the submission of further information by the applicant, NKDC have stated that concerns remain as to whether or not the necessary Environmental Permit issued by the Environment Agency would be granted. This is because NKDC are still not clear whether or not a new building would be required to store the additional feedstocks on-site. It is noted that the applicant has indicated that if the Environmental Permit did require this then

if necessary existing on-site buildings could be used for the covered storage/sorting of wastes. No details have been provided to assess the impact of this on site operations, including the need for replacement buildings to be provided elsewhere, and therefore any potential associated visual impact considerations. Although it is accepted that the issuing of an Environmental Permit is not a pre-requisite for the grant of planning permission clarification should therefore be sought so the full impacts of the development can be understood and in the absence of this NKDC uphold it's objection as the impacts of the proposed development cannot be properly considered in terms of amenity both odour or visual.

Conclusion

16. This proposal seeks to change the use of the existing AD plant so that it would operate on a more commercial/waste management basis rather than its current function as a wholly agri-based operation. The existing AD plant and its associated infrastructure, including access, has been constructed in accordance with the NKDC planning permission (ref: 14/0080/FUL) and all conditional requirements and subsequent schemes required by that permission have been approved and implemented.
17. The various tanks and plant and equipment which form the AD plant would not require modification or any additional equipment to be installed in order to enable the site to accept and process the wastes proposed as part of this application. Consequently, no changes are proposed to the AD plant in terms of its physical size, layout or the plant and equipment already on site. Notwithstanding this objections and questions have been raised as to whether such a commercial facility would be considered appropriate in this location had it not already been in existence. Although it is arguable whether or not these concerns are material to the determination of this application, given the strength of objection on this point, it is considered beneficial to give due consideration to this in the assessment of the application. Other issues that are considered material and need to be considered in the determination of this application are those which may arise as a consequence of the change of use and introduction of the additional waste feedstocks including those on the local highway network and the environment and amenity of nearby residents.
18. The key issues to be considered in relation to this application are therefore the principle of a waste development in this location and any potential impacts arising from the introduction and use of the identified waste feedstocks on factors such as the local highway and the environment and amenity of nearby residents.

Need and Location

19. Policy W1 of the Core Strategy and Development Management Policies (CSDMP 2016) directs the Waste Planning Authority to identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste

arising in the County. The proposed development would use a mixture of feedstocks including arable crops as well as imported wastes which would include poultry litter along with wastes from bio-fuel production and vegetable processing. The anaerobic digestion plant is, in part, an energy recovery facility as it would utilise and treat these wastes to produce digestate as well as gas and electricity. Tables 9 and 10 which support Policy W1 confirm that there is a need to secure such additional facilities in order to manage commercial waste streams and so this proposal would help to contribute towards meeting this capacity gap and help to deliver the overall objective of pushing waste streams up the waste hierarchy.

20. In terms of location, had this facility not already been in existence, then it would have been necessary to consider the suitability of this site in terms of its compliance with the locational and environmental criteria set out in the Development Plan - which includes the adopted CSDMP and emerging Site Locations document. Consequently, for completeness consideration to this has been given.
21. The emerging Site Locations does identify potential areas considered suitable for anaerobic digestion plants however this site is not within one of those identified preferred areas. Although this site may not be allocated however does not necessarily mean that the construction of an AD plant in this location is unacceptable and instead consideration should be given to the locational criteria and policies as contained within CSDMP Policies W3 and W5.
22. Policy W3 of the CSDMP recognises that it may not be possible to locate anaerobic digestion facilities in and around main urban areas and so consequently advises that such facilities should be considered against the criteria in Policy W5. Policy W5 identifies the locational criteria that would need to be met in assessing new proposals for anaerobic digestion plants and states that facilities should be located:
 - at a suitable stand-off distance from any sensitive receptors; and
 - be located on land which constitutes previously developed land and/or contaminated land, existing planned industrial/employment land or redundant agricultural and forestry buildings and their curtilages; or
 - land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.
23. In this case, the AD plant is located outside the settlement boundary of the nearest village (i.e. Leasingham) and therefore is classed as being within the open countryside. The AD plant itself is not located close to any sensitive receptors or residential properties with the nearest residential property being approximately 1 kilometre to the east of the site. Although the construction of new housing associated with the extension of Sleaford would bring residential properties within 350 metres of the AD plant site, this residential development would be separated from the site by the A17 dual carriageway. As a consequence the AD plant is considered a suitable

standoff distance from potential sensitive receptors. The AD plant itself has been constructed on an existing agricultural field which lies in close proximity to where the main feedstock materials (e.g. arable crops) have previously been grown and sourced. Although this proposal is seeking to introduce imported wastes including poultry litter and wastes derived from bio-fuel production and vegetable processing, the applicant has confirmed that over 50% of the feedstocks would continue to remain as arable crops grown on land adjacent to the site and/or sourced from within a 10 mile radius of the site and that similarly the final digestate produced would be spread back on the same land and within local area, which is largely arable in nature.

