

APPLICATION NO	PA/2012/0985
APPLICANT	Mr L Dodds, J M Dodds Ltd
DEVELOPMENT	Planning permission to construct two storage lagoons with associated bunding and fencing
LOCATION	OS Field 0474/1436, access roads in disused airfield, Elsham
PARISH	ELSHAM
WARD	Brigg and Wolds
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Elsham Parish Council Member 'call in' (Councillors Waltham and C Sherwood – significant public interest and impact on environmental amenity)

POLICIES

National Planning Policy Framework: Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy RD2 (Development in the Open Countryside)

Policy RD7 (Agriculture, Forestry and Farm Diversification)

Policy DS1 (General Requirements)

Policy DS11 (Polluting Activities)

Policy DS15 (Water Resources)

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)

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

CONSULTATIONS

Highways: No objection or comments.

Environmental Protection: There is potential for odour to be produced from the storage of waste products brought onto site, however the Environment Agency has confirmed that the site has an environmental permit for land spreading which incorporates conditions regarding odour management. Environmental Protection therefore do not object to the proposed development.

Historic Environment Record: The proposal does not adversely affect any heritage assets or their settings.

Environment Agency: The site is situated on a principal chalk aquifer and groundwater in this location is vulnerable to contamination. It is important that any new containment structures proposed in this area do not pose an unacceptable risk to groundwater.

The Genap bv specification that has been submitted as part of the application, including a double liner and a leak detection system, is appropriate if the manufacturer's specifications are followed. However the drawings as submitted with the application do not show the leak detection system or the associated monitoring points. Furthermore the Genap bv specification is for one lagoon, while the planning application is for two.

The Environment Agency has confirmed that it does not object to the proposal provided that conditions are imposed requiring a detailed design of the lagoons to be submitted and agreed prior to their construction and requiring a validation report to be provided post-construction demonstrating that these details have been incorporated. These conditions will protect the underlying chalk aquifer from potential pollution.

PARISH COUNCIL

Raises concerns regarding pollution from the site which could have a detrimental impact on the surrounding area and local residents. Pollution concerns relate to odour and leakages into the ground.

The parish council also refers to longstanding odour problems with another existing business in the parish and therefore stresses the importance of protecting the environment and the amenity of local residents from any additional odours.

PUBLICITY

There are no adjacent properties to be notified, however a site notice has been posted close to the site. One letter of objection has been received raising the following concerns:

- The site is located in the open countryside, in an area of high landscape value and rural character, and the proposed development should be refused as it is commercial and not agricultural. The lagoons are to be used for the storage of a waste product from aerobic digestion of food and other waste materials; it is not an agricultural by-product.
- Similar material is currently spread on the land under license from the EA and part of this license stipulates that the material is immediately incorporated within the land, or is injected below the surface in order to reduce odours. Why then would the council or the EA allow an application for open storage of the material for an indefinite period of time?
- The applicant company has a track record of odour problems and licensing issues with the EA over previous open composting.
- Permitting a commercial activity in the open countryside could lead to development of further sites storing similar pungent waste materials.
- Such waste should be stored on the commercial site where it is produced and should not be moved until it is to be applied to the land.
- Year round storage of the material will lead to significant odour issues affecting the amenity of neighbouring properties.
- There have been previous odour complaints during land application in neighbouring villages. The lagoons will expose the area to similar issues for an indefinite period.
- The primitive leak detection system proposed in the application will not prevent pollution of the chalk aquifer. Simply detecting a leak will not prevent pollution and this is a real issue as the site is located in a Nitrate Vulnerable Zone.
- Despite the application stating that the site is screened from the Viking Way by a tall hedge there are actually several gaps in this hedging and as such the site is visible from the Viking Way and will ruin the rural landscape.

ASSESSMENT

The application site is a piece of agricultural land located in a relatively isolated position in the open countryside to the north-east of Elsham Wold Industrial Estate. The site is accessed via an existing tarmac access road that leads to the site from the A15 dual carriageway. This area is predominantly agricultural in nature and the site is surrounded by agricultural land. There are no residential properties close to the site, the nearest dwelling being located approximately 500 metres from it. Nearby residential properties are agricultural dwellings associated with agricultural businesses. The Viking Way public footpath is located approximately 400 metres to the east of the site. This application seeks planning permission for the construction of two lagoons for the storage of organic liquid primarily from the food and beverage industry to be used as fertiliser. These lagoons will be sited adjacent to one another and will measure 80 metres by 40 metres by 3 metres deep and will be surrounded by 1 metre high earth bunds and 2.5 metre high wire mesh fencing.

