

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

Report to:	Planning and Regulation Committee
Date:	4 November 2019
Subject:	County Matter Application - S/049/01560/19

Summary:

Planning permission is sought by Beeswax Dyson Farming Ltd (Agent: GP Planning Ltd) for the construction of a covered digestate storage lagoon, perimeter bunding and fencing and concrete apron for the storage of silage at Woodbecks Farm, Edlington Road, Edlington.

The storage lagoon would have a capacity to hold 3300 cubic metres per annum of liquid digestate (residual from an existing Beeswax Anaerobic Digester facility) which would be temporarily stored prior to use on the farm holding as a replacement for artificial fertilisers and soil improvers. The lagoon would provide a fully contained winter storage facility which would allow the liquid digestate to be retained on site so they are available for the permitted spreading periods. In addition a concrete apron would be constructed to store silage and the surface water drainage would be collected and held in the lagoon.

The potential impacts of the proposed development would largely be mitigated, minimised and reduced through the implementation of the mitigation measures proposed within the application or additional mitigation secured through appropriate conditions.

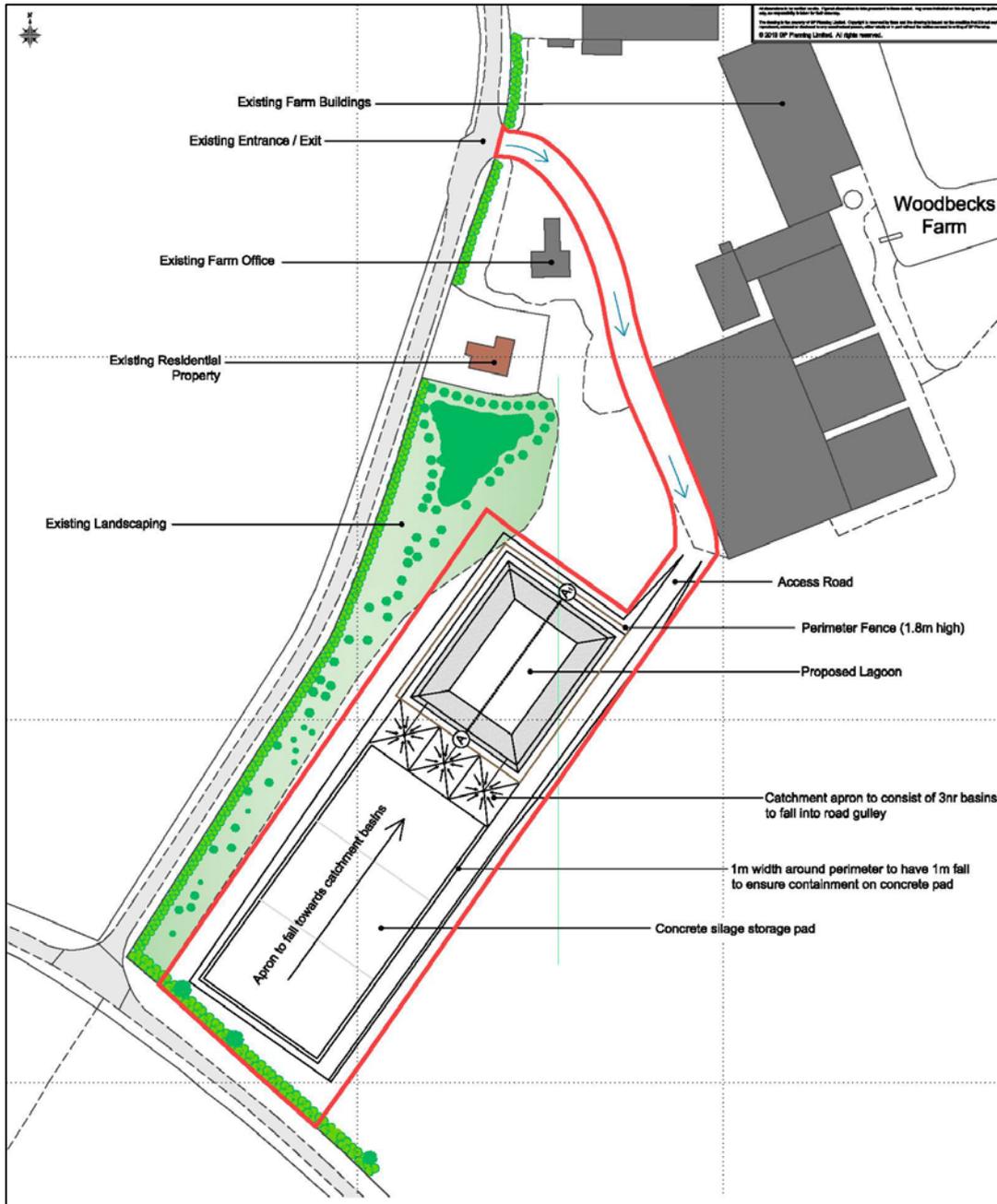
Recommendation:

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. Planning permission is sought by Beeswax Dyson Farming Ltd (Agent: GP Planning Ltd) for the construction of a covered digestate storage lagoon, perimeter bunding and fencing and concrete apron for the storage of silage at Woodbecks Farm, Edlington Road, Edlington. The proposal site is approximately 1.07 hectares in area and lies in a field adjacent to the farmyard. The access would be via an existing farm entrance onto Edlington Road.