24. Taking in to account the above, even if the AD plant had not already been in existence I am satisfied that from a locational perspective, in principle, the siting of such a plant in this location would be considered acceptable and would not conflict with the locational criteria set out in Policy W5 and also, as the AD plant would continue to be associated with an agricultural activity and is, in part an renewable energy facility, would be an acceptable form of development in the open countryside and therefore not conflict with the CLLP Policy LP55.

Sustainable Development

25. Policies DM1 and DM2 of the CSDMP 2016 promote sustainable development that contributes to moving waste up the waste hierarchy and development that reduces distances travelled by HGVs whilst encouraging schemes that promote renewable energy generation. In this instance, the source of the feedstocks and end-use application of final digestate would take place within a relatively small radius of the site and the use of waste streams arising from the production of bio-fuel, vegetable processing and food production to produce energy and heat would help to reduce the demands and need for energy from other no-renewable sources. The use of the final digestate produced by the plant (both liquid and solid) would continue to be used as a fertiliser/soil improver which can enhance the arable land in the vicinity of the site and reduce reliance on the use of artificial fertilisers. The replacement of a proportion of arable crops would also lessen the reliance of a feedstock grown on land that would otherwise produce food for consumption. Taking into account all of the above it is considered that the revised operations of the AD plant would still represent a sustainable operation and make a positive contribution in terms of minimising the impacts of climate change and therefore would not conflict with nor compromise CLLP Policy LP19 and comply with the objectives of CSDMP Policies DM1 and DM2.

Landscape & Visual Considerations

26. The landscape and visual impacts of the AD plant were assessed and confirmed as acceptable by NKDC at the time the original planning application was determined. This proposal does not propose any changes to the physical size, scale or appearance of the site and therefore the site

would remain unchanged from an external perspective. The structures within the plant site have been constructed using materials and colouring to minimise their visual impact which includes the domes of the digesters which are coloured grey to recede into the skyline. The site is also surrounded by a substantial vegetated and planted bund which would continue to be retained and this helps to largely screen views into the site. Given the 'stand-off' distances already described the overall visual impact of the plant site is not considered to be intrusive or harm residential amenity and given that no physical changes or additional buildings, plant or infrastructure are required in association with this proposal it is considered that, as is currently the case, the 'as built' AD plant would not compromise or conflict with CLLP Policies LP2, LP17 and LP55 or CSDMP Policy DM6 which requires that due regard should be given to the likely impact of the proposed development on landscape and townscape.

Highways and Highway Safety

27. Access to the AD plant was constructed prior to the site becoming operational and to the standards required by the Highways Authority. In addition a dedicated path and crossing to accommodate both pedestrians and users of the Sustrans route was constructed to give access to the bridge over the A17 to Sleaford town from Leasingham. Set back from the sites junction onto the A15 the crossing is raised, illuminated and fenced to protect users and warning signs are erected to slow vehicles approaching the crossing. There are no proposals to make any modifications to the haul route infrastructure and therefore the users of the pedestrian/cycle route to Sleaford would continue to benefit from this dedicated crossing.
28. The proposed development does not seek to increase the overall throughput of the AD plant but the nature and frequency of movement of vehicles would change with the introduction of waste to the site. Given the reduction in arable crops, the intensity of movement and hours of delivery associated with seasonal agricultural work would be reduced and the delivery of feedstock by the introduction of waste would be carried out over a 12 month period giving the operator the opportunity to optimise the functionality of the AD plant. As a consequence, it is likely that the introduction of waste will result in a reduction of impacts on neighbouring land users insofar as the site would have fewer periods of intense vehicle movements and associated noise. The Highways Officer has confirmed that the proposal is acceptable in terms of the local highway network capacity and safety. As a consequence the proposal meets the aims and objectives of the NPPF, NPPW and Policies DM3 and DM14 of the CSDMP and would not conflict with or compromise CLLP Policy LP13 and LP20 that seeks to protect routes for pedestrians and cyclists providing links between settlements and the surrounding countryside.

Environmental and Local Amenity

29. The AD plant was constructed to incorporate surface water management and the existing arrangements would not be compromised or require

amendment as a consequence of the introduction of wastes as a feedstock. As a result, the proposal meets the aims and objectives of the NPPF, NPPW and Policy DM3 and DM16 of the CSDMP and does not conflict with nor compromise Policies LP15 of the CLLP that seeks to protect water courses and ground water from pollution.

30. Reference has been made in the section above in respect of Highways with regard to vehicular movements and this in turn would have the potential to reduce other amenity impacts such as noise and lighting, as a consequence of fewer seasonal episodes of intense operations, including late night working, at the AD plant site to ensile the arable crops. It is therefore considered, that in terms of the operations impacts on amenity through the introduction of waste, would not exceed that currently experienced and would be in line with the aims and objectives of the NPPF, NPPW and Policy DM3 of the CSDMP and would not conflict with nor compromise Policy LP26 and LP55 of the CLLP which seek to protect the amenity of local residents and land users.
31. The application has been supported with a modified Odour Management Plan which updates that which was originally submitted and approved pursuant to a condition imposed on the NKDC planning permission (reference.14/0080/FUL). Following comments received from the NKDC Environmental Health Officer and the Environment Agency, the applicant has confirmed that bleaching clay would no longer be used as a potential feedstock and that all the imported wastes would be incorporated into the AD vessels upon delivery and so there is no intention to store these wastes on site. Given this situation it is considered that any odour impacts arising from the handling and inputting of the poultry litter and vegetable waste would be temporary, and in respect of the liquid wastes, there would be no odour impacts, as these wastes would be directly transferred and pumped into the tanks via the plant sites existing sealed coupling system. A condition could be imposed requiring the operator to implement the Odour Management Plan and maintain reporting procedures in respect of any potential complaints. A condition could also be attached to limit the waste types to only those identified in the application, as this would ensure that no additional impacts could arise which haven't already been considered and assessed (e.g. such as potential odours arising from waste types that have not been previously been identified).
32. During the progression of this application there has been some confusion as to whether or not any additional buildings or infrastructure would be required to enable the site to accept the waste types proposed. Since NKDC submitted their final comments the Environment Agency has confirmed that given the range of wastes now proposed and excluding the Bleaching Clay, no new building would be required for the transfer of wastes. There is no proposal to store waste on site and that sufficient void capacity within the digester vessels would be available prior to each waste delivery. As a consequence the built environment of the AD plant would remain as constructed. The EA has however confirmed that the applicant would need to apply for an Environmental Permit before importing waste to the site and

it is recommended that this be included as an Informative on any permission granted. Subject to the imposition of conditions, it is considered that the proposed introduction of waste to the site meets the aims and objectives of the NPPF, NPPW and Policy DM3 of the CSDMP 2016 and would not compromise nor conflict with Policies LP26 and LP55 of the CLLP 2017 which seeks to protect the amenity of local residents and land users in respect of odour emissions.

Miscellaneous

33. A number of representations have been received making reference to the development of a poultry farm on adjacent land, the need for an evacuation plan for local residents and concerns of the waste attracting vermin. This application does not seek to promote the introduction of a poultry unit on adjacent land. With regard to an evacuation plan it was not considered necessary in respect of the original NKDC planning permission and as the use of the AD plant is now established it is not considered necessary to seek an evacuation plan in respect of this application. There are no proposals to store waste on site prior to incorporation into the digester vessels and as a consequence there is no requirement to manage vermin over and above that deemed necessary as part of the existing site management regime.

Cumulative Impacts

34. Finally, consideration has been given as to whether there would be cumulative adverse impacts associated with the introduction of waste streams to the feedstock of the AD Plant. Given that the proposal does not seek to increase the overall throughput of the AD Plant and that the frequency and number of vehicles accessing the site are unlikely to increase it is considered that there would be no impacts over and above those currently experienced. As a consequence the proposed development would meet the aims and objectives of Policy DM17 of the CSDMP.
35. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

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

2. The development hereby permitted shall be retained and operated in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission. The approved are as follows:

Documents

- Application Form date stamped received 10 May 2017;
- Report No: 13-003/R020 v1 – 'Planning Application Supporting Information' date stamped received 10 May 2017; and as amended by
- 'Further information supplemental to Report No: 13/003/R020 v1' date stamped received 6 July 2017;
- Report No: 13-003/R021 – 'Odour Management Plan' date stamped received 6 July 2017;
- Report No: 13-003/R022 – 'Summary of Planning Information by Email' date stamped received 30 August 2017;
- Report No: 13-003/R012 – 'Pest Management Plan' date stamped received 8 June 2017;
- Project No: 009502 – 'Outdoor Lighting Report' date stamped received 8 June 2017;
- Job No: 5355 Issue 03 – 'Drainage Strategy Proposed Biogas Plant' date stamped received 8 June 2017;
- Application 14/0080/FUL – 'Condition 16 (Bat and Bird Boxes)' date stamped received 8 June 2017;
- Application 14/0080/FUL – 'Condition 17 (Landscape Planting)' date stamped received 8 June 2017;
- Application 14/0080/FUL – 'Condition 19 (Perimeter Security Fencing)'; and
- Report No: 13-003/R002 – 'Anaerobic Digestion Facility Noise Impact Assessment' date stamped received 19 September 2017.

Drawings

- No: 13-003-P-020 – 'Location Plan' date stamped received 10 May 2017;
- No: 1.1 – 'Site Plan' date stamped received 10 May 2017;
- No: JN1808-LDS-SK007-A – 'Sustrans Crossing General Details' date stamp received 8 June 2017;
- No: JN1808-LDS-SK008-B – 'Sustrans Crossing Signs and Road Markings' date stamp received 8 June 2017;
- No: JN1808-LDS-SK007-A – 'Sustrans Crossing General Details' date stamp received 8 June 2017;
- No: 14/0080/FUL – 'Lighting column layout drawing' date stamped received 8 June 2017; and
- No: 2054-D-01 RevD – 'Proposed lighting and luminance layout' date stamped received 8 June 2017.

3. The site is permitted to receive the following feedstocks only:

Waste

- Wheat Syrup;
- Glycerol;
- Poultry Litter;
- Waste Vegetables; and

Crops

- Maize silage;
- Grass silage; and
- Sugar Beet.

4. All waste listed in condition 3 shall be incorporated into the Anaerobic Digester Vessel on the day of delivery and no waste shall be stored on site.
5. The total tonnage of feedstock processed at the application site shall not exceed 70,000 tonnes per annum. The waste feedstock shall not exceed 34,300 tonnes per annum. All feedstock brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.
6. All crops stored in the silage clamps shall not exceed 4 metres in height.
7. No crops shall be stored outside at any time other than within the silage clamps.
8. Notwithstanding the detail contained in the approved Report No: 13-003/R021 – 'Odour Management Plan' date stamped received 6 July 2017. The Odour Management Plan shall be implemented in full and maintained for the duration of the development. The Odour Monitoring Reports and Odour Complaints Reports shall be retained for two years and shall be available for inspection at the request of the Waste Planning Authority.
9. The digestate lagoon cover shall be retained and maintained for the duration of the development.
10. Any trees, plants or grassed areas planted in accordance with the approved scheme Application 14/0080/FUL – 'Condition 17 (Landscape Planting)' date stamped received 8 June 2017, which within a period of seven years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, and species and quality, unless the local planning authority gives written consent to any variation.
11. The development hereby permitted shall be retained in accordance with the following construction materials details which are shown on the approved plans, which in the case of the primary and secondary digester tanks shall

be RAL 9006 (white aluminium) for the tank sides and RAL 7005 (mouse grey) for the roof.

12. The means of connection from the AD plant to the National Grid shall be by underground cable.
13. Notwithstanding the detail contained in the approved Report No: 13-003/R002 'Anaerobic Digestion Facility Noise Impact Assessment' date stamp received 19 September 2017, the level of noise arising from the operations on the site at the locations identified in Table 21 shall not exceed a rating level of Average Background Noise Level (dB L_{A90}) +5 dB as identified in Table 21.

Location	Average Background Noise Level (dB L _{A90})
1: Grey Gables	40
2: Holdingham Housing Development	46
3: Moor Farm	43
4: Moor Lane	40

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
 2. To ensure that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.
- 3 – 5
To correspond with the source and volume of waste feedstock materials for which planning permission was applied and to limit the scale of the operations in the interest of the amenity of the area.

- 6 – 13
In the interests of general and visual amenity.

