

APPLICATION NO	PA/2018/632
APPLICANT	Mr Jacques, D R Jacques & Son
DEVELOPMENT	Planning permission to create a storage lagoon for liquid food industry waste and digestate
LOCATION	Land north of B1400 and along track adjacent to Cranwell Close, Kirton in Lindsey
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Tanya Coggon

SUMMARY RECOMMENDATION **Refuse permission**

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Cllr Neil Poole – significant public interest)
Significant public interest

POLICIES

National Planning Policy Framework:

Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 47: Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 54: Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Paragraph 83: Planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

Paragraph 127: Planning policies and decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Paragraph 170: Planning policies and decisions should contribute to and enhance the natural and local environment by 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 175: When determining planning applications, local planning authorities should ensure development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Paragraph 189: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 190: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

RD7 (Agriculture' Forestry and Farm Diversification)

HE9 (Archaeological Evaluation)

LC2 (SSSIs and National Nature Reserves)

DS1 (General Requirements)

DS11 (Polluting Activities)

DS15 (Water Resources)

DS16 (Flood Risk)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS17 (Biodiversity)

CS19 (Flood Risk)

CONSULTATIONS

Highways: No objection.

Severn Trent Water Ltd: No response.

Environment Agency: No objection subject to conditions relating to further details of construction works in order to ensure no adverse impact on ground water.

Archaeology: Object. The site lies within an area where archaeological remains of later prehistoric and Roman date are anticipated. A Heritage Statement is required.

Natural England: Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts. Our Impact Risk Zones have identified that interest features of designated sites Cleatham Quarry Site of Special Scientific Interest (SSSI) and Cliff House SSSI may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts.

Environmental Health: Insufficient supporting information has been provided by the applicant in terms of how odour might be generated and how it might impact upon the local amenity of the area. This is relevant to policy DS1 of the local plan. Unless additional supporting information is submitted with the application this department would be willing to support a refusal.

Ecology: Natural England has now been consulted and has raised concerns in relation to effects on nearby Sites of Special Scientific Interest (SSSIs). The application should not be determined, except for a refusal, unless evidence can be presented to address Natural England's concerns.

Drainage: No objection subject to conditions.

TOWN COUNCIL

Kirton in Lindsey Town Council object to this application on the grounds that it is a totally unsuitable site for the proposal due to the proximity of residential properties with the introduction of both odour and traffic nuisance to a large number of families. The town council also requests that a traffic management plan is provided as part of this application so that the proposed impact on the town can be explained and understood. Furthermore, the council would reiterate the points made in its earlier submission but would again emphasise its concern that the odours emanating from the site would adversely affect the enjoyment of their properties and outside space by surrounding residents.

PUBLICITY

Advertised by site notice. Sixteen letters of objection have been received raising the following issues:

- increased HGVs
- odours
- noise and disturbance
- damage to road surface
- increased traffic

- increased dust
- vehicles should avoid the town
- lack of visibility
- the cover should be permanent
- nature of the waste is unclear
- air quality
- increased vermin
- too close to residential properties
- health risks
- increased mud on the road
- pollution to ground water aquifers
- extensive archaeological survey is required.

ASSESSMENT

The proposal is for a storage lagoon located in the open countryside that will be used to store liquid organic waste from the foods/drinks industry. This organic waste will then be spread on adjacent agricultural fields as a replacement for artificial fertiliser. This prevents the food waste being disposed of into landfill facilities. The lagoon will be surrounded by banking and fencing. The overall size of the development (including the lagoon, bank and fencing) will be 87.3m deep and 49.3m wide. The banks at their highest point will be 4m high. The applicant is willing to install a cover on the lagoon if this is considered to be necessary. A windbreak is also to be provided around the site. The proposal follows an earlier refusal of PA/2017/727 for a similar development on the same site which was refused in July 2017 due to the adverse impact on residents in terms of odours, adverse impact on groundwater quality and the lack of a flood risk assessment/drainage strategy.

The site is an isolated area of agricultural land in Kirton that is accessed via a track from The B1400. Parallel to the access track are residential properties. The site is located within the open countryside and surrounded by agricultural land. The nearest dwelling is located over 500m away from the site.

The main issues associated with the proposal are if the principle of the development is acceptable, and if so, whether its impact on ground water, air quality, the highway, archaeology, the character and appearance of the area, and on residents is acceptable. Each issue will be discussed in the main report.

