

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>18 January 2021</b>
Subject:	<b>County Matter Application - B/20/0436</b>

**Summary:**

Planning permission is sought by Oldershaws of Moulton Limited for a proposed windrow composting site at land off Thompson's Lane, Fosdyke.

The proposal site covers an approximate area of 1.29 hectares and comprises of two existing areas of concrete and a clay lined and uncovered leachate lagoon which have been used to store onion waste and liquid leachate since 1995. This existing operation lies in the south western corner of a large agricultural field immediately north east of the old earth sea bank. The site is largely open to the remainder of the agricultural field.

The proposal consists of a new area of sealed and drained concrete which will enable the existing waste onions and dry waste onion 'shells' to be broken down in aerobic conditions to produce onion compost. A further lagoon would also be constructed for surface run-off. The site would accept 10,000 tonnes per annum. Both compost and leachate would be used by the applicant's farm holding.

The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location given its proximity to the local village of Fosdyke and whether it would cause detriment to residential amenity.

**Recommendation:**

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

**Background**

1. Oldershaws of Moulton Ltd forms part of the Oldershaw Group of companies, which is responsible for supplying 25% of the country's demand for onions. The company is an established farming operation based at Long

Lane, Moulton who grow onions and shallots in the area. The farming company also grows other food produce on surrounding land.

- 2. In addition to growing and harvesting their own alliums, the farming company imports onions from both abroad and other UK farmers. The harvesting and packaging of onions invariably results in the production of waste in the form of skins and damaged onions. Rather than putting these into landfill, Oldershaws has traditionally stored this material at the site off Thompson's Lane prior to it being spread on the land. The application of this material enables a reduction in the reliance on inorganic fertiliser. The application of onion compost also helps to prevent the spread of White Rot (*Sclerotium Cepivorum*).
- 3. Planning permission is now sought for the redevelopment of the existing onion storage site. This proposal seeks to improve the infrastructure that supports the current operations and to formalise the composting operations.

The Application

- 4. Planning permission is sought by Oldershaws of Moulton Limited for a proposed windrow composting site at land off Thompson's Lane, Fosdyke. The application site covers an area extending 1.29 hectares and consists of two existing areas of concrete along with a clay lined, uncovered leachate lagoon which have been used to store onion waste and liquid leachate since 1995. This proposal seeks permission for the construction of a new concrete pad together with drainage and a new lined and covered lagoon to capture any leachate from the composting activity.



Proposed Site Plan

5. The application proposes the creation of a new area of sealed and drained concrete which would enable the existing waste onions and dry waste onion 'shells' to be broken down in aerobic conditions to produce onion compost. Onion waste would be brought to the site via agricultural tractors and trailers and tipped onto the concrete pads in windrows rather than one or two large piles. The material would be 'turned' each week to prevent anaerobic conditions from forming and the turning process enables constant heat and moisture levels during the composting process. The advantage of using an aerobic system to compost the material is that the amount of odour that is produced is far less than that which arises if the material is simply stockpiled on site in readiness for spreading on the land (which is what happens at present).
6. The sections of the site to be concreted would be 140m in length by 35m in width covering an overall footprint of 4900 metres squared. A small section would also be concreted adjoining an existing pad of 7m width and approximately 70m in length. This would link with the access of the site.
7. In addition to the new area of concrete, a new lagoon would be constructed to accept the run-off/leachate from the concrete to the north west of the site. The lagoon would be 36.5m by 36.5m giving an overall footprint of 1332.25 metres squared. The lagoon would be lined and covered with a HDPE liner to prevent any leakage or contamination and would be used instead of the existing lagoon located to the south east of the site. Both the finished compost and leachate would be spread on the applicant's land as an alternative to artificial fertilisers in accordance with Environment Agency regulations and using agricultural machinery. Approximately 50% would be spread on the land immediately around where the compost is created with the remaining 50% being applied to farmland owned elsewhere by the applicant.
8. Finally, the site would accept up to 10,000 tonnes each year depending on seasonal weather conditions. The percentage of material sourced and imported from farms/sites not owned by the applicant will vary depending on demand. Other than the composting process no other operations or processing activities are proposed on site and no machinery other than agricultural tractors, trailers and teleporters would be used to turn the material. The proposed works would not only improve the existing infrastructure supporting the compositing operations but also help formalise the composting operations which should improve odours and produce a better quality fertilizer for use on the surrounding farmland.