Informatives

Attention is drawn to:

- (i) Environment Agency - Environmental Permitting – Letter Reference AN/2017/125777/02-L01 dated 24 July 2017, attached to the Decision Notice; and

- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Appendix

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

Background Papers

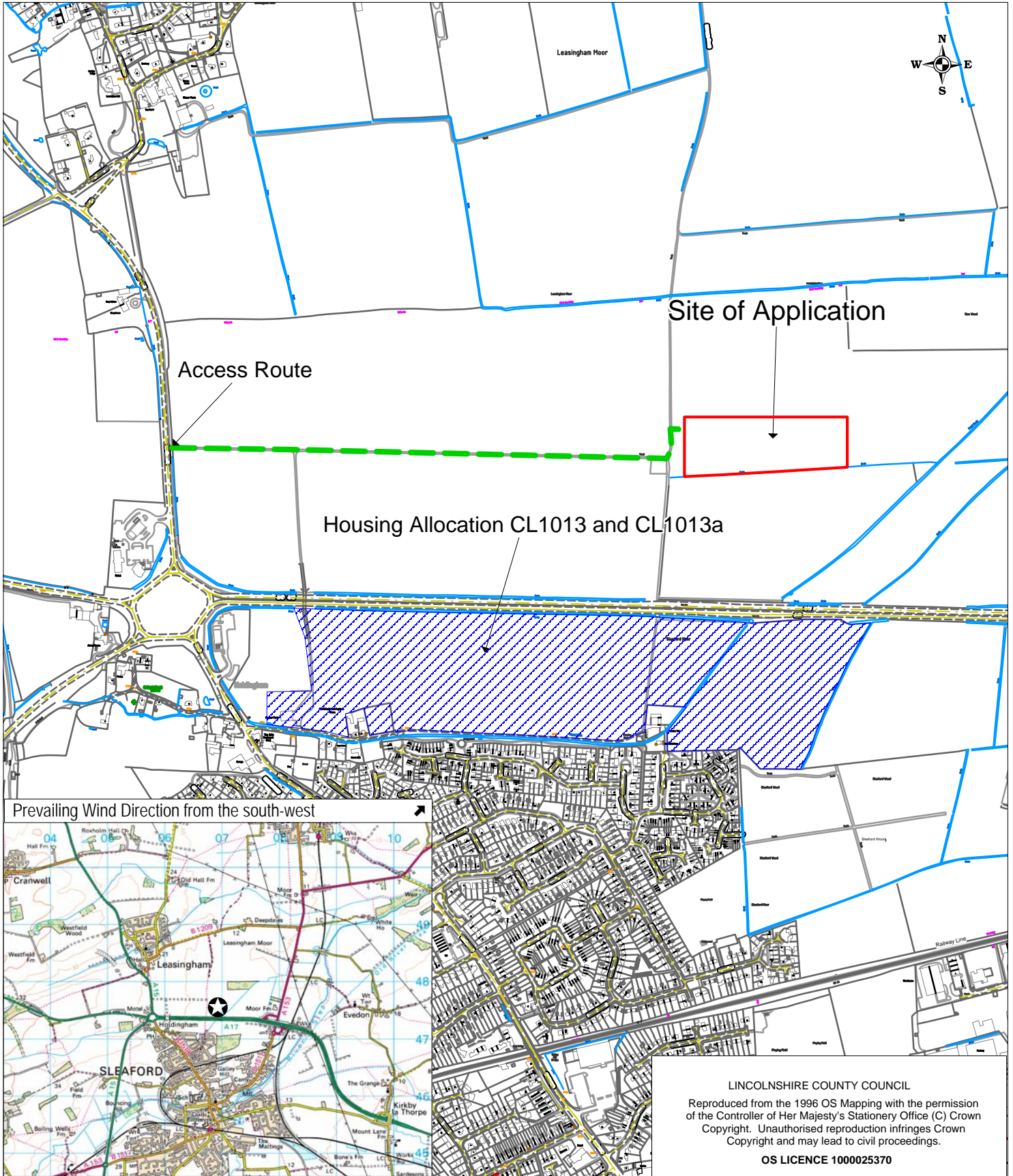
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File N57/0833/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (June 2016)	Lincolnshire County Council website http://www.lincolnshire.gov.uk/
Central Lincolnshire Local Plan (CLLP) July 2017	Central Lincolnshire Local Plan http://www.n-kesteven.gov.uk/central-lincolnshire/

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

LINCOLNSHIRE COUNTY COUNCIL Appendix A

PLANNING AND REGULATION COMMITTEE 2 OCTOBER 2017



Location:

Holdingham Biogas
 Holdingham
 Sleaford

Description:

To change of use from agri-based anaerobic digestion facility to commercial anaerobic digestion facility

Application No: N57/0833/17

Scale: 1:10000

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