The principle of the development

In terms of the principle of the proposal, this type of application can be considered to be acceptable in planning policy terms as the waste product will be used on the land as fertiliser and therefore is related to the agricultural use of the land in terms of policies CS1,

CS2 and CS3 of the Core Strategy and policies RD2 and RD7 of the North Lincolnshire Local Plan. The lagoon will be visible but partially screened by the bunding and the lagoon can be 'filled in' once it is no longer required, returning the land to its former condition.

Character and appearance

In terms of impact on the character and appearance of the landscape, the proposal will be viewed in context with the existing agricultural nature of the site and surrounding agricultural land. The site is accessed from a long narrow track leading from the B1400. It is considered that the proposed development would be visible on the landscape but would not adversely affect the visual character and appearance of this agricultural land.

Odours

In terms of odours from the lagoon, the applicant has submitted information with the application in relation to odours and is willing to provide a cover on the lagoon to mitigate odours and provide a windbreak around the site. The applicant is proposing to deliver the waste material by road in sealed lorry tanks before it is transferred to the lagoon by secure pipework then is removed by secure pipework or an umbilical pipe spreading system. All loading and emptying of the lagoon will be carried out utilising sealed pipework placed onto the base of the lagoon which exits below surface level causing minimal surface disturbance. The stirring of the lagoon is carried out by the same pipework. The applicant considers this will reduce odour generation. Environmental Health have concerns in relation to odours as no specification of the cover or the proposed windbreak that will surround the site has been submitted. The proposal has the potential to omit odours to the detriment of adjacent residential properties. The proposal is therefore contrary to policies DS1 and DS11 of the North Lincolnshire Local Plan.

Air quality

Natural England has commented on the proposal and considers that there is insufficient information provided in relation to air quality impacts. Natural England's Impact Risk Zones have identified that interest features of designated sites Cleatham Quarry Site of Special Scientific Interest (SSSI) and Cliff House SSSI may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The council's ecologist has endorsed Natural England's response. The applicant has been requested to submit additional information in relation to Natural England's response that expresses concern on the impact on the SSSIs in terms of aerial pollutants. In the absence of this information the proposal is contrary to the NPPF, policy CS17 of the Core Strategy and policy LC2 of the North Lincolnshire Local Plan.

Groundwater

Groundwater is sensitive in this location because the site is within a source protection zone (SPZ) 2, and is located upon a principal aquifer outcrop with the water table varying between 6m below ground and at or above ground level. The previous application (PA/2017/727) was refused in relation to groundwater, as the Environment Agency objected to the proposal. Following the refusal, the applicant has addressed the ground water issue within this application and the Environment Agency is no longer objecting to the proposal subject to conditions. As a result, in terms of the impact the proposal has on the ground water, it is considered to be acceptable and accords with policy DS15 of the North Lincolnshire Local Plan.

Highways

The applicant has submitted details of the vehicle movements associated with the proposal including the number of HGVs required to fill the lagoon to maximum capacity (178 tankers). Deliveries would be programmed with one vehicle at a time and no queuing. The site is already served by HGVs during the spreading season. Highways have raised objection to the proposal. The comments made by the town council and neighbours are noted. A traffic management plan could be conditioned to control the routes of the HGVs accessing the site. Once the lagoon is filled vehicle movements are likely to be small to and from the site. The proposal is therefore considered to be acceptable in highway terms and accords with policy T2 of the North Lincolnshire Local Plan.

Archaeology

In terms of archaeology, the site lies within an area where archaeological remains of later prehistoric and Roman date are anticipated. A Heritage Statement is required. The applicant has been requested to submit this information but this has not been received. In the absence of this information, the potential impact of the development on these heritage assets cannot be assessed. The proposal is therefore contrary to the NPPF, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

RECOMMENDATION Refuse permission for the following reasons:

1.

