



Officers Report

Planning Application No: 134287

PROPOSAL: Planning application for the creation of a lagoon for the storage of AD digestate

LOCATION: Land at Highfield Cliff Farm Shadows Lane Glenthams

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr J J Summers

APPLICANT NAME: Mr A Duguid

TARGET DECISION DATE: 30/06/2016

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant Permission

Description:

This application is presented to the planning committee as the applicant is a District Councillor.

The application site is existing farmland to the north west of Shadows Lane. Highfield Cliff Farm sits to the south of the site with open fields surrounding. Two residential properties sit further to the north and there is a residential property to the south of Highfield Cliff Farm.

The application seeks permission for the creation of a lagoon for the storage of AD digestate.

Relevant history:

None

Representations:

Chairman/Ward member(s): No representations received to date

Parish/Town Council/Meeting: No objections

Local residents: Glenthams Cliff Farmhouse –

- No details of the pumping engines
- The address and location of the lagoon has changed
- The AD plant is approval is recent and it is surprising that at this very early stage further proposals are now considered necessary.
- The digestate will serve adjoining farmers which is not consistent with earlier aspirations stated in the design and access statement
- Advised that the proposals for the site will include security fencing although this is not defined in the application.
- Concerns about the odour situation

- Concerns with regards to the proximity of the lagoon to the residential properties

LCC Highways: No objections

Environment Agency: No objection, the lagoon will require an environmental permit from us.

Archaeology: This site lies in an area of known archaeology. The site is close to several prehistoric and Roman settlement sites and although no there has been no archaeological investigations of these sites there have been many finds from the Iron Age and Roman periods found in the immediate vicinity to the proposed lagoon site.

The construction of a lagoon will involve some substantial earthworks and insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains.

Following further information submitted, there were no further archaeological works required.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance (NPPG)

<http://planningguidance.communities.gov.uk/blog/guidance/>

West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT12: Development within the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

CORE10: Open space and landscaping within developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE10: Protection of Landscape Character in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE14: Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

NBE15: Water quality and supply

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe15>

NBE17: Control of potentially polluting uses

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe17>

Main issues

- Principle
- Pollution and Amenity
- Character of the Area and Landscaping
- Archaeology

Assