

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

Report to:	Planning and Regulation Committee
Date:	2 March 2020
Subject:	County Matter Application - 139858

Summary:

Supplementary Report

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

At its meeting on 13 January 2020, following consideration of the Officer's report and concerns raised by a local resident, the Planning & Regulation Committee resolved to defer making a decision on the application and to carry out a site visit. Councillors wished to visit the site in order to assess the impact of the proposal on the amenity of nearby residents and requested that the application be returned to its meeting in March 2020. The site visit took place on 3 February 2020.

Since the last meeting details relating to the updated Odour Management Plan and Spill Procedure Management Plan have been agreed however it has not been possible to reach an agreement regarding the type of lid that Officers maintain would need to be fitted to the tank in order for this development to be deemed acceptable. Conditions had originally been recommended as a means to secure these however, given that the proposal is retrospective and objections have been received regarding odour, rather than details of this be submitted for approval at a later date Officers are now of the view that these should in fact be provided in advance and prior to the determination of the application.

Your Officers are of the opinion that a fixed lid or membrane should be fitted to the tank in order to ensure odour emissions are controlled however the applicant disagrees and has proposed the use of an alternative 'floating cover'. Details of this proposed solution have been provided however doubt remains about the suitability and effectiveness of this as an alternative treatment method. As there remains disagreement with the applicant about the type of lid to be fitted your Officers are not confident that even if a condition was imposed requiring details to be submitted for approval at a later date that any such agreement could therefore be reached. Furthermore, as this proposal is retrospective and therefore already in place, this means that the potential impacts of odour during any intervening period could persist unmitigated.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity and in the absence of any evidence to give confidence that the applicant would be able to secure a lid which would adequately address the odour impacts associated with the storage of wastes within the tank it is recommended that planning permission be refused.

Background

1. Planning permission is sought by Whites Recycling (Agent: Robert Farrow (Design) Ltd) to retain a tank for the storage of liquid organic waste at land off A1084, Kettleby.
2. At its meeting on 13 January 2020, following consideration of the Officer's report and concerns raised by a local resident, the Planning & Regulation Committee resolved to defer making a decision on the application and to carry out a site visit. Councillors wished to visit the site in order to assess the impact of the proposal on the amenity of nearby residents and requested that the application be returned to its meeting in March 2020. The site visit took place on 3 February 2020.
3. Since the last meeting, as the decision on the application was deferred, Officers felt that it would be prudent to use the intervening period to secure precise details relating to the updated Odour Management Plan, Spill Procedure Management Plan and the type of lid and level monitoring gauge that Officers had recommended would need to be secured should permission be granted. Conditions had originally been recommended as a means to secure these however, given that the proposal was retrospective and objections had been received regarding the impacts of odour that had already been experienced, rather than require these details to be submitted for approval at a later date via a condition, Officers felt these should now in fact be provided in advance and prior to the determination of the application. Having these details agreed and secured at the time of granting any permission would therefore give the Waste Planning Authority confidence that all measures and protections required to safeguard the environment and amenity of residents are in place immediately and at the time of granting any permission.
4. Discussions have been on-going with the applicant and whilst an agreement has been reached regarding the Odour Management Plan and Spill Procedure Management Plan, it has not been possible to reach an agreement regarding the type of lid that Officers maintain would need to be fitted to the tank in order for this development to be deemed acceptable. Your Officers are of the opinion that a fixed lid or membrane should be fitted to the tank in order to reduce odour emissions. The applicant however disagrees with this position and has proposed to use a 'floating cover' (e.g. Hexa-cover or 'aerocover') which is a product that typically comprises of a ceramic aggregate type material that floats on the surface of the stored liquid and which they

claim would form a crust that reduces the release of odorous gasses. The applicant argues that the structural integrity of the tank could be compromised if a fixed full cover was used as rainwater would collect and it is possible that the tank may collapse. Therefore they submit that their proposed solution is more acceptable and have provided details of this proposed solution which have been forwarded onto both the Environmental Health Officer and Environment Agency for comment. A summary of the comments and views received back are as follows:

5. (a) Environmental Health Officer (West Lindsey District Council) – has concerns that the applicant describes the tank as being 'temporary' but wants a permanent permission and is also concerned that there is not sufficient evidence to demonstrate that the proposed floating cover solution is the 'best available technique' for the wastes being stored. The EHO feels that the applicant needs to demonstrate that this is the most suitable product/solution when considered against other products.
 - (b) Environment Agency - has commented the floating media/cover is a technique that is normally used in intensive agriculture slurry lagoons as it reduces ammonia emissions. The liquid waste to be spread to land in this case however can sometimes form a thick crust and so it may not therefore be suitable to use a floating media as the crust that naturally forms could break allowing odour to escape. As a result the floating media could potentially become suspended within the crust, or sit on top of it, which may not reduce odour in the way the applicant expects. It is also added that the Agency does not feel it has enough information regarding the replenishment of the floating media and state that the floating media cannot be spread to land, either by accident or for disposal as it would risk land contamination. Therefore if this technique were to be used this would need to be carefully managed and details of how often it would need to be replenished and what would happen to the media that is sitting in the bottom of the storage tank provided..
6. It is clear from the above that there is still some uncertainty and doubt about the suitability and effectiveness of a proposed floating cover as an alternative to a more traditional solution such as a fixed lid/canopy. Therefore your Officers maintain the view that a fixed lid/canopy is the most suitable solution in order to be confident that any odours can be controlled to an acceptable level. Furthermore, as the proposal is retrospective and already in place, Officers are also now of the view that if this proposal is to be supported then details of any lid should be agreed and approved as part of any permission and not left to be approved by way of a condition. This is because it could take some time for details to be agreed especially if there is already disagreement about the proposed type of lid to be used and in the interim any odour impacts experienced would persist unmitigated. Therefore, in the absence of any evidence to give confidence that the applicant would implement and fit a fixed lid to the tank which would adequately address the odour impacts associated with the storage of wastes within the tank it is recommended that planning permission be refused.

RECOMMENDATIONS

That planning permission be refused for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Waste Planning Authority, Environmental Health Officer and Environment Agency that a suitable lid could be fitted to the tank which would ensure odours from the storage of liquid wastes would not have an unacceptable harmful impact on the living conditions of nearby local residents through odour. As a result the proposal is not in accordance with Policy DM3 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (2016) and consequently also Policy W7 as well as Policy LP26 of the Central Lincolnshire Local Plan (2017).

Appendix

These are listed below and attached at the back of the report

Appendix B	Planning and Regulation Committee Report 2 March 2020
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This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

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

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

Summary:

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

The temporary storage tank is to be used for the storage of non-hazardous liquid organic waste (derived from the food and drinks industries) and has a holding capacity of 1250 cubic metres which is also the proposed annual throughput for the site. The storage tank would provide a winter storage facility which would allow the wastes to be retained on site so that they are available for application when ground conditions permit.

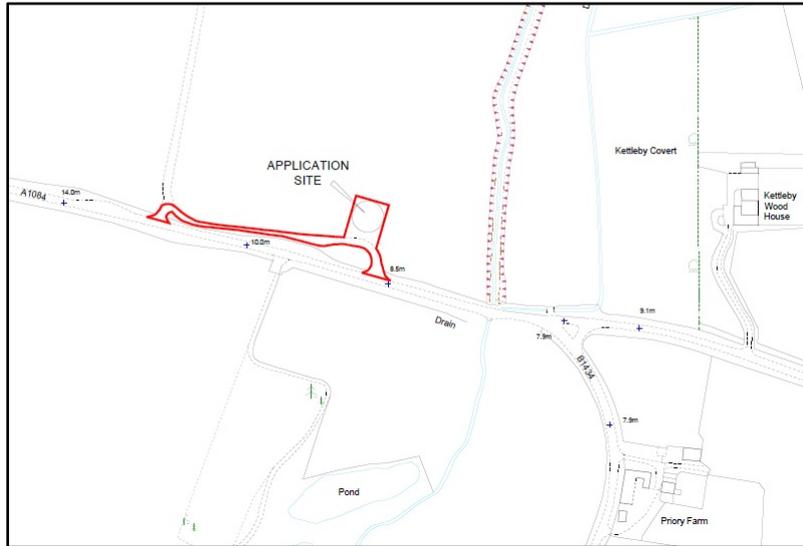
The potential impacts associated with the retention and use of the tank could be mitigated, minimised and reduced through the implementation of mitigation measures proposed within the application or additional mitigation secured through appropriate conditions. Subject to these conditions and controls, the retention and use of the temporary storage tank would accord with the relevant policies as cited and identified within the Lincolnshire Minerals and Waste Local Plan and Central Lincolnshire Local Plan.

