

APPLICATION NO PA/2017/1038

APPLICANT Mr L Dodds, Bio Waste Solutions Ltd

DEVELOPMENT Planning permission to vary condition 2 of WD/2014/0908 to vary site layout

LOCATION Bio Waste Solutions, Bonby Lane, Bonby, DN20 0PJ

PARISH Bonby

WARD Brigg and Wolds

CASE OFFICER Andrew Law

SUMMARY Grant permission subject to conditions
RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Objection by Saxby Parish Council

POLICIES

National Planning Policy Framework: Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources.

Paragraph 109 sets out a variety of ways in which the planning system should contribute to and enhance the natural and local environment.

Paragraph 118 advocates the conservation and enhancement of biodiversity.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location and that the effects of pollution on health, the

natural environment, general amenity and the sensitivity of the area or development to adverse effects from pollution should be taken into account.

Paragraph 121 further advocates that sites must be suitable for their new use taking account of ground conditions and land instability and that after remediation, as a minimum, land should not be capable of being determined as contaminated land.

Paragraph 122 states that local planning authorities should focus on whether the development itself is acceptable use of the land, and the impact of the use, rather than the control of processes or emissions which are subject to approval under pollution control regimes.

Paragraph 123 aims to protect health and quality of life by avoiding or mitigating noise impacts.

Paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy HE9 (Archaeological Evaluation)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T14 (The North Lincolnshire Strategic Road Network)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy W1 (Applications for Waste Management Facilities)

Policy W2 (Groundwater Protection)

Policy W7 (Waste Management Facilities and Humberside International Airport)

Policy W9 (Handling of Waste)

Policy W11 (Processing of Waste Materials)

Policy W17 (Anaerobic Digestion)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

Policy DS21 (Renewable Energy)

Supplementary Planning Guidance 3 (SG3) (Design in the Open Countryside)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS16 (North Lincolnshire's Landscape, Waterscape and Greenspace)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS20 (Sustainable Waste Management)

Policy CS25 (Promoting Sustainable Transport)

Planning for Renewable Energy Development SPD:

Policy 2 (Landscape)

Policy 3 (Visual Effects)

Policy 7 (Community Impact)

Policy 8 (Noise)

Policy 10 (Cumulative Effects)

Policy 14 (Local Grid Connections and Ancillary Equipment)

Housing and Employment Land Allocations DPD.

CONSULTATIONS

Highways: No comments or objections.

HER (Archaeology): The archaeological mitigation works at the AD plant site were completed in October 2016. No further work at the AD plant site is required. No objection to varying the site layout within the red line.

Tree and Landscape: The applications are within the open countryside and it is important that green screening of any development is undertaken. A mixed rural hedge would be required with location and species mix to be agreed with the LPA.

Ecology: No further survey work required. Planning conditions proposed to minimise harm to protected and priority species.

Environmental Health: No objection. The proposed amendments will not impact unduly upon the residential amenity of the area in terms of odour or noise. Recommend that the part of the fire water lagoon is restricted to the storage of water only.

Environment Agency: Initially objected to the application due to concerns relating to potential pollution of groundwater. Following the submission of additional information, the EA has withdrawn their objection stating that their concerns with the fire water lagoon and soakaway have been dealt with to their satisfaction.

PARISH COUNCILS

Bonby Parish Council: No objection raised provided that there are no overnight lorries, adherence to strict time limits and no further applications to expand the site.

Saxby All Saints Parish Council: Object to the application for the following reasons:

- This is an attempt to significantly increase the size of the plant by incremental nullification of the conditions rightly imposed by the planning authorities to limit the impact of the site upon the environment, the high landscape value of the Wolds and local residential communities. Conditions imposed by the planning authorities have been clearly ignored.
- The Parish Council believe that the proposed expansion of the site will pose an unacceptable risk of pollution and contamination to groundwater supplies and therefore a significant threat to public health. The site lies upon a principle aquifer and in an area where concerns already exist for the quality of the water.

Worlaby Parish Council: No objection or comment.

Elsham Parish Council: Do not object to the application but suggest further passing places on Bonby Lane. It is a single lane road with a lot of lorries travelling along it.

PUBLICITY

A site and press notice have been published. No letters of representation have been received.

STATEMENT OF COMMUNITY INVOLVEMENT

No Statement of Community Involvement has been submitted with the application. This application is for a variation of condition only.

ASSESSMENT

Site

The application site is a parcel of land directly adjacent to and adjoining an existing waste facility, comprising a thermophilic aerobic digestion (TAD) plant, located approximately 1.4 kilometres to the north-east of Bonby. Access to the site, and the existing waste facility, is via Bonby Lane, a small C-class road linking Brigg Road to the north-east and Middlegate Lane to the south-west. The surrounding area is predominantly agricultural in nature, the application site being surrounded by arable fields, except to the south-east where it abuts the existing waste facility. Field boundaries are mostly defined by hedgerows and there are small strands of plantation woodland to the north and west.