#### Site and Surroundings

9. The application site lies approximately 880m to the east of Fosdyke village. Fosdyke is a village lying to the south of Boston and north of Holbeach. The village is accessed to the east of the A17. The proposal site is accessed off Thompson's Lane and lies in the south western corner of a large agricultural field immediately north east of the old earth sea bank. The site covers an area of 1.29ha and comprises of two existing areas of concrete and clay

lined, uncovered leachate lagoon. The nearest residential property to the site is located approximately 370m to the south-west, with the next nearest being located 790m to the north-west.

10. The site sits within Flood Zone 3 meaning it is at high risk of flooding due to its proximity to the tidal River Welland. The applicant has planted trees close to the old sea bank which are beginning to mature. There is a public footpath (Fosd/8/1) along the south western boundary of the site which is crossed by the existing access into the site at the end of Thompson's Lane. There are no other boundaries and the site is largely open to the remainder of the agricultural field. The applicant owns much of the surrounding farmland.

## Main Planning Considerations

### Planning Policy Context

11. 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:

Paragraphs 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and for decision-taking this means:

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 170 (Conserving and enhancing the natural environment) – directs that planning decisions should contribute to and enhance the natural and local environment, minimize impacts on and providing net gains for biodiversity.

Paragraph 180 (Ensuring development appropriate for its location) – taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts.

Paragraph 183 – 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 - 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

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 use.

Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) – this document was formally adopted on 1 June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

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 predicated capacity gaps for waste arising in the county up to and including 2031.

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the main urban areas subject to the criteria of Policy W4. It is added that proposals for new waste facilities, outside an urban area will only be permitted where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting (see Policy W5);
- the treatment of waste water and sewage (see Policy W9);
- landfilling of waste (see Policy W6);
- small-scale waste facilities (see Policy W7).

Policy W5 (Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting) planning permission will be granted for anaerobic digestion, open air composting, and other forms of biological treatment of waste outside of those areas specified in Policy W3 provided that proposals accord with all relevant Development Management Policies set out in the Plan; where they would be located at a suitable 'stand-off' distance from any sensitive receptors; and where they would be located on either:

- land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages; or
- land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

Policy DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc.).

Policy DM6 (Impact on Landscape and Townscape) states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

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

the effects of a number of developments occurring either concurrently or successively.

South East Lincolnshire Local Plan 2011-2036 (Adopted March 2019). The following policies are relevant:

Policy 1 (Spatial Strategy) – lists a hierarchy of settlements. All land outside of the identified settlements falls within the Countryside and development will be permitted which is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 2 (Development Management) states proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. impact on the potential loss of sand and gravel mineral resources.

Policy 4 (Approach to Flood Risk) sets out the criteria to be applied when considering the impact of development to and from flooding. It states that development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) application must be supported by a site specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change. The Flood Risk Assessment should demonstrate the location of the development meets the Sequential Test and demonstrate that the vulnerability of a proposed use is compatible with the relevant flood zone. It also states that appropriate drainage and flood resistance and resilience measures should be provided and that where necessary appropriate flood warning and evacuation procedures be demonstrated.

Policy 30 (Pollution) development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment;
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Policy 32 (Community, Health and Well-being) Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being. To this end, development will not be permitted unless it (where possible and appropriate):

1. protects and enhances existing public rights of way, and creates new links to the rights of way network.