2. The lagoon would be used to temporarily store imported non-hazardous liquid digestate transported from the operators' anaerobic digesters located at Nocton and Carrington. The digestate is suitable for spreading on farmland but is subject to the Environment Agency Environmental Permitting regime and compliance with Nitrate Vulnerable Zone spreading restrictions. The purpose of the lagoon is to provide sufficient storage capacity to allow the digestate to be held on site during the winter months so that it is available for spreading and use during the approved spreading periods. The digestate would be held within the lagoon prior to its application to farmland as a replacement for artificial fertilisers.



Site Layout Plan

3. The proposed lagoon has been designed to have a holding capacity of 3300 cubic metres and the constructed lagoon would have an overall depth of 4.25 metres with the digestate stored to a depth of 3.5 metres giving a freeboard of 0.45m. The lagoon would be 46 metres long by 36 metres wide. All of the material excavated to form the base of the lagoon would be used to form a 1.2 metre high perimeter bund. The bund would be grass seeded on the outer slopes that would have a batter of 1 in 5. The inner slope with a 1 in 2 batter would form the upper portion of the lagoon.
4. The proposed concrete apron, to store the silage, would be located to the south west of the lagoon and would be accessed by an internal road. The pad would have a perimeter kerb and measure 94 metres in length and 38 metres wide and the south western end would be elevated to allow surface water drainage to a catchment apron consisting of three basins. These basins would discharge through gullies and would feed by gravity to the lagoon via 150mm pipes.
5. A wire mesh security fence coloured dark green would be erected around the perimeter of the lagoon that would stand to a height of 1.8 metres. An access gate would also be located to the south east corner of the silage pad.

Environmental and Amenity Impacts

Odour & Pollution Control

6. The site lies within Flood Zone 1 and the submitted Flood Risk Assessment identifies that the proposed site has the lowest probability of flooding at a 1:1000 annual probability. The lagoon would be lined with indigenous clay overlaid by a 2mm thick High Density Polyethylene (HDPE) membrane, which would be held in place using an anchor trench on the top of the bund. The lagoon would also be covered by a floating 1.5mm thick HDPE membrane. The HDPE lining/cover would have welded joints and liquids would be transferred and pumped into and out of the lagoon using pipework over the bund that would be connected to delivery pipes on the tankers/spreading vehicles, with no pipework penetrating the liner. The site would also be subject to an Environmental Permit and must comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013, which includes 'Good Practice Guidance on protection of water, soil and air'.

Highways

7. The current vehicular activity at the site is wholly connected with the agricultural operations of the farm. The proposed importation of digestate would be carried over a five month period annually and the number of HCV articulated tanker movements would equate to one delivery a day. In total it would be proposed to deliver 113 loads of digestate per annum. The scheduling of deliveries is wholly within the control of the applicant. All

deliveries would be made in normal working hours. The entrance to the farm already benefits from a kerbed visibility splay capable of allowing two large vehicles to pass. The silage would be harvested and delivered to the storage pad using tractors and trailers.

Ecology

8. An Ecology and Protected Species Survey was carried out and the report identified seven non-statutory sites within 2 kilometres of the site of which none are within or adjacent:
 - Edlington Scrubs - Local Wildlife Site (LWS)
 - Cottage Farm Wood - Site of Nature Conservation Interest (SNCI)
 - Mere Balk Plantation - SNCI
 - New Corner Moor Plantation - SNCI
 - Sherman's Wath Copse - SNCI
 - Triangle Copse - SNCI
 - Triangle Copse south of West Ashby Road – SNCI.
9. Precautionary measures for bats were recommended to ensure dark unlit corridors are maintained around and across the site unhindered by artificial light. As there are no proposals for the removal of the hedgerows or trees the roosting potential for bats and nesting for birds should be maintained. It is also recommended that no site clearance works should occur in the active bird nesting season. Nest boxes have already been installed on the farm buildings and further could be erected to provide some ecological gain. In addition the area of vegetation between the boundary hedges and the site fencing could be seeded with an appropriate wildflower mix.

Historic Environment

10. The application is supported by a desk top assessment of the site and has identified that in close proximity to the site there are significant amounts of post-medieval activity but to the south the site and Hungram Lane is an area of known pre-historic deposits and to the east of Edlington Road is an area of known medieval activity. Given the potential for archaeological remains a geophysical survey was also undertaken and a report on the findings of this survey has been submitted in support of the application.

