

**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 - 19/1105/CCC

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 Dembleby Farm, Ropsley.

At its meeting on 13 January 2020 the Planning & Regulation Committee agreed to the applicants request to defer considering the application in order to allow further discussions to take place with the Environment Agency regarding their objection. The Environment Agency had objected as the tank was located within 10 metres of a field drain and therefore had concerns that any spill from the store could cause a significant risk of pollution to the watercourse and those it subsequently leads to as well as being a risk to water quality as the site lies within a Source Protection Zone and a Secondary B aquifer. The applicant requested a delay in the determination of the application in order that they could meet with the Agency to discuss and address its concerns and therefore remove its objection to the development. The Committee agreed to this request and requested that the application be brought back to its meeting on 2 March 2020 by which time sufficient time would have been given to allow these discussions to take place.

Discussions have been on-going since the last meeting and further information has been submitted by the applicant that seeks to demonstrate that the nearest field drain to the tank is located 10.1 metres away and so outside the required exclusion zone. The Environment Agency has reviewed this information and has confirmed that its officers have visited the site and whilst the tank is positioned 10.1 metres away the land slopes steeply towards the field drain and it does not believe this is a suitable distance for a temporary store to be sited which would hold a considerable volume of waste. It therefore maintains its objection and view that the position of the tank is unacceptable as it does pose a significant risk to the water environment and so should not be supported in this location.

Recommendation:

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

Background

1. At its meeting on 13 January 2020 the Planning & Regulation Committee agreed to the applicants request to defer considering their application to retain a tank for the storage of liquid organic waste at Dembleby Farm, Ropsley.
2. The Officer's report (attached as Appendix B) had recommended that planning permission be refused because the Environment Agency had objected to the proposal as the position of the tank, being approximately 10m from a flowing field drain, means there is an unacceptable risk to both surface water and groundwater and therefore the integrity of the water environment. It was considered that should the tank breach and its contents emptied, then this would have a detrimental impact on the status of the water environment and therefore the tank should not be permitted in its current location. It was therefore recommended that permission be refused because the development is contrary to Policies DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and consequently also Policies W3, W5 and W7 as well as Policy LP14 of the Central Lincolnshire Local Plan and Paragraphs 170, 178, 180, 181, 182 and 183 of the National Planning Policy Framework.
3. The applicant requested the deferral in order to allow more time to discuss and meet with the Environment Agency about its concerns and objection. The Committee agreed to this request but requested that the application be brought back to its meeting on 2 March 2020 by which time sufficient time would have been given to allow those discussions to take place.
4. Since the last meeting Officers have continued to liaise with the applicant and the Environment Agency and further information has been submitted by the applicant. This information includes an aerial photograph of the site which seeks to show that the tank is positioned 10.1 metres from the nearest field drain and, in line with the Environment Agency's guidance 'How to Comply with your Land Spreading Permit', the tank is therefore outside the 10 metre exclusion zone from the nearest watercourse. It is added that since the tanks construction it has been used as a storage location under a land spreading permit issued by the Environment Agency and that those deployments were issued by the Environment Agency with location maps, exclusion zones and risk assessments approved. Given this the applicant argues the tanks position is acceptable and can be supported.



Aerial photograph provided by applicant in support of application

5. The Environment Agency has reviewed the information provided and confirmed that its officers have visited the site however whilst it is noted that the field drain is located approximately 10.11 metres away, it maintains the view that the close proximity of the tank to this drain puts the nearby watercourse at risk. Although the store itself is constructed on flat ground, the land slopes steeply towards the field drain and so the Agency does not believe this to be a suitable distance for a temporary store which holds a considerable volume of waste on unmade ground. Given this the Environment Agency has confirmed that it maintains its objection to this proposal as the position of the tank is unacceptable as its proximity to the field drain puts the nearby watercourse at risk.