The main issues in the determination of this application are whether the proposed development will result in pollution of groundwater in the area and whether the storage lagoons will result in loss of amenity to neighbouring properties as a result of odours.

The Environment Agency (EA) has been consulted on the application and has raised no objections to the proposed development subject to conditions. The EA has confirmed that the site is situated on a principal chalk aquifer and therefore groundwater in this location is vulnerable to contamination. They go on to state that it is important that any new containment structures proposed in this area do not pose an unacceptable risk to groundwater. The applicants have, as part of the application, submitted details of construction specifications and a leak detection system to be incorporated within the construction of the lagoons. This specification has been assessed by the EA, who have confirmed that it is acceptable and would adequately protect the aquifer from pollution. Conditions have been recommended by the EA that will require the applicant to supply detailed drawings and details of the construction of the lagoons and leak detection system prior to construction and to further provide a validation report post-construction to demonstrate that the agreed specifications have been incorporated into the construction of the lagoons. It is considered that, subject to these conditions, the proposed development will not result in the pollution of groundwater in the area. Furthermore, the EA has confirmed that the proposed development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 and that under these regulations permitted sites should not cause harm to human health or pollution of the environment.

The council's Environmental Protection department has been consulted on the application and has raised no objection to the proposal. Environmental Protection has confirmed that there is the potential for odour to be produced from the storage of waste products brought to the site, however there is a current environmental permit on the land for land spreading which incorporates conditions regarding odour management. Environmental Protection has confirmed that, subject to these odour management conditions, which protect the amenity of neighbouring properties, they have no objections to the proposal. Furthermore, the EA has confirmed that as part of their environmental permit the operators will be required to have appropriate measures in place to prevent pollution to the environment, harm to human health or the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. If details of such measures are not included with the permit application then it is likely that the EA would reject it. The EA has also suggested that owing to the odours that can be produced through the proposed activity, it is likely that the permit will require a cover on the lagoons. Therefore a planning condition has been recommended requiring the lagoons to be fitted with covers in order to minimise the impact on the surrounding area as a result of odours. It is considered that, due to the odour controls that will be imposed by the environmental permit, the distance to neighbouring properties and the covers that will be installed on the lagoons, the proposed development will not result in loss of amenity to local residents as a result of odours.

The objector has pointed to the fact that the site is located in the open countryside and as such this proposal should be refused as it is a commercial operation and not an agricultural operation. It should be noted that whilst the waste is not an agricultural by-product the proposal is to store this waste on agricultural land to be used as fertiliser for agricultural crops. As such the proposed development is agricultural in nature and not a new commercial operation on agricultural land. Therefore the proposal accords with planning policy and is not an inappropriate form of development in the open countryside. In addition, the lagoons will be surrounded by 1 metre high earth bunds which will screen them from view to a large extent. Coupled with the distance between the site and the nearest public land, this bunding will ensure that the lagoons are not highly visible and will have no significant impact on the character and amenity of the area.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from 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 be carried out in accordance with the following approved plans: PA/2012/0985/01, PA/2012/0985/02, PA/2012/0985/03, PA/2012/0985/04 and PA/2012/0985/05.

Reason

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

3.

No development shall take place until a scheme for the detailed design of the two lagoons has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- scale construction drawings;
- details of the membrane, binding layer, leak detection system and pipework;
- a demonstration that the chosen lining material is chemically resistant to the range of materials that the lagoons may contain;
- a management plan covering the leak detection monitoring.

Development shall proceed fully in accordance with the approved scheme.

Reason

To protect the underlying chalk aquifer from potential pollution.

4.

Upon completion of the development the applicant shall make available a final validation report which demonstrates that the measures detailed in this scheme have been implemented.

Reason

To protect the underlying chalk aquifer from potential pollution.

5.

A cover shall be installed on the slurry lagoon prior to it being brought into use. The details of this cover shall be submitted to and approved in writing by the local planning authority prior to its installation and shall thereafter be so retained.