Site and Surroundings

11. The proposed application site is adjacent to and accessed from the Woodbecks farmyard to the north, which consists of a number of modern agricultural buildings. The buildings stand to heights, at the ridge, of approximately 9 metres. The site is located to south western boundary of a large arable field, external to which is both Edlington Road and Hungram Lane. The western and southern boundaries of the field are defined by mature planted hedges, together with densely planted rows of native species trees. There are a number of water reservoirs in the area all with and external appearance of grassed raised bunds.

12. The nearest residential properties, other than a farm managers bungalow north of the proposed site, are located approximately 250 metres to the south east, at the junction of Hungram Lane and the B1190. Approximately 1 kilometre to the south east, is the village of Thimbleby and the hamlet of Edlington lies approximately 1 kilometre to the northeast. Public Right of Way terminates at the junction of Hungram Lane and Edlington Road. There is an existing weight restriction to the north of the Woodbecks Farm entrance which extends to the A158 through Edlington.



Weight Restriction

Main Planning Considerations

Planning Policy Context

13. 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 80 (Strong, competitive economy) states that planning decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 82 (Locational needs of different businesses) states that planning decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 83 (Supporting a prosperous rural economy) states that planning decisions should enable:

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

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

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

Paragraph 153 (Planning for Climate Change) - directs that in determining planning applications, local planning authorities should expect new development to take account of landform and layout to minimise energy consumption.

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

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

Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 178 to 183 (Ground conditions and pollution) - requires that planning conditions should ensure that a site is suitable for its proposed use taking account of ground conditions and 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 East Lindsey Core Strategy (2018).

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

Local Plan Context

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

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

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

Policy DM4 (Historic Environment) states that proposals that have the potential to affect heritage assets including features of historic or archaeological importance (whether known or unknown) should be accompanied by an assessment of the significance of the assets and the potential impact of the development proposal on those assets and their settings.

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

Policy DM9 (Local Sites of Biodiversity Conservation Value) states that planning permission will be granted for waste development affecting locally designated sites, provided that it can be demonstrated that the development would not have any significant adverse impacts on the site.

Policy DM11 (Soils) – states that proposal for waste development should protect and wherever possible, enhance soils.

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.

16. Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) that sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site however, although the site may not be allocated this does not necessarily mean that the proposal is unacceptable. Instead the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained in the CSDMP.
17. East Lindsey Core Strategy (ELCS) 2018 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 SP10 (Design) supports well-designed sustainable development, which maintains and enhances the character of the District's countryside by being of an appropriate layout, scale, massing, height and density reflecting the character of the surrounding area. Supports development that includes measure to recycle, re-use or reduce the demand for finite resources. Development should contain adequate protection preventing pollution from entering into the water source.

Policy SP11 (Historic Environment) supports proposals that has regard to the historic interest and the setting of the District's Listed Buildings. Seek the appropriate evaluation, recording or preservation in situ, of any unscheduled locally significant archaeological site. Seeks to preserve or enhance the quality of the historic landscape and their setting.

Policy SP13 (Inland Employment) states that the Council will support growth and diversification of the local economy by supporting farm diversification schemes where they are subordinate to the farm use and do not jeopardise the farm business.

Policy SP16 (Inland Flood Risk) requires that all new development must show how it proposes to provide adequate surface water disposal. Where required an application should be accompanied by a site-specific flood risk assessment.

Policy SP22 (Transport and Accessibility) state that support will be given where development shows links with the existing road systems.

Policy SP23 (Landscape) states that the District's landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment.

Policy SP24 (Biodiversity and Geodiversity) states that development proposals should seek to protect and enhance the biodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats.

Policy SP27 (Renewable and Low Carbon Energy) states that infrastructure required to supports renewable energy development will be supported where the impact is weighed against the benefits, in relation to residential amenity, surrounding landscape, historic environment, biodiversity, local economy, highway safety and water environment.

Results of Consultation and Publicity

18. (a) Edlington and Wispington Parish Meeting – strongly recommends that the application be refused stating that there are errors and omissions in the application and that there is the potential for serious road traffic collisions involving HGVs at the junction of Horncastle Road (B1190) and Wispington Road (Hungam Lane) and the potential violation of the

weight restriction through Edlington village. The Parish has also made the following comments (summarised):