Proposal

Planning permission was granted at appeal on 18 November 2015 for the installation of an anaerobic digestion plant and ancillary infrastructure on the site, including the installation of a 6.9 kilometre gas pipeline and compressor compound. This application seeks planning permission to vary condition 2 (plans) of this previous permission. The proposed amendments consist of the repositioning of tanks within the AD plant compound; repositioning of the process building; the siting of a portable cabin for office/laboratory facility; the installation of a below ground storage tank for dirty water; and the construction of part of a fire water lagoon within the AD plant compound (linked to PA/2017/1039 for construction of fire water lagoon).

A previous permission for amendments (WD/2016/1916) was granted by the planning committee on 5 April 2017 allowing alterations to the design of the de-packaging building, the installation of two water storage tanks and the installation of a small welfare unit.

The main issues in the determination of this application are whether the proposed amendments would have an unacceptable additional impact on the character of the area, residential amenity or highway safety or whether they would pose an unacceptable risk of groundwater contamination.

Character

The new portable building proposed to be used as an office/laboratory is a small structure, located within the middle of the AD plant complex and is screened by other structures located around the edge of the site. The new dirty water storage tank is located below ground and as such will have no visual impact. Re-siting of approved buildings will alter the appearance of the site but will have material additional impact on the character or

appearance of the wider area, as these structures are already consented and will still be located within the AD plant compound, adjacent to other buildings and structures.

The element of the proposed amendments that will have the largest visual impact is the proposed fire water lagoon. This lagoon is subject to a separate planning application (PA/2017/1039) and the impact of the lagoon as a whole is considered in more detail as part of the assessment of this application, which is also before the planning committee for determination. As a small part of the fire water lagoon sits within the AD plant boundary, this is included as part of the proposed amendments to the approved drawings. This small part of the fire water lagoon, due to its location in the rear corner of the site and its low height and encompassing earth bund will have no significant adverse impact on the character or appearance of the area, particularly as it will be viewed as part of the wider AD plant.

Amenity

This proposal is for amendments to a consented scheme and none of the proposed amendments will result in additional noise or odour being generated. The lagoon will hold clean water only, which will be controlled. These amendments will not affect how the AD plant operates, nor will they result in the expansion or intensification of the approved use as the amount of waste to be treated will not alter. It should also be noted that the council's Environmental Health department has raised no concerns or objections to the proposed development; nor has the Environment Agency, who regulate the site under an environmental permit. Given the small scale nature of the amendments and the lack of objection from statutory consultees, it is considered that the proposed development would have no unacceptable impact on the amenity of neighbouring properties.

Highways

The proposals result in small-scale amendments to the internal layout of the site only. There is no change to the consented access into the site and the scheme still allows for the turning of vehicles within the site. The council's Highways department has been consulted on the application and has raised no objection to the proposed amendments. On this basis, it is considered that the proposal will not be detrimental to highway safety in the area.

Contamination

The Environment Agency (EA) are the statutory body responsible for the protection of groundwater and the AD plant will operate under an environmental permit issued and monitored by the EA. Further information has been provided to the EA with regards to the construction of the below ground dirty water storage tank and the fire water lagoon in response to their initial concerns that these elements of the proposals had the potential to result in groundwater pollution. The EA has confirmed that the additional information has resolved their concerns and that the proposal poses no unacceptable risk to groundwater. The EA are the body responsible for monitoring and protecting groundwater and this will be undertaken as part of the environmental permitting process. It should also be noted that the council's Environmental Health department has raised no concerns or objections in respect of contamination. For these reasons it is considered that the proposed amendments to the consented scheme are acceptable and pose no unacceptable risk with regards to contamination.

Conclusion

The proposed amendments are minor in nature and will have no unacceptable impact on the character of the area, the amenity of neighbouring properties, highway safety or pose any unacceptable risk of contamination. On this basis the proposed development is considered to be acceptable and this application should be supported.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. No. 2A "Proposed Site Layout", Drg. No. 3A "Proposed Plan/Section", Drg. No. 4 "Proposed Elevations", EI434 (PL)001 rev A, EI434 (PL)002 rev A, EI434 (PL)003 rev A, EI434 (PL)005 rev C, EI434 (PL)006 rev B, EI434 (PL)007 rev B, EI434 (PL)008, EI434 (PL)009 rev B, EI434 (PL)010 rev A, EI434 (PL)011, 319/01/IR/102 rev B, 319/01/IR/103 rev D, 319/01/IR/104 rev B, 319/01/IR/105 rev D, 319/01/IR/106 rev B, 319/01/IR/107 rev B, 319/01/IR/108 rev B, 319/01/IR/109 rev B and 319/01/IR/110 rev D.

2.

No development shall take place until a biodiversity management plan for the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved biodiversity management plan.

3.