#### Results of Consultation and Publicity

12. (a) Local County Council Member, Councillor M Brookes – stated that site has been the subject of complaints over the years about odour and flies which need to be addressed in any development of the existing operations going forward. Councillor Brookes looks forward to reading the officer's recommendation and will address any observations and comments on that report direct to the Committee.
- (b) Fosdyke Parish Council – has no objections to the application however have concerns regarding the vehicular access to the site from Wash Room or Bell Lane.
- (c) Environment Agency (EA) – has no objection but as the proposal site is located within Flood Zone 3a it is recommended that a Flood Warning and Evacuation Plan be secured. Informatives are also recommended for the applicant with regards to the need for an Environmental Permit and information on signing up to their flood warning system.
- (d) Environmental Health Officer (Boston Borough Council) – has commented that the site has been utilised for the storage and composting of onion waste for many years and whilst there have been sporadic complaints from the residents of nearby Fosdyke in the past regarding odour and fruit flies, these have been less frequent in recent years. This application appears to be looking to make improvements to the current composting operation and the application is supported by an odour management plan which will see far greater control and monitoring on the composting process. Whilst neither the odour assessment nor management plan can guarantee there will not be occasional localised odours from the site, the proposal on face value should mean there is less risk of this than currently and as a result raises no objection to this proposal.

- (e) Historic Places (Lincolnshire County Council) – no objection as the proposed development will have a negligible impact on the built historic environment.
- (f) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has advised that Thompson's Lane is an un-made County Highway (a 'Green Lane') and whilst there are pot holes in places, the surface is generally flat, un-rutted and serviceable. Having given due regard to the appropriate local and national planning policy guidance it is concluded that the proposed windrow composting facility would not be expected to have an unacceptable impact upon highway safety or a severe cumulative impact upon the highway network and therefore, does not wish to object to this planning application.
- (g) Public Rights of Way (Lincolnshire County Council) – noted that Fosdyke Public Footpath 8 runs along the western boundary of the site. It is stated that this route should not be obstructed by this development. It is suggested that signage is installed at the point the Public Footpath crosses the roadway into the site alerting drivers to the possible presence of walkers crossing or in fact using the roadway to the site.
- (h) Lincolnshire Police - no objections with the proposal.

The following bodies/persons were consulted/notified on 4 November 2020 but no comments/response had been received within the statutory consultation period or by the time this report was prepared:

Lincolnshire Fieldpaths Association  
Lincolnshire Ramblers Association.

13. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Free Press on 17 November 2020). Letters of notification were also sent to the nearest neighbouring residents. A total of 11 representations have been received in response to this publicity/notification. A summary of the comments/objections received is given below:

- Concerns regarding odours from the decaying of onions. Although the village is some distance away the applicants claim that residents would not be able to smell the site. Residents are affected by the odour from the site and it causes most disruption when the weather is warmer.
- Fruit flies are also attracted to the rotting material and these have been prolific in the village, especially during the warmer months. There are concerns that these flies carry bacteria and disease as well as being a general annoyance for those wanting to spend time outside during the summer.
- The odour and decomposing materials may attract vermin which worries residents.

- Concerns and objections made regarding agricultural traffic which has been known to begin travelling through the village at 4am. The large vehicles tend to continue travelling through the village all day and leave debris on the road which can make the highways dangerous for other users.
- Some residents are concerned about the impact this proposal would have on house prices.

### District Council's Recommendations

14. Boston Borough Council has raised no objection to the proposal.

### Conclusions

15. Planning permission is sought by Oldershaws of Moulton Limited for a proposed windrow composting site at land off Thompson's Lane, Fosdyke, Boston. The proposal site covers an approximate area of 1.29 hectares and comprises of two existing areas of concrete and a clay lined, uncovered leachate lagoon which have been used to store onion waste and liquid leachate since 1995. This existing operation lies in the south western corner of a large agricultural field immediately north east of the old earth sea bank. The site is largely open to the remainder of the agricultural fields which encompass it.
16. The proposal consists of a new area of sealed and drained concrete which will enable the existing waste onions and dry waste onion 'shells' to be broken down in aerobic conditions to produce onion compost. A further lagoon would also be constructed for surface run-off. The site would accept 10,000 tonnes per annum. Both compost and leachate would be used by the applicant for their farmland.
17. The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location given its proximity to the local village of Fosdyke and whether it would cause detriment to residential amenity.