Recommendation:

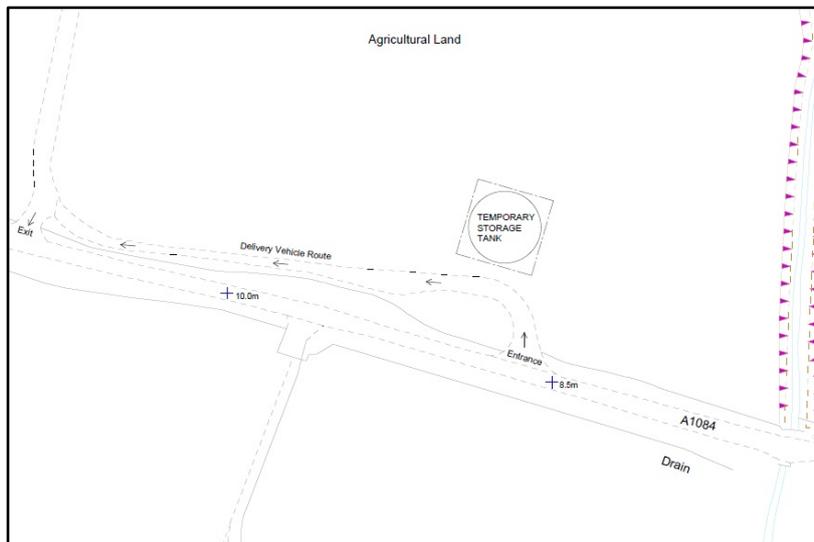
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

The Application

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



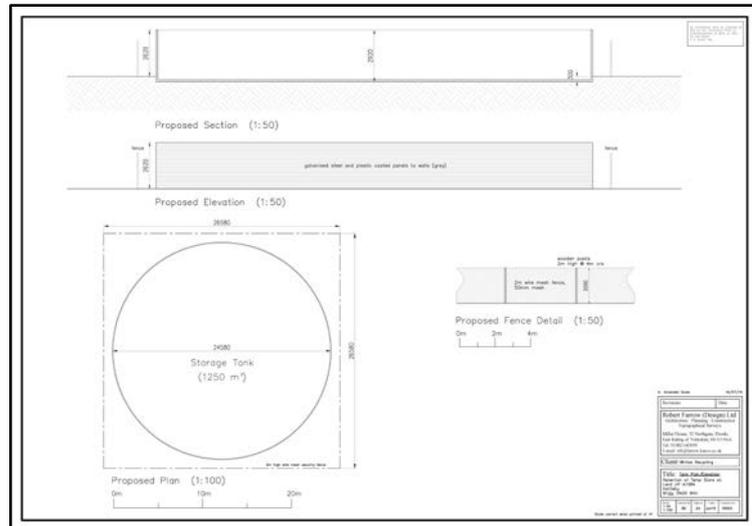
Location Plan



Proposed Site Plan

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

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



Elevation



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

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

Odour

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

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

Site and Surroundings

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



Main Planning Considerations

Planning Policy Context

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

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

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

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

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

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

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

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

Paragraphs 180 to 183 (Pollution) - states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

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

National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be

read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land uses.

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

Policy W1 (Future requirements for New Waste Facilities) - states that the County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arising in the County up to and including 2031. Table 9 which supports this policy, identifies that by 2020 there would be a capacity gap of 332,796 tonnes per annum and so a need for facilities to recycle commercial and industrial wastes such as the liquid wastes proposed to be handled by this development.