- There are errors contained in the application form at Part 7 stating that no materials would be used in the development and Part 10 stating there are no trees which is then contradicted by the content in the Planning and Design Statement describing the materials to be used to construct the development and that there are trees and shrubs adjacent to the site. It is suspected that Beeswax Dyson Farming Ltd have undisclosed future plans for the site for example to build an anaerobic digester.
- The barn on the farm is not for hay but potato storage.
- The applicant has incorrectly identified the nearest residential properties as being on Hungram Lane when in fact they are on Horncastle Road and there is also no mention of the residential property at Woodbecks Farm.
- HGV transportation would be undertaken during 'normal working hours' but no clear definition is given of what these would be. The harvesting of peas went on until 1.30am.
- The applicant owns several farms in the area and there is no clear identification of where the digestate liquid would be spread. Would other farms also be spread using the digestate?
- The roads around the area would be subject to increased agricultural traffic as a result of this application.
- The Council should ensure that ecological improvements are carried out and the ecological survey does not reflect the true population of reptiles, birds and mammals in the area.
- A geophysical survey of the site should be undertaken.
- Odour is of significant concern to nearby residents especially during spreading. What if the statement 'no odour nuisance associated with the proposal' is false?
- No guarantee that traffic speeds would be slow or clear how these would be monitored.
- Deliveries are likely to be concentrated over short periods and so the claim that these would be one a day is nonsense.
- The proposed road route to the site is single track and unsuitable for HGV traffic and the verges have already been damaged by tractors. The weight restriction through Edlington has been ignored with potato lorries using the route to the A158 but no prosecutions have taken place and the prospect of these deliveries adhering to traffic regulations is unlikely.
- The applicant should contribute to signage to ensure its HGV traffic does not use the route through Edlington.
- There is already detritus being deposited on the road at Cottage Farm, which is a danger to cyclists and motorcyclists.
- There would be no benefit to the local rural economy as a result of this proposed development.

- (b) Environment Agency (EA) – has no objection to the proposal but has requested an informative be attached relating to their Environmental Permits and Guidance on Codes of Practice.
- (c) Environmental Health Officer – See East Lindsey District Council recommendations below.
- (d) Highway and Lead Local Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission.
- (e) Historic Environment Team (Lincolnshire County Council) – from a built environment perspective, it is confirmed that there are no listed buildings in close proximity to the site and the farm yard is recorded as a 'Redeveloped 19th century farmstead'.

In respect of archaeology, a copy of the desktop assessment and subsequent geophysical survey, have been forwarded to the Officer for comment. The final comments/recommendations from the County Archaeologist are awaited and therefore any comments will be provided to the Committee before the item is debated.

The following bodies/persons were consulted on the application on 28 August 2019. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

- Local County Council Member, Councillor P A Bradwell;
- Countryside Access (Lincolnshire County Council);
- Public Health (Lincolnshire County Council);
- Ministry of Defence Safeguarding (Coningsby);
- Thimbleby Parish Council; and
- Lincolnshire Wildlife Trust.

19. The application has been publicised by notices posted at the site and on the Public Right of Way Marker at the junction of Hungram Lane and Edlington Road and in the local press (Lincolnshire Echo on 5 September 2019). Letters of notification were also sent to the 14 nearest neighbouring residents. Three representations had been received in response to this publicity/notification at the time this report was prepared which are summarised as follows:

- Serious concerns expressed regarding potential odour, noise, flies and vermin.
- The farm can operate 24/7 in peak periods and this development will contribute to disturbance.
- The corner of the field is prone to flooding and to the development is at risk of flooding.
- How can the digestate be contained to ensure protection of the local environment?

- Several accidents have occurred at the junction of the B1190 and Hungram Lane and concerns this development would increase the risk of accidents.
- The heavy traffic will create a lot of pollution and noise.

District Council's Recommendations

20. East Lindsey District Council has no objection to the principle of the development but has requested that should the development not require an Environmental Permit (EA) then East Lindsey District Council would request that a pre-commencement condition be attached to a decision to secure an emergency leak or spill response plan to ensure that the development does not pose any adverse risk of pollution to the environment.

Conclusions

21. This application is seeking permission to construct a new covered lagoon that would be used to hold imported liquid digestate prior to its application to the surrounding agricultural land. The lagoon would be used to provide winter storage capacity for this digestate and therefore enable it to be stored during the closed spreading season. The lagoon would be constructed in conjunction with a raised concrete storage pad for storing silage harvested at Woodbecks Farm, Edlington Road, Edlington.
22. The key issues to be considered in the determination of this application are those relating to the need for the development, the design and location of the lagoon and an assessment of any potential impacts on ground and surface water, ecology, historic environment, visual impact, odour and traffic.

Need for waste management

23. Waste Planning Authorities have a key role in delivering facilities that help to drive the management of waste up the waste hierarchy and which aim to treat wastes as a resource with their disposal being seen as the last option. Policy DM2 of the CSDMP and Policy SP27 of the ELCS promote sustainable development and supports renewable and low carbon energy proposals.
24. In this case, the proposed lagoon would be used to store 3300 cubic metres per annum of liquid digestate that is derived from the operators two anaerobic digestors located in Nocton and Carrington and it would also receive the surface water run-off from the adjacent silage storage pad. Containment of the surface water run-off must be in accordance with Environment Agency The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013, which includes 'Good Practice Guidance on protection of water, soil and air'. Subject to compliance with Environmental Permitting and Nitrate Vulnerable Zone limits, this digestate and silage run-off is suitable for application to land as a replacement for artificial fertilisers.

