

<b>APPLICATION NO</b>	<b>PA/2011/0072</b>
<b>APPLICANT</b>	Mr J McPhillips
<b>DEVELOPMENT</b>	Hazardous substances consent to site 12 tanks and store up to 96,000 litres of LPG
<b>LOCATION</b>	Beeching Chicken Farm, Carr Lane, Hibaldstow
<b>PARISH</b>	<b>HIBALDSTOW</b>
<b>WARD</b>	Ridge
<b>SUMMARY RECOMMENDATION</b>	<b>Grant consent subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by the Environment Agency

## **POLICIES**

**Planning Policy Statement 25 (Development and Flood Risk)** aims to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.

**North Lincolnshire Local Plan:** Policy RD2 (Development in the Open Countryside) states that development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is:

- (i) essential to the efficient operation of agriculture or forestry;
- (ii) employment-related development appropriate to the open countryside;
- (iii) affordable housing to meet a proven local need;
- (iv) essential for the provision of outdoor sport, countryside recreation or local community facilities;
- (v) for the re-use and adaptation of existing rural buildings;
- (vi) for diversification of an established agricultural business;
- (vii) for the replacement, alteration or extension of an existing dwelling;
- (viii) essential for the provision of an appropriate level of roadside services or the provision of utility services;

provided that:

- (a) the open countryside is the only appropriate location and the development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and the use of materials;
- (d) the development would not be detrimental to the residential amenity or highway safety;
- (e) account is taken of whether the site is capable of being served by public transport;
- (f) the development is sited to make the best use of existing and new landscaping.

Policy DS1 (General Requirements) also applies as amenity value and environmental quality of the area are key considerations.

Policy DS10 (New Hazardous Installations and Pipelines) states such development will only be granted if the applicant can demonstrate that the proposals will impose no significant development restrictions on surrounding land users, and will not put at risk surrounding residential properties, or prove a risk to other sites in the area where significant numbers of people regularly congregate.

Policy DS16 (Flood Risk) sets out the criteria for assessing applications within floodplains.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) states that the spatial vision and future development requirements will be delivered through the spatial strategy for North Lincolnshire.

All future growth, regardless of location, should contribute to sustainable development, in particular in respect of those criteria set out in policy C2 as well as the other policies of the plan.

Policy CS2 (Delivering More Sustainable Development) states that in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should be focused on:

- (1) previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions;
- (2) previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs;
- (3) small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Any development that takes place outside defined development limits will be restricted and only development essential to the functioning of the countryside will be allowed. A sequential approach will also be applied to ensure that development is, where possible, directed to areas that have the lowest possibility of flooding.

Proposals should comply with the overall spatial strategy, together with the following sustainable development principles, and:

- be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport
- be located where it can make the best use of existing transport infrastructure and capacity
- where large freight movements are involved, the use of rail and water transport should be maximised
- contribute towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities
- contribute to achieving sustainable economic development to support a competitive business and industrial sector
- ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives
- ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development
- to be constructed and operated using a minimum amount of non-renewable resources, including increasing the use of renewable energy in construction and operation
- take account of local environmental capacity and to improve air, water and soil quality and minimise the risk and hazards associated with flooding.

Policy CS3 (Development Limits) states that development outside defined development boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy CS19 (Flood Risk) – the council will support development proposals which avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development in high flood risk areas will only be permitted if:

1. the development provides wider sustainability benefits to the community and the area that outweigh flood risk;
2. development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land;

3. a flood risk assessment has demonstrated the development will be safe without increasing flood risk elsewhere by integrating water management methods into the development.

## **CONSULTATIONS**

**Highways:** Do not wish to restrict development.

**Health and Safety Executive:** Advise a condition.

**Ancholme Internal Drainage Board:** Advise a condition.

**Environmental Protection:** No comments.

**Environment Agency:** Object.

## **PARISH COUNCIL**

No objections or comments.

## **PUBLICITY**

The application has been advertised by means of a site notice. No representations have been received.

## **ASSESSMENT**

The application site is a chicken farm outside Hibaldstow. The application seeks hazardous substances consent to install 12 LPG tanks and to store LPG on site.

**The key issue in determining this application is whether the development should be permitted on a site which is in flood zone 3ii and is development to which the Environment Agency has objected.**

The application site is a chicken farm on Carr Lane, Hibaldstow, in an isolated position. Planning permission for five new poultry units with control room and feed bins was approved on the site in April 2010 (PA/2009/1511).

This application seeks consent for LPG tanks and LPG to be stored on the site in a quantity requiring hazardous substances consent – 49.23 tonnes of LPG. The LPG would be used for heating for raising broiler chicks at the farm.

The Health and Safety Executive sent the application to their Major Accident Risk Assessment Unit and the discussions internal to that body, and between HSE and the applicants, took some time. They now feel, however, that there is no reason to refuse the application on safety grounds, but recommend a condition.

The main issue is that the application site is within a 3ii flood plain and the Environment Agency object because they believe PPS25 indicates the proposed development falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located.

PPS25 classifies installations requiring hazardous substances consent as 'highly vulnerable' and that in this flood zone such development should not be permitted.

However, it is felt that the objection by the Environment Agency is very much a 'tick box' exercise rather than an objection based on the circumstances of the particular proposals, and discussions with the Environment Agency indicate that this is the case and they felt they had to object on a general policy basis. It is hard to see a scenario in which flooding of the site would lead to a danger to the public from the tanks on site.