### Location and Setting

18. In spatial and locational terms, the broad thrust and ethos of planning policy is to direct most new development towards urban centres and settlements, sites allocated for such purposes (as identified in the Development Plan) and away from rural areas and the open countryside. This is reflected by Policy 1 of the SELLP which states that development in the open countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
19. More specific to waste related development, Policy W1 of the CSDMP states that, through the Site Locations document, the County Council will identify

locations for a range of new and extended waste management facilities where these are necessary to meet predicted capacity gaps in waste arising within the County. Where a site is proposed outside the locations or areas specifically allocated or identified within the Site Locations document, it may still be appropriate and capable of support but only where it accords with the spatial and locational criterion set out in other CSDMP policies (notably Policies W3, W4 or W5) and where they are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts.

20. Policy W3 of the CSDMP supports the establishment of waste management facilities in and around the main urban areas and states that only certain types of facility will be granted outside of these such as small-scale facilities and biological treatment facilities such as open air windrow composting and anaerobic digestion plants. In such cases, reference should therefore be given to Policy W5 which sets out the criteria applicable in considering such proposals. Policy W5 states that facilities outside of the areas identified in Policy W3 will be supported where they are located at a suitable stand-off distance from sensitive receptors and where they (amongst other cited examples) are located on previously developed land or land associated with an existing agricultural use and it can be demonstrated that there are close links with that use.
21. In this case, the proposal involves the redevelopment of an existing area of land that has historically been used for the stockpiling and composting of onion wastes. The site is located in the corner of an agricultural field and comprises of an area of hardstanding and an old open lagoon. Given its current use it is previously developed land and is already associated with an established agricultural practice. The proposed works would create improved infrastructure supporting the composting operations and the site would continue to process waste onions that are derived from both the applicants own farmholding and other sources. Once the composting process has been completed the material created would be applied to the surrounding agricultural land. The site itself is located some distance from the nearest residential properties and its use would have close links to the existing agricultural practices. From a purely locational perspective, I am therefore satisfied that this proposal would fit well and accord with the criteria of Policy 1 of the SELLP and Policy W5 of the CSDMP.

#### Environmental and amenity considerations

#### Visual and Landscape Impacts

22. The proposal site is located in the open countryside and is some distance from Fosdyke village. The site itself has been in existence for many years and although its boundaries are devoid of any notable landscaping features such as trees or hedgerows, the proposed works are to the surfacing of the site and involve the creation of a low-level lagoon. Other than mobile plant and the occasional tractor/trailer, the site would largely contain windrows

which would be at a limited height and so not create any significant or large structures in the local landscape. Given the distance from the nearest settlement views would be limited however views of the site would be obtainable from the public footpath which runs along the southern boundary of the site. Any views of the composting operations on site however would be transient and when viewed in the context of the wider agricultural landscape would not be detrimental to the experience or enjoyment of the countryside by those users. As a result, I am satisfied that any visual impacts arising as a result of this proposal are not considered to be so significant or adverse that it would justify refusal of the proposal on the grounds of visual impact on the local area. The proposal therefore accords to the aims of Policy DM6 of the CSDMP and Policy 2 of the SELLP.

### Noise, Dust and Odour

23. Many objections have been received regarding odour and fruit flies that have previously been experienced as a result of activities on the site. These objections are noted however the previous operations and use of the site has not been subject of any formal planning control. This proposal would not only make improvements to the site infrastructure that supports the composting operations but also presents an opportunity for the Waste Planning Authority to regularise the site activities and to place controls and conditions on the site operations and activities.
24. An Odour Impact Assessment (OIA), Odour Management Plan (OMP) and a Fruit Fly Management Plan have all been commissioned in support of the application. These documents assess the potential impacts of the proposal and set out how the process can be satisfactorily controlled and managed to reduce and ensure there are no adverse impacts on local residents.
25. In terms of odour, the OIA notes that the site is located in an area with a very few sensitive receptors upwind of the site and with very few, if any, sensitive receptors located downwind of the site. The proposed weekly 'turning' of materials would ensure that aerobic conditions are maintained and therefore reduce the risk of significant odours forming and also disturb the lifecycle of fruit flies and therefore decreases their number. The largest risk of a complaint is therefore only likely in the event of a north-westerly wind which could potentially direct and deliver any odours produced from the applicant site to receptors located closest to the site.
26. The new, larger concrete pad and leachate lagoon would enable better management of the composting process and therefore reduce odours when compared to those which may have been experienced in the past. Although some degree of odour is to be expected from such large volumes of organic materials stored in the open, the site is relatively remote and with the implementation of the Odour Management Plan, along with the controls placed on the site by and Environmental Permit, sufficient controls should be in place to ensure the amenity of local residents is not significantly impacted and/or that action can be taken to address any issues should these arise.