Whilst the proposed lagoon does not propose to actively treat or process the digestates and waste, it would act as means to safely store and contain those materials so they can be used as a resource and replacement for artificial fertilisers. In doing this, the facility would therefore provide a means to facilitate the use of these wastes as a resource and move the management of these wastes up the waste hierarchy. The proposed development would therefore help in the achievement of the aims and objectives of the NPPF and Policy DM2 of the CSDMP.

Location

25. In terms of location, it is necessary to consider the suitability of this site in terms of its compliance with the locational and environmental criteria set out in the Development Plan – which includes the CSDMP and the ELCS. The site is not promoted as a preferred site within the Site Locations document of the Lincolnshire Minerals and Waste Local Plan however although the site may not be allocated this does not necessarily mean that the construction of the lagoon in this location is unacceptable. Instead consideration should be given to the locational criteria contained in Policies W3 and W5 of the CSDMP and Policy SP13 of the ELCS.
26. Policy W3 of the CSDMP recognises that it may not be possible to locate all types of waste facility in and around main urban areas. In recognition of this Policy W5, which requires facilities that have similar characteristics to that associated with this development, to be located at suitable distances from sensitive receptors and, in the case of agricultural land, to be located on land where it can be demonstrated they have close links to the existing use. In this case, the lagoon would be located at Woodbecks Farm which is located outside the settlement boundary of the nearest village (Thimbleby) and therefore is classed as being within the open countryside. Policy SP13 of the ELCS advises, that within the open countryside diversification should support the local economy and be subordinate to the farm use and not jeopardise the farm business.
27. The lagoon itself would be located immediately south of the farm yard and be utilised in relation to the existing farming operations and so has close links to that existing use and activity including receiving the run-off from the silage storage pad. I am therefore satisfied that from a locational perspective, a lagoon in this location would be considered acceptable and would not conflict with the locational criteria set out in Policies W3, W5 and DM2 of the CSDMP as the proposal would be an acceptable form of inland employment development in the open countryside and therefore not conflict with ELCS Policy SP13.

Ecology

28. The supporting ecology and protected species survey concluded that the development of the proposed lagoon and silage storage pad would not have adverse impacts on the identified local wildlife sites within 2 kilometres of the site. Furthermore, as it wasn't proposed to remove any of the existing trees

and hedgerows along the boundary of the site, the impacts on existing flora and fauna would be minimal. The report however did identify that there were opportunities for biodiversity enhancements through the sowing of an appropriate wildflower mix between the proposed site fencing and the woodland strip running north/south adjacent to Edlington Road and the erection of a kestrel bird box at Woodbecks Farm. In addition a recommendation was made to restrict site clearance works during the bird nesting season. In order to secure the net biodiversity gains as recommended by this report it is recommended that conditions be imposed which would ensure that the development meets the aims and objectives of the NPPF and Policy DM9 of the CSDMP and would not conflict with nor compromise Policy SP24 of the ELCS that seek to protect and enhance the biodiversity value of land.

Landscape & Visual Considerations

29. The proposed lagoon would be located within a field surrounded on two sides by mature hedges planted with native species and a densely planted belt of trees. Although there is a break in the southern hedgerow to allow agricultural vehicle access to the field, views for this location would only allow for a fleeting view and views from the north would be wholly screened by the existing agricultural buildings. Distant views from the east would also be obscured by hedgerows.
30. The low profile of the concrete silage storage pad along with the design of the lagoon, with its grass seeded bunds and 1.8 metre high wire green coloured mesh fence, would not have a significant adverse visual impact on the area and would blend into the background afforded by the belt of trees and hedges along the western and southern boundaries of the site. As a consequence the site would be invisible to views from outside of the farm yard and surrounding farmland. No objections have therefore been raised to this proposal from a visual perspective and your Officers are satisfied that given the overall visual impact of the proposal it is not considered intrusive and that the development as submitted is in accordance with the NPPF and Policies DM3 and DM6 of the CSDMP and Policies SP10 and SP23 of the ELCS.

Highways and Highway Safety

31. Representations have been received expressing concerns about a potential increase in lorry and tractor movements along Hungram Lane, Edlington Road, Wispington Road and Horncastle Road. Whilst these concerns are noted, the Highways Officer has confirmed that the existing road network would not be adversely impacted from a capacity or safety perspective by the proposed HGV tankering of liquid digestate to the farm. An average of one HGV tanker per day over a period of five months would access the site and these would be wholly in the control of the applicant. Access to the site would be via an existing farm entrance and proposed internal haul road from the farm yard to the silage pad. The use of the silage pad would be

consistent with that of normal agricultural operations already undertaken by the farm.