With all the information relating to this application considered, it is recommended for approval as there is no substantive reason to refuse consent.

**RECOMMENDATION Grant consent subject to the following conditions:**

1.  
The development must be begun before the expiration of three years from the date of this consent.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

2.  
The development hereby permitted shall be carried out in accordance with the following approved plans: 6264-01 and 6264-02A.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

3.  
No development shall take place until details of a soakaway system have been submitted to and agreed in writing by the local planning authority and all surface water run-off from the development shall be discharged to the agreed system.

**Reason**

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

4.  
Any facilities for the storage of LPG, oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

5.

The existing bulk storage tanks shall be demolished and completely removed from the site within three months of the installation of the hereby approved LPG tanks unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of safety and to comply with policy DS10 of the North Lincolnshire Local Plan.

6.

The hazardous substance (LPG) shall not be kept or used other than in accordance with the particulars provided on the application form (revised submission dated 26 May 2011), nor outside the area marked for storage of the substance plan detailed on drawing 6264 02A.

Reason

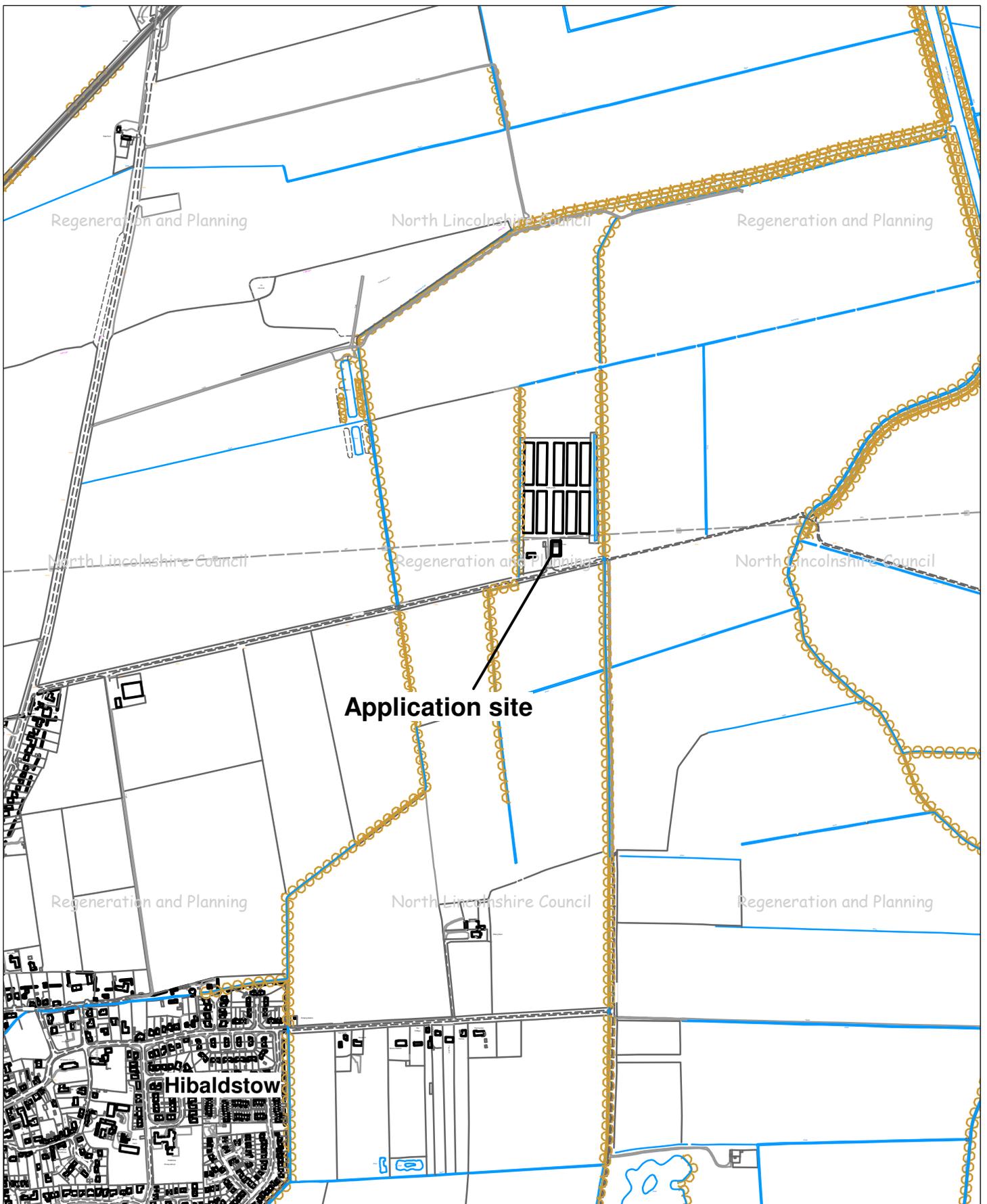
In the interests of safety and to comply with policy DS10 of the North Lincolnshire Local Plan.

7.

The maximum storage of the road tanker delivering LPG at ambient temperature to the site will be 18 tonnes.

Reason

In the interests of safety and to comply with policy DS10 of the North Lincolnshire Local Plan.



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**Regeneration and Planning**

Head,

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