No development shall take place until a scheme for the installation of the pipeline and compressor compound has been submitted to and approved in writing by the local planning authority. Details within the scheme shall include all structures within the compressor compound, the depth(s) at which the pipeline shall be laid and the restoration of the pipeline route following installation works. Development shall be carried out in accordance with the approved scheme.

4.

The approved scheme for the provision of the access junction with Bonby Lane shall be implemented in full prior to the buildings and structures hereby permitted being brought into use.

5.

The approved scheme of landscaping shall be carried out within 12 months of the commencement of the development hereby permitted; and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

6.

The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment for Proposed Anaerobic Digestion Plant at Bonby Lincolnshire – 22nd November 2012 Revision B.

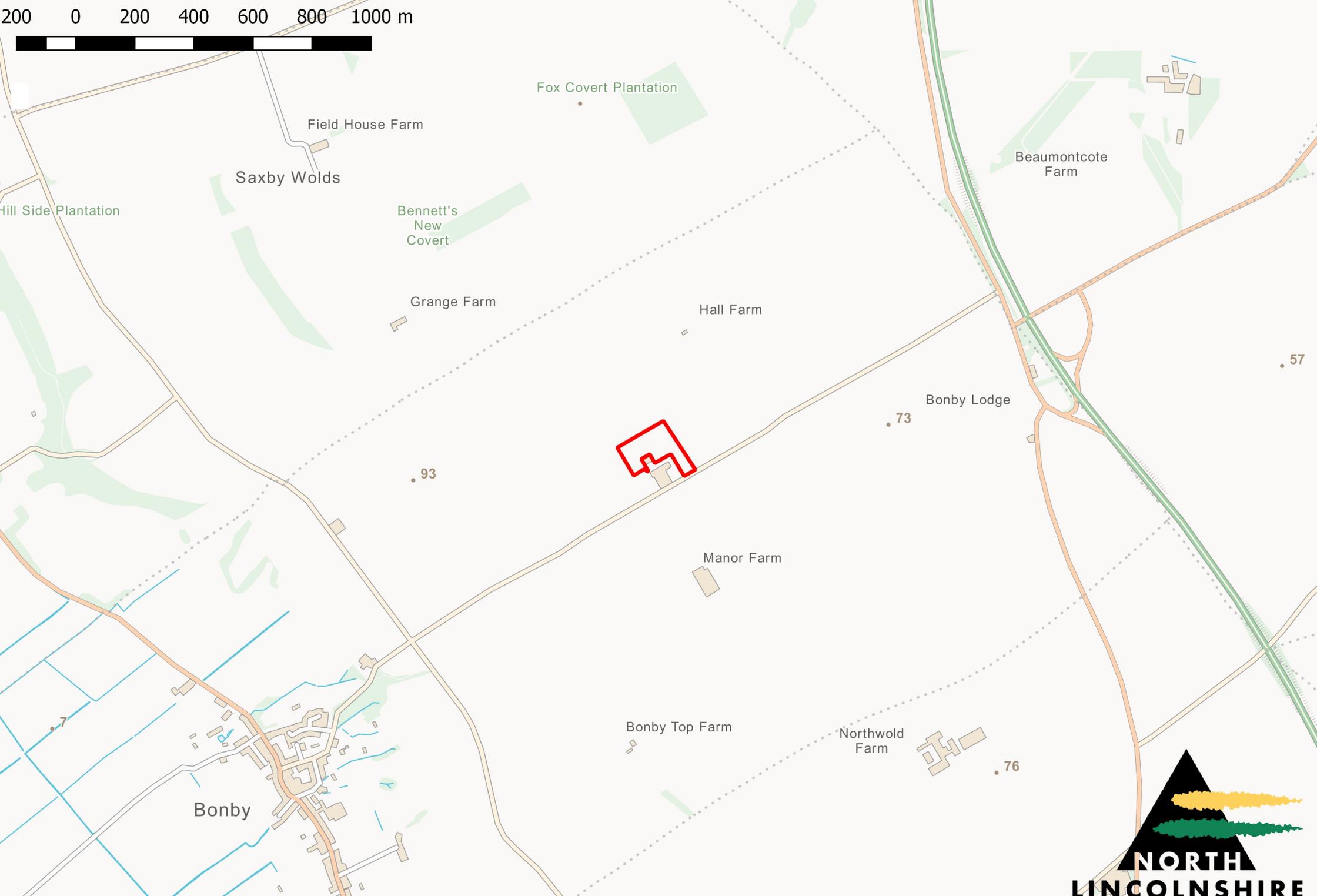
7.

Not more than 75,000 tonnes of waste/digestate shall be delivered to the site in any single calendar year. A record shall be kept of all waste/digestate tonnages delivered to the site that shall be available to view on written request by the local planning authority and shall be available for inspection within 10 working days from the date of any said request.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

200 0 200 400 600 800 1000 m



PA/2017/1038

© Crown copyright and database rights 2018. Ordnance Survey 0100023560