32. In terms of access, the farm entrance has an adequate visibility splay and is of sufficient width to allow two HCV tankers/tractor & trailers to pass. A weight restriction is in place on Edlington Road to the north of the farm entrance and this prohibits the use of this route for HCV tankers accessing and egressing the site. Given this the development would not have an unacceptable adverse impact on the function or safety of the highway network, however it is recommended that a suitably worded condition be attached requiring the applicant to prevent deposit of mud or other deleterious material onto the public highway. Subject to this, the proposal meets the aims and objectives of the NPPF, Policies DM13 and DM14 of the CSDMP and would not compromise or conflict with Policy SP22 of the ELCS that seeks to support development that demonstrates links with the existing road system.

Soils, Ground & Surface Water

33. Comments have been received questioning whether the proposal would pose a threat to groundwater including comment from East Lindsey District Council regarding the management of leaks and spills. The lagoon is located within Flood Zone 1 and so in an area that is at low risk of flooding. It is also not located within an identified groundwater protection zone or area where it may pose a risk to underlying aquifers. The lagoon has been designed and would be engineered to ensure that the contents are fully contained within a sealed unit. Surface water run-off from the silage pad would be managed through engineering a fall into three basins that would discharge to the digestate lagoon through a gravity fed pipe. The delivery/transfer of liquid digestate would be via an over bank pipe to ensure the integrity of the HDPE liner is not compromised. These design features and practices are in line with the recommendations of the Environment Agency The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013, which includes 'Good Practice Guidance on protection of water, soil and air' and would ensure that the storage of the liquid digestate would not pose a pollution risk. The Environment Agency has raised no objection to the proposal from a surface water or ground pollution perspective but requested that an Informative be attached relating to their Environmental Permitting regime. If permission is granted it is therefore recommended that this be added to any decision.
34. With regard to the spreading of the liquid digestate, this would be carried out in accordance with Code of Good Agricultural Practice and Nitrate Vulnerable Zone restrictions and the whole enterprise would also be subject to an Environmental Permit. These controls and limits would ensure that the use of this digestate would not pose a pollution risk to soils, the wider environment or any nearby watercourses and groundwater. As a consequence the proposal meets the aims and objectives of the NPPF and Policies DM11 and DM16 of the CSDMP and would not compromise or

conflict with Policies SP10 and SP16 of the ELCS that seeks to ensure that development has an adequate pollution control and surface water disposal regime.

Odour and Vermin

35. Representations have raised concerns that the development would result in unacceptable odour and vermin impacts. The digestate itself is a liquid product and not a material that is conducive to attracting vermin such as rats and mice, etc. In any case the digestate will have been treated prior to its importation and storage on site and this treatment process results in a less odorous product when compared to more traditional slurries and animal wastes. The spreading of digestate, like the spreading of more traditional slurries and animal wastes, is an accepted agricultural practice and whilst this can give rise to some odours these are typically much less pungent than those experienced when more traditional slurries/wastes are used and are not greater than those associated with normal agricultural practices.
36. In terms of storage, it is accepted that if digestate is not stored correctly then this can result in some odours arising and therefore measures are proposed to reduce any potential impacts. For example, the lagoon would have a floating HDPE cover and transfer of the digestate would be via direct injection from tankers into the lagoon via over bank pipework. This system would be reversed when extracting the liquids and these would be applied to land by tractors and tankers. Such measures are proven and effective in minimising odour emissions and from a planning perspective, are considered satisfactory to minimise any adverse amenity impacts. The Environment Agency has requested that an Informative be attached to a decision in respect of their Environmental Permitting regime, however it can be concluded that the proposal meets the aims and objectives of the NPPF and Policy DM3 of the CSDMP and would not compromise or conflict with Policy SP10 of the ELCS that seeks to ensure development that considers the amenity of neighbouring land users and mitigates potential adverse impacts.

Lighting & Noise

37. The applicant has not identified specific hours for when the digestate would be delivered to Woodbecks Farm but does make reference to normal working hours. In order to ensure that such deliveries do not adversely impact upon the amenity of residents living near to the site it is therefore recommended that a condition be imposed to limit deliveries of digestate by HCV tankers and for the construction period for the lagoon and silage storage pad.
38. However, it is not considered appropriate to restrict the hours affecting the spreading operations themselves as these are akin to normal agricultural activities which are subject to seasonal variation and weather conditions. However, it maybe that some operations are likely at times of reduced light and as a consequence a further condition is recommended which would

require the applicant to submit details of any proposed lighting associated with the concrete pad before these are installed. Such a condition would give your Officer's an ability to ensure that the impacts of any lighting do not have an unacceptable adverse impact on the ecology and cause light spill in an open countryside location. As a consequence the proposal meets the aims and objectives of the NPPF and Policy DM3, DM6 and DM9 of the CSDMP and would not compromise or conflict with Policies SP10, SP23 and SP24 of the ELCS that seeks to support development that considers the amenity of neighbouring land users and mitigates potential adverse impacts on ecology and the landscape.