27. In respect of noise, other than the use of a teleporter and occasional tractors/trailers arriving/leaving the site, the site operations would be fairly low key. No shredding or processing of the waste onions is proposed and therefore the development is unlikely to create significant levels of noise. No objections to this proposal have been made by either the Environment Agency, Borough Council or Environmental Health Officer and so, subject to suitable conditions and controls, I am satisfied that the proposal accord with Policies DM3 and DM17 of the CSDMP and Policies 2, 30 and 32 of the SELLP.

#### Highways, Traffic and Public Rights of Way

28. The site is accessed via Thompson's Lane which joins onto Bell Road which then leads through the village of Fosdyke. Thompson's Lane does not lead to any other property or business other than that of this site and so this is the only means of access to the site. Traffic wishing to access the site would therefore continue to pass through the village. Objections have been received on the grounds of disturbance and nuisance caused by both early morning farm traffic and debris which on the road. Again these objections are noted however the previous activities and use of the site have been unregulated and so there was no restriction on movements to and from the site. This proposal would not cause mass increase in the existing number or frequency of vehicles. The Highway & Lead Local Flood Authority has not raised any objection to this proposal as the number of movements is not considered significant or likely to have a severe impact on the function or safety of the highway network. Nevertheless this application presents an opportunity to control the use of the site and this includes the times when wastes can be delivered or removed from the site. Imposing conditions on the use of the site as well as the times traffic can enter and leave the site would therefore help reduce the impact of any such movements on local residents that live along routes to and from the site. Again, it is also important, regarding PROW comments, that signage is installed at the point the Public Footpath crosses the roadway into the site alerting drivers to the possible presence of walkers crossing or in fact using the roadway to the site and secured by condition.

#### Drainage and Flood Risk

29. A Flood Risk Assessment (FRA) has been carried to support the application which confirms that the site is located within Flood Zone 3a. Flood Zone 3a is land defined by the Planning Practice Guidance (PPG) as having a high probability of flooding which in this case is due to the tidal River Welland. The Flood Zone categorisation is indicative of the natural undefended floodplain (i.e. does not take into consideration flood defences along the River Welland and pump systems along Internal Drainage Board managed drains) and therefore is considered a worst-case scenario.
30. The FRA concludes that the site does have the protection of tidal flood defences which are well maintained by the Environment Agency. This proposal would improve the existing facilities on site and whilst this would

increase the impermeable surface area there would be no significant increased offsite flooding risks as a result of this proposal. The site has been used since 1995 when applying the flood risk vulnerability classification in Table 2 of the NPPF Technical Guide, this use would be classified as a “Less Vulnerable” use of land which is appropriate in this zone.

31. No objections have been received from the Environment Agency however they have recommended that a Flood Warning and Evacuation Plan be secured to ensure that any staff onsite know what procedures to follow in the event of a major flood event. It is therefore recommended that a condition be imposed to secure such a Plan. Subject to this I am satisfied that the proposal would be in compliance with Policy DM15 of the CSDMP and Policy 4 of the SELLP.

### Human Rights Implications

32. 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 a balancing exercise and matter of planning judgement. 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 Conclusion

33. The development is accepted as being a sustainable waste management practice and therefore is considered acceptable with the appropriate mitigation procedures conditioned on the decision notice to protect the amenity of the locality.

<b>RECOMMENDATIONS</b>
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That planning permission be granted subject to the following conditions:

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans unless modified by the conditions

attached to this planning permission or details subsequently approved pursuant to those conditions:

- Application Form (date received 15 October 2020)
- Design and Access Statement (date received 15 October 2020)
- Drawing number 1209-2\_PL\_LP01 - Location Plan, (date received 15 October 2020)
- Drawing number 1209-2\_PL\_SP01 – Proposed Site Plan, (date stamped 15 October 2020).

*Reason: To confirm the scope of the planning permission and to ensure that the controlled waste operations and imported waste materials are stored within the area permitted only and are not permanently deposited within the quarry which would be in conflict with the wider waste permission.*

3. All operations and activities, including the entry and delivery of waste onions and dispatch of final compost product from the site, shall only be carried out between the following hours:

Monday – Saturday: 07:00 hours to 18:00 hours

Sundays, Bank and Public Holidays: 07:00 hours to 18:00 hours.

*Reason: In the interest of the amenity of the area.*

4. The development hereby permitted shall only be carried out in accordance the Odour Management Plan (date received 15 October 2020) and Fruit Fly Management Plan (date received 7 December 2020).

*Reason: In the interest of the amenity of the area.*

5. No materials or stockpiles shall exceed a height of 3 metres above the existing ground level.

*Reason: To minimise the visual impact of the development and to minimise the impacts on the amenity of local residents and visitors to the area.*

6. All vehicles entering and leaving the site which are carrying materials shall be transported in trailers that are covered or enclosed on all sides so as to prevent any materials dropping on the public highway.

*Reason: For the avoidance of doubt and to minimise the impact of the proposal on highway safety.*

7. Any part of the site used for the deposit of waste shall be provided with an impermeable layer of concrete. Any damage or cracks to the impermeable surface shall be repaired before waste is deposited. All impermeable areas shall be maintained in good condition for the life of the proposal.

*Reason: To reduce the risk of flooding at the site and to control pollution from the site by protecting soil and groundwater.*

8. No development shall take place until a Flood Evacuation Plan (as identified by the Environment Agency) has been submitted and approved in writing by the Waste Planning Authority. Following approval of the submitted scheme, it shall be implemented in accordance with the approved details and thereafter shall be maintained for the duration that the permitted development subsists.

*Reason: To reduce the hazard from the risk of flooding.*

9. All plant and machinery and vehicles used on the Site shall be properly maintained and silenced so as to comply with the best practicable standard. No plant or machinery shall be left to idle for extensive periods if not in use.

*Reason: To minimise any noise impacts on the local area and to protect the amenity of local residents.*

10. Before the development hereby permitted is first brought into use details of signage to warn drivers of the likely presence of users on the Public Footpath shall be submitted for the written approval of the Waste Planning Authority. The approved signage shall be erected and thereafter retained whilst ever the development hereby permitted subsists.

*Reason: To reduce the hazard from moving vehicles on those using the Public. Footpath.*

## Informatives

Attention is drawn to:

- (i) Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>

To get help during a flood, visit <https://www.gov.uk/help-during-flood>  
For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

(ii) Requirement for an environmental permit

The proposed activity associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency.

The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You may also like to use our free pre-application service, which can be applied for here: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>.

You should be aware that there is no guarantee that a permit will be granted.

(iii) Waste

All storage and treatment areas will need to be on impermeable pavement and sealed drainage. The pavement must be resistant to the corrosive nature of compost leachates.

The permitted boundary must be at least 10 metres away from any watercourses. The proposed lagoon must be built to CIRIA C759 specification and must be at least 10 metres away from adjacent watercourses. The composting of onions has potential to produce large quantities of leachate and odour emissions. You will be required to produce an Odour Management Plan as part of your permit application which will require additional information to what is required for a planning application. The resulting compost must be spread under a deployment of your mobile plant permit.