Reason

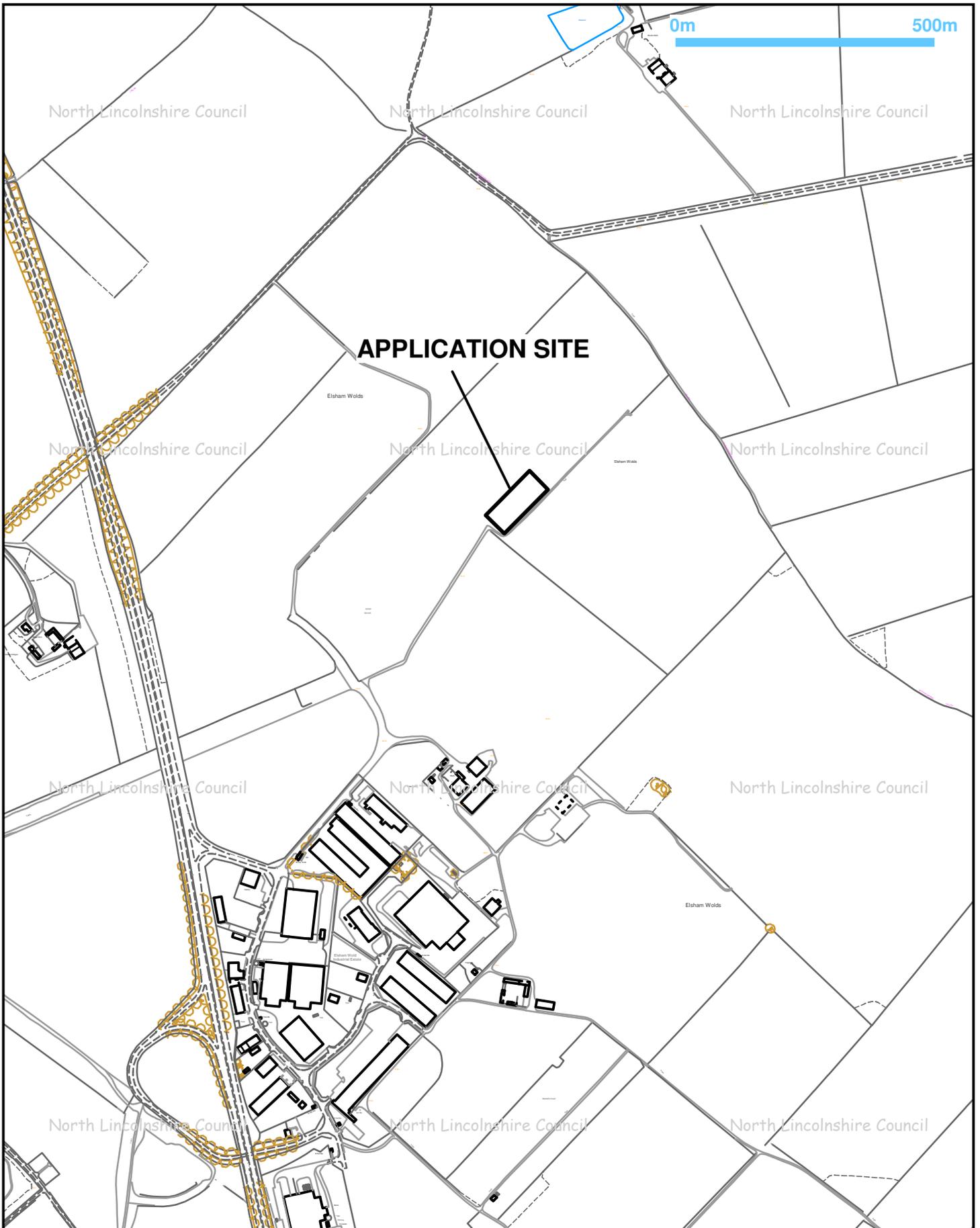
To prevent the unacceptable loss of amenity to local residents through odour in accordance with policy DS1 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are DS1, RD2, RD7, DS11 and DS15 of the North Lincolnshire Local Plan, CS1, CS2, CS3, CS5 and CS16 of the North Lincolnshire Core Strategy and national policy set out in the National Planning Policy Framework.

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.



Title: PA/2012/0985

Drawn by: Sue Barden

Date: 18/12/2012

Scale: 1:10000



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