Historic Environment

39. The application was supported by a desk-top assessment of the site and surrounding area and it has been identified that to the west of Edlington Road is an area of known Medieval activity and to the south of Hungram Lane records exist of Prehistoric activity. Given the potential presence of archaeology within the site, the applicant commissioned a geophysical survey to be undertaken and a report setting out the findings of this survey has been submitted and forwarded to the County archaeologist for their comment. At the time this report was prepared no response had been received and so an update will be provided prior the application being debated by the Committee. Notwithstanding this position, your Officers are satisfied that sufficient information has been provided to enable a planning decision to be taken at this stage and, in the absence of any final comments and recommendations from the County archaeologist, it is recommended that a condition could be attached which would secure a Scheme of Written Investigation. Such a scheme would provide an opportunity to secure details of further works to mitigate the impacts of the development. Finally, in respect of the built environment the Historic Environment Officer has confirmed that the proposal would not have any adverse impacts on the setting of any known historic assets in the area. Therefore it is concluded that the proposed lagoon and silage storage pad would be acceptable and meets the aims and objectives of the NPPF and Policy DM4 of the CSDMP and would not conflict with nor compromise Policy SP11 of ELCS that supports proposals that has regard to the historic interest and setting of historic buildings and landscapes.

Final Conclusions

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

41. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

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

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

2. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans date stamped received 13 August 2019 are as follows:

Documents:

- Application Form;
- Document Ref: B036-12/PDAS – 'Planning, Design and Access Statement';
- 'Ecology and Protected Species Survey' dated June 2019;

Drawings:

- Drawing No. GPP/BDF/E/19/03 REV 1 – 'Digestate Storage Lagoon & Concrete Apron at Woodbecks Farm, Edlington – Site Layout Plan'; and
- Drawing No. DJS-ES-NGH-P372-01 – 'Proposed lagoon and containment apron Scheme Design'.

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

3. A total of no more than 3300 cubic metres of liquid digestate shall be brought to the site as shown within the red line boundary on Drawing No. GPP/BDF/E/19/03 REV 1 per calendar year, for the purposes of the development hereby permitted. The operator shall maintain records of their annual leachate imports to the site which shall be retained for at least two years and be made available to the Waste Planning Authority within 28 days of a written request.

Reason: To enable the Waste Planning Authority to monitor leachate throughput.

Archaeology

4. (a) No development shall take place until a written scheme of archaeological investigation regarding an archaeological watching brief has been submitted to and approved by the Waste Planning Authority. This scheme should include the following:
1. An assessment of significance and a proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable for site investigation, recording and reporting.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation shall thereafter be carried out and implemented in full accordance with the approved details.

- (b) The applicant shall notify the Waste Planning Authority of the intention to commence at least fourteen days before the start of each phase of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without the prior consent of the Waste Planning Authority.
- (c) A report of the archaeologist's findings shall be submitted to the Waste Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council in accordance with the approved scheme unless otherwise agreed in writing by the Waste Planning Authority. The condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

5. No site preparation or ground clearance works that would involve the destruction or removal of vegetation shall be undertaken during the months March to August (inclusive) unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside of this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set

up. No works shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: To avoid disturbance to birds during the breeding season in the interests of wildlife conservation.

6. All construction operations required in association with this development and HCV tanker deliveries of digestate, including the accessing and egressing of the site, shall only be take place between the hours of:

07:00 and 18:00 Monday to Friday; and
07:00 and 13:00 Saturday; and

No construction operations or deliveries shall be carried out on Sunday, Public and Bank Holidays.

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

7. In the first available planting season following the construction of the containment bunds (as illustrated in Drawing No. DJS-ES-NGH-P372-01) the outer slopes of the bund shall be grass seeded and thereafter maintained free of noxious weeds for the lifetime of the development.

Reason: To prevent soils erosion and maintain the integrity of the lagoon containment.

8. In the first available planting season following the construction of the lagoon and silage storage pad the wildflower seeding detailed in the 'Ecology and Protected Species Survey' dated June 2019 shall be implemented in full and maintained for the duration of the development.

9. Within six months of the construction of the lagoon and silage storage pad the operator shall identify to the Waste Planning Authority the location of the kestrel nest box that shall be erected in accordance with the details set out in the 'Ecology and Protected Species Survey' dated June 2019 and be retained and maintained for the duration of the development.

Reason: To enhance biodiversity as directed by NERC Act 2006.

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

Reason: In the interests of protecting ecology and visual amenity.