(iv) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by 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

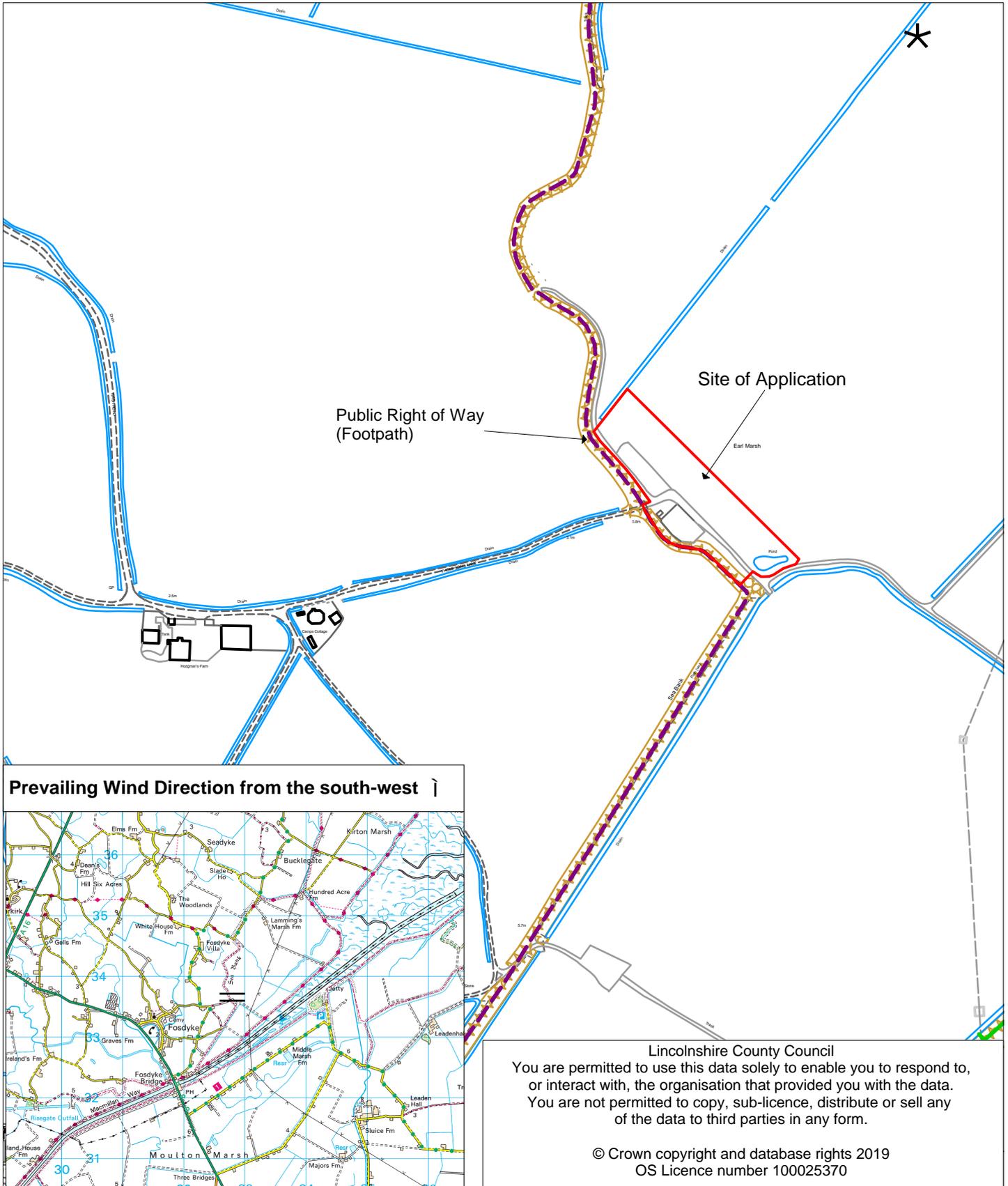
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File B/20/0436	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX Lincolnshire County Council's website <a href="http://lincolnshire.planning-register.co.uk">http://lincolnshire.planning-register.co.uk</a>
National Planning Policy Framework (2019) National Planning Policy for Waste (2014) Planning Practice Guidance - ID28 (2015)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South East Lincolnshire Local Plan (2019)	Boston Borough Council's website <a href="http://www.mybostonuk.com">www.mybostonuk.com</a>

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 18 JANUARY 2021



**Location:**  
Land off Thompson's Lane  
Fosdyke

**Description:**  
For a proposed windrow composting site

**Application No:** B/20/0436  
**Scale:** 1:5000

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