Conclusions

6. The applicant has failed to be able to demonstrate to the satisfaction of the Environment Agency that the position of the tank is acceptable and therefore the Agency maintains its objection to this proposal. If the tank was to breach and its contents emptied then this would have a detrimental impact on the status of the water environment and therefore the tank should not be retained in this position.
7. Given the position of tank and the risks posed to the water environment the development is therefore considered to be contrary to Policies DM3 and DM16 of the Lincolnshire Minerals & Waste Local Plan and consequently also Policies W3, W5 and W7 as well as Policy LP14 of the Central Lincolnshire Local Plan and Paragraphs 170, 178, 180, 181, 182 and 183 of the National Planning Policy Framework and so planning permission refused.

RECOMMENDATIONS

That planning permission be refused, for the following reasons, as set out in the report attached as Appendix B.

Appendix

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

Appendix B	Planning and Regulation Committee Report - 13 January 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

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Executive Director for Place**

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Date:	13 January 2020
Subject:	County Matter Application - 19/1105/CCC

Summary:

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

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

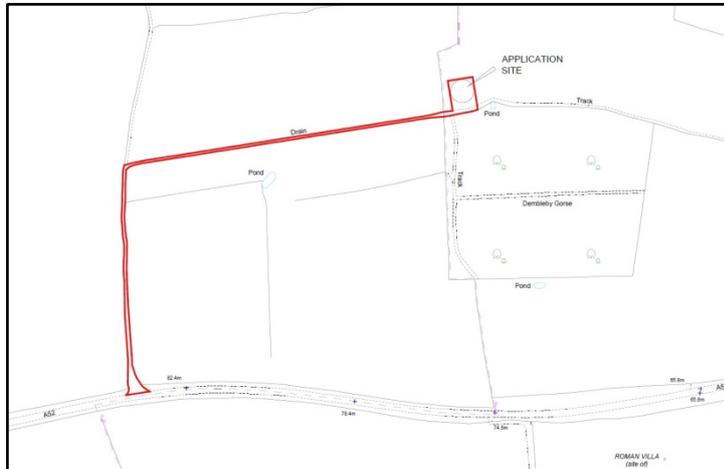
It is accepted that the spreading and use of organic liquid wastes as an alternative to chemical fertilisers can be an agricultural benefit and also represent a sustainable waste management practice. A countryside location for the tank is also considered justified however in this case the Environment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

Recommendation:

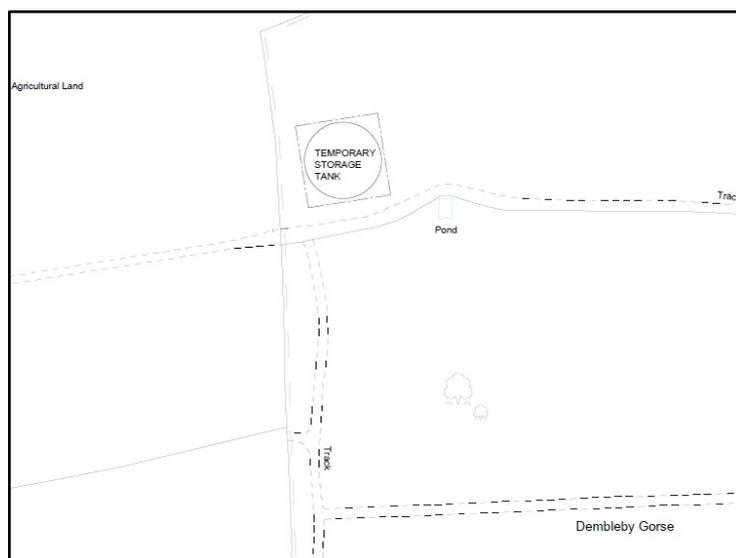
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be refused.