11. All construction traffic and HCV tanker access and egress shall only be via the Woodbecks Farm access illustrated in Drawing No. GPP/BDF/E/19/03 REV 1.

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

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

Informatives

Attention is drawn to:

- (i) Environment Agency letter dated 16 September 2019 Ref: AN/2019/129467/01-L01 relating to Environmental Permits and Guidance.
- (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 and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

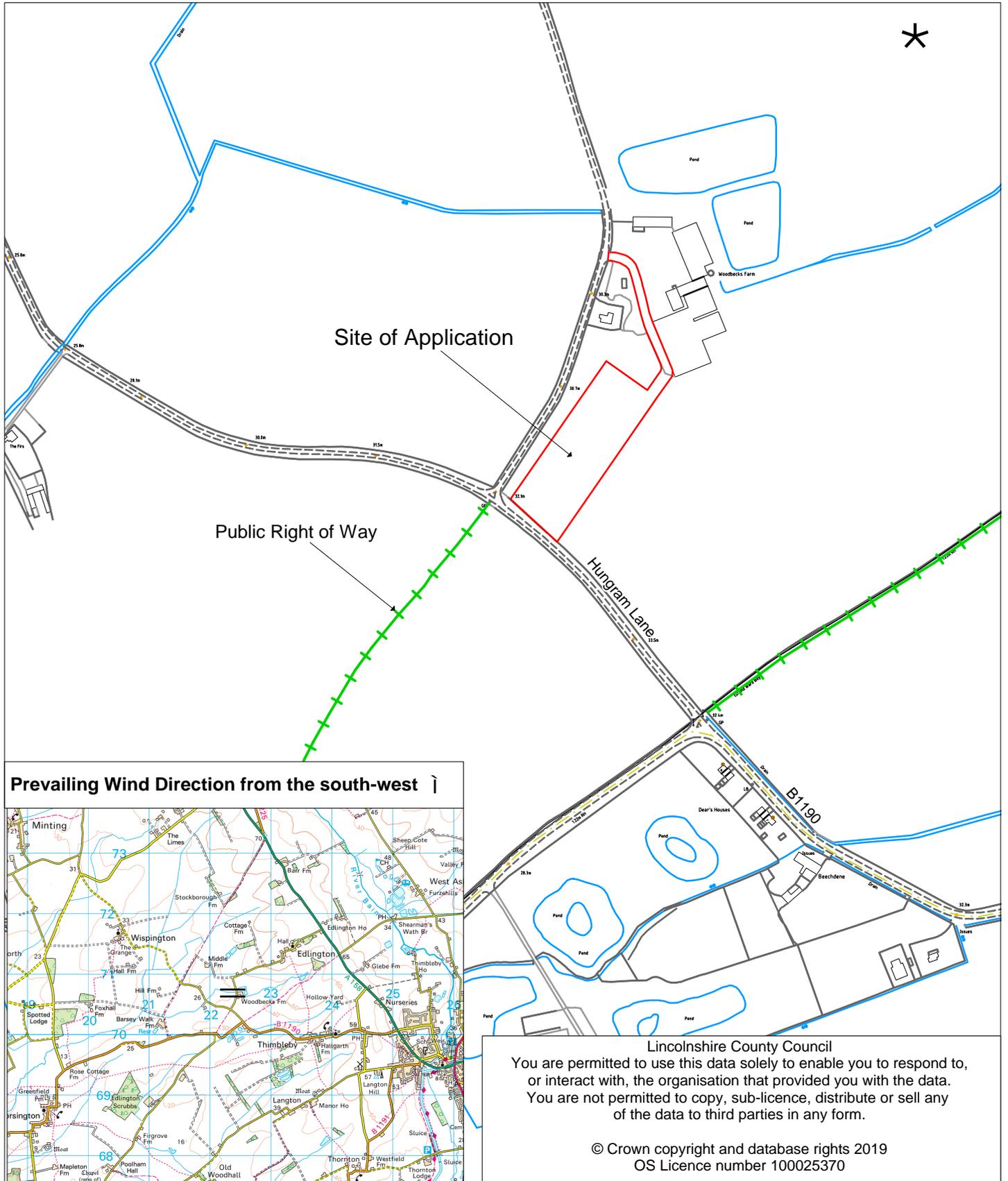
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

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

Document title	Where the document can be viewed
Planning Application File S/049/01560/19	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2019) National Planning Policy Waste (2015)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) Lincolnshire Minerals and Waste Local Plan Site Locations (2017)	Lincolnshire County Council's website www.lincolnshire.gov.uk
East Lindsey Local Plan Core Strategy (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

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



Location:
 Woodbecks Farm
 Edlington Road
 Edlington

Application No: S/049/01560/19
Scale: 1:5000

Description:

For the construction of a covered digestate storage lagoon, perimeter bunding and fencing and concrete apron for the storage of silage

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