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

Policy W5 (Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting) - given the similarities between elements of this proposed development/use and that of biological treatment facilities such as anaerobic digestion plants and open air composting, it is considered appropriate to assess this proposal against this policy. The policy states that planning permission will be granted where proposals are located at a suitable 'stand-off' distance from any sensitive receptors; and where they would be located on land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

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

Policy DM1 (Presumption in Favour of Sustainable Development) - states that when considering development proposals, the County Council will take

a positive approach. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

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

Policy DM3 (Quality of Life and Amenity) - states that planning permission will be granted, provided that it does not generate unacceptable adverse impacts arising from odour, emissions, illumination, visual intrusion, runoff to protected waters or traffic to occupants of nearby dwellings and other sensitive receptors. Development should be well designed.

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

Policy DM14 (Transport by Road) - states that planning permission will be granted for waste development involving transport by road where the highway network is of appropriate standard for use by traffic generated by the development and would not have an unacceptable impact on highway safety.

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

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

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

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

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

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

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

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

Results of Consultation and Publicity

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

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

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

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

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

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

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

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

District Council's Recommendations

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

Conclusions

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

Need

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

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

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

Location

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

Odour

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

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

Highways and Traffic

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

Visual Amenity

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

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

Human Rights Implications

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

Final Conclusions

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

RECOMMENDATIONS

That planning permission is granted subject to the following conditions:

1. No further wastes shall be imported and stored within the tank hereby permitted until the following requirements have been met:
 - (i) Within 1 month of the date of this permission an Odour Management Plan shall be submitted and be approved in writing by the Waste Planning Authority. The Odour Management Plan shall identify any potential sensitive receptors, what measures would be taken to

minimise odours and to monitor odour emissions arising from site operations, along with details of how odour complaints would be recorded and retained. Records of any complaints shall be retained for at least two years and made available to the Waste Planning Authority within 28 days of a request. The Odour Management Plan shall thereafter be implemented in full and maintained for the duration of the development.

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

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

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

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

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

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

3. A total of no more than 1250 cubic metres / 1250000 litres of liquid organic waste shall be brought to the site (as shown within the red line boundary on Drawing – 'Retention of Temp Store at land off A1084, Kettleby per calendar year and those wastes shall be spread on the surrounding farm holding only. The operator shall maintain records of the annual waste imports to the site which shall be retained for at least one year and be made available on request to the Waste Planning Authority within 28 days of a request.

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

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

Reason: In the interests of general and visual amenity.

Informatives

Attention is drawn to:

- (i) Environment Agency letter dated 05 June 2019, reference: AN/2019/129036/01-L01; and
- (ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

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

Background Papers

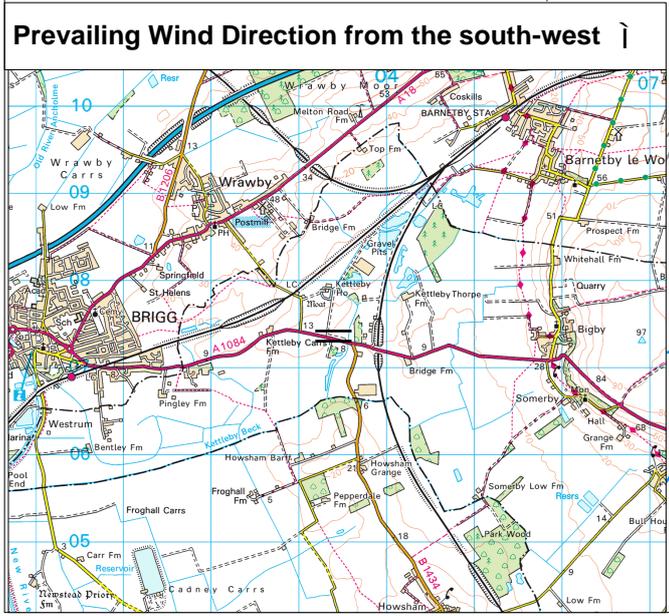
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File 139858	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012) National Planning Policy for Waste (NPPW) (October 2014)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) Site Locations (2017)	Lincolnshire County Council 's website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017)	North Kesteven District Council's website www.n-kesteven.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 13 JANUARY 2020



Lincolnshire County Council
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<p>Location: Land off A1084 Kettleby Brigg</p> <p>Application No: 139858 Scale: 1:2500</p>	<p>Description: To retain a tank for the storage of liquid organic waste</p>
<p>Page 68</p>	