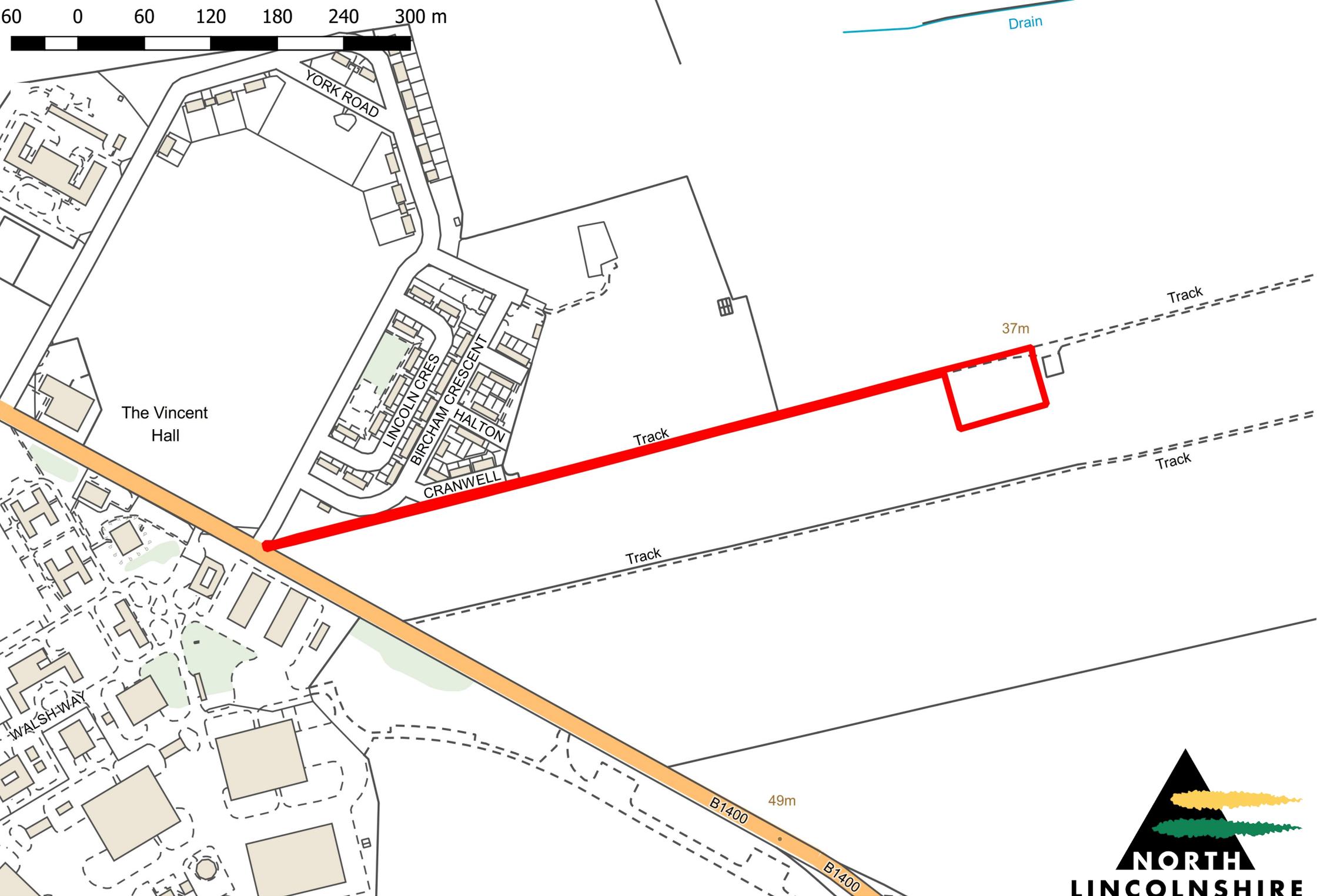
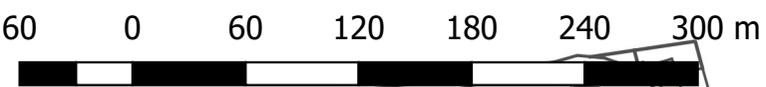
The proposal has the potential to generate odours over large distances to the detriment of residential amenity. Insufficient information has been submitted to demonstrate how odours from the storage lagoon will be adequately controlled. The proposal is therefore contrary to paragraph 170 of the National Planning Policy Framework, and policies DS1 and DS11 of the North Lincolnshire Local Plan.

2.

The proposal has the potential to create an adverse impact on the Cleatham Quarry and Cliff House Sites of Special Scientific Interest for aerial pollutants emitted from the proposed lagoon. No evidence has been submitted by the applicant in relation to air quality impacts. The proposal is therefore contrary to paragraph 175 of the National Planning Policy Framework, policy CS17 of the Core Strategy and policy LC2 of the North Lincolnshire Local Plan.

3.

The site lies within an area where archaeological remains of later prehistoric and Roman date are anticipated. No Heritage Statement has been submitted with the application and therefore the impact the proposal has on the archaeology of the site cannot be assessed. The proposal is therefore contrary to paragraph 189 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.



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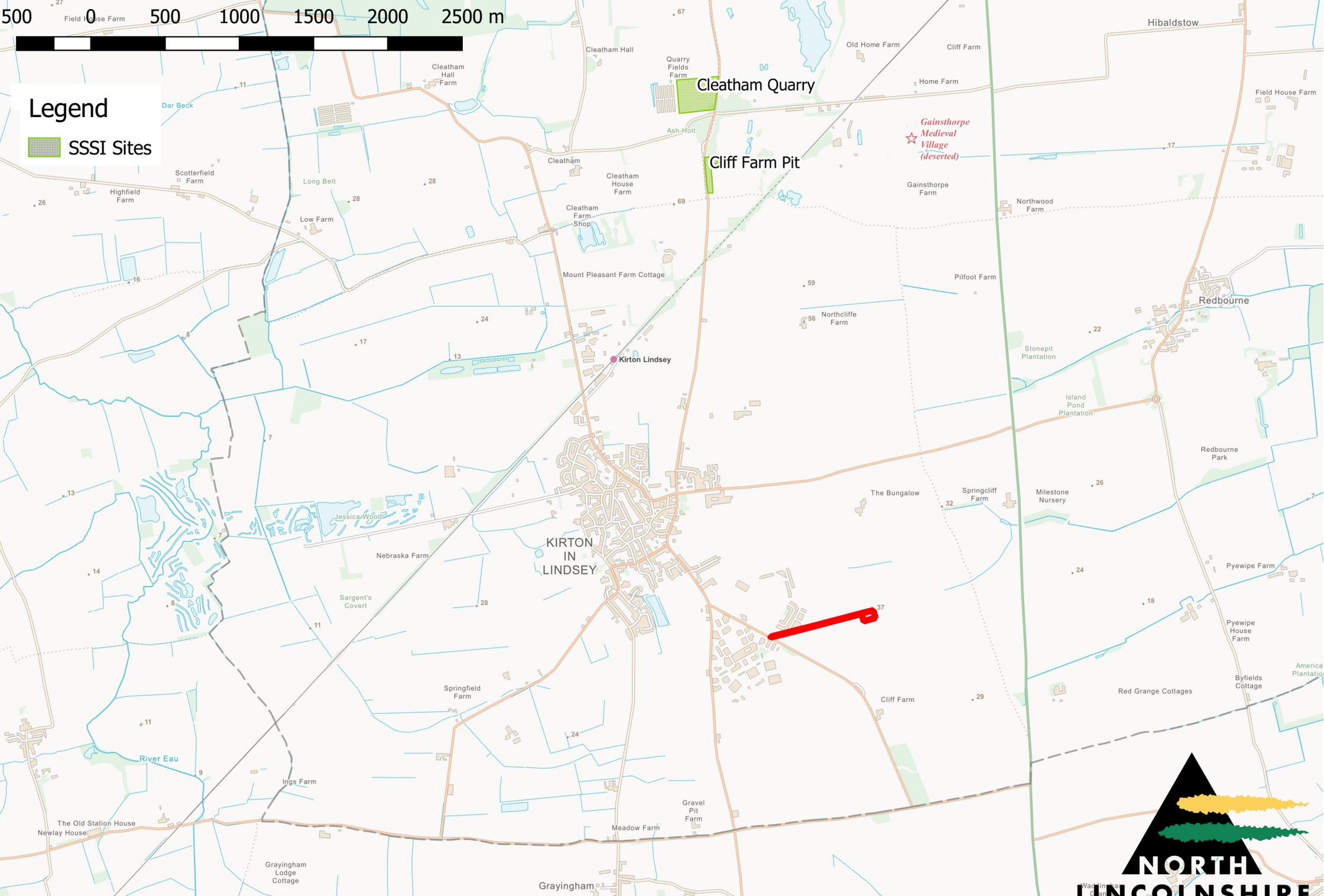
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Legend

 SSSI Sites



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