The Application

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



Location Plan

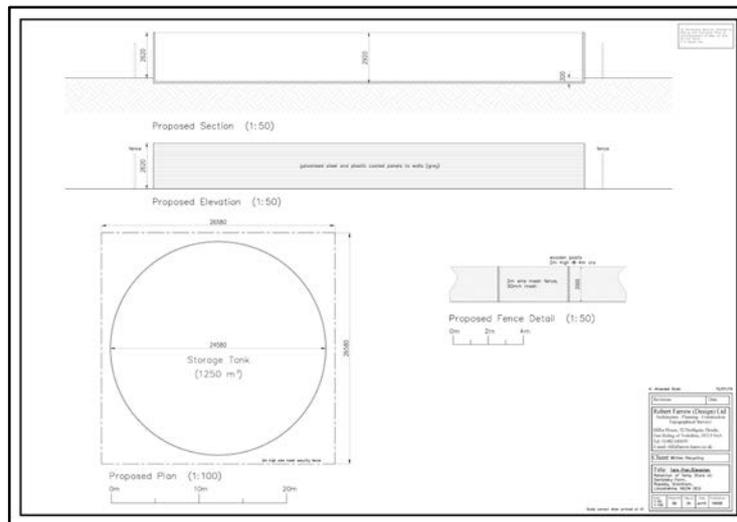


Proposed Site Layout

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

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

- The tank is circular and has an approximate diameter of 24.5m and height of 2.6m. It has a capacity of 1250m³, which is the maximum proposed annual volume. It is constructed of galvanised steel and grey plastic panels and is covered with a liner. It is enclosed by a 2m high post and wire mesh fence. The store is a temporary structure and can be erected and dismantled within a week with minimal machinery and man power.



Elevation Plan



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

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

Odour

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

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

Site and Surroundings

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



Main Planning Considerations

Planning Policy Context

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

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

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

Paragraph 84 (Local business needs in rural areas) - states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is

sensitive to its surrounding and does not have an unacceptable impact on local roads.

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

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

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

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

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

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

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

National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to the protection of water quality, landscape and visual impacts, traffic and access and odours.

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy LP1 (Presumption in Favour of Sustainable Development) – requires planning applications that accord with the Policies in the Local Plan to be approved without delay, unless material considerations indicate otherwise.

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

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

Policy LP26 (Design and Amenity) - requires development proposals to take into consideration the character and local distinctiveness of the area by respecting existing topography, landscape character and identify, and relate well to the site and surroundings, in relation to siting, height, scale, massing and form. In addition consideration should be given to the amenity of neighbouring land uses, including mitigating adverse impacts.

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

Results of Consultation and Publicity

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

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

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

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

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

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

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

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

District Council's Recommendations

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

Conclusions

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

Water Environment

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

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

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

Need

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

Location

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

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

Odour

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

Highways and Traffic

26. The applicant states that the annual volume of waste that would come into the site would be 1250m³. This volume is also the maximum storage volume of the tank and it would take approximately 40 tanker loads to fill the tank to capacity. This would equate to less than one tanker per week visiting the site however, as discussed, the plan is still for fertiliser to be applied directly to the land and the tank would only be used when the weather conditions are wet or wintery. As the use of the tank would be dependent on the weather conditions, deliveries to the tank would be variable and there could be long periods when the tank would not be in use and hence no deliveries, whilst at other times it is a reasonable assumption that there would be more than one delivery per day.
27. The site itself is reached by an existing farm access track from the A52 and it is considered that 40 deliveries, which would equate to 80 vehicular movements spread potentially across two to three months, would not be excessive. However, the Highways Officer has stated that the existing access from an A road is unbound and does not promote safe and suitable access to the site and would therefore need to be improved in accordance

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

Visual Amenity

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

Human Rights Implications

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

Final Conclusions

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

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

RECOMMENDATIONS

That planning permission be refused for the following reasons:

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

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

Informatives

Attention is drawn to:

- (i) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

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

Background Papers

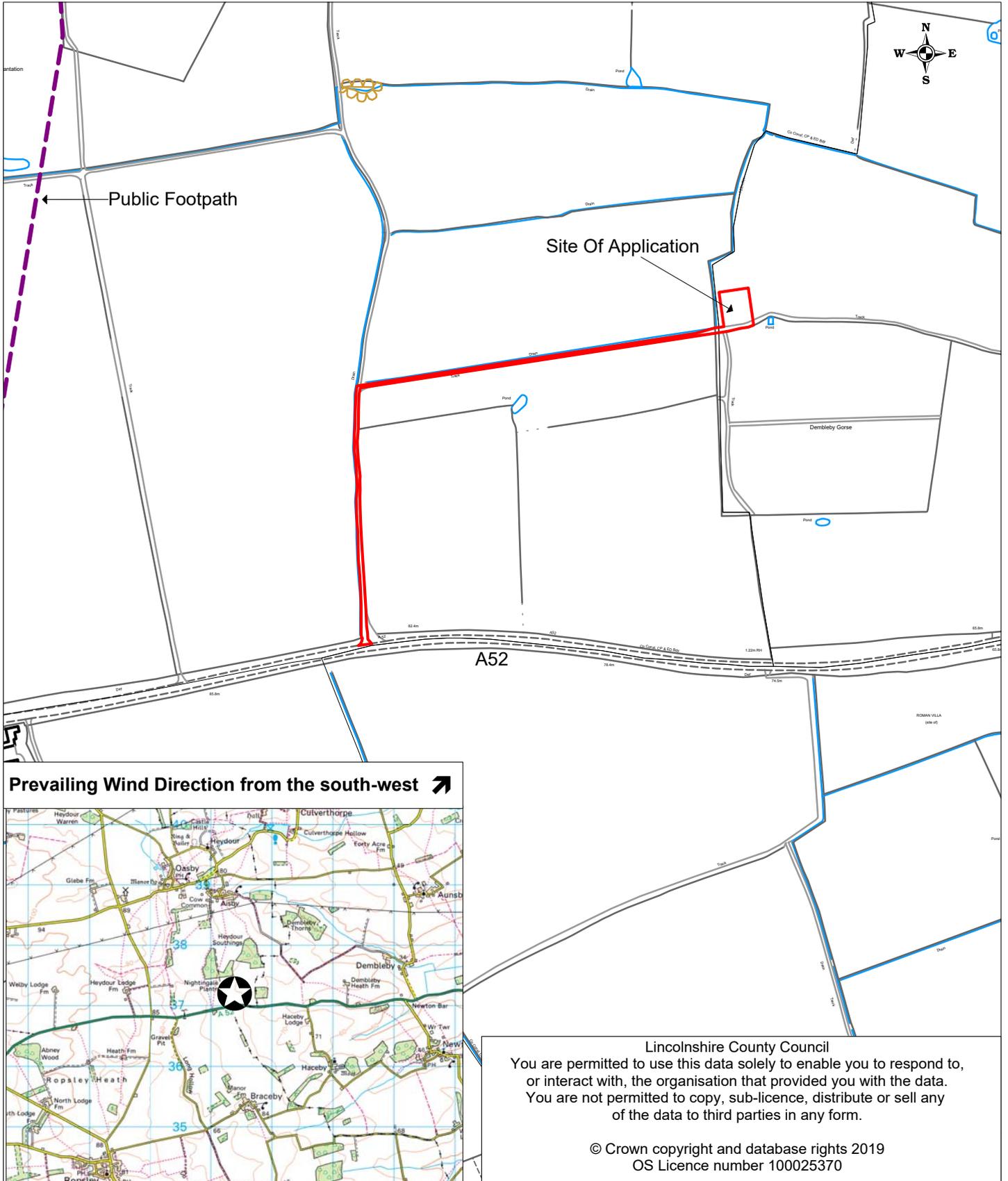
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File 19/1105/CCC	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012) National Planning Policy for Waste (2014)	The Government's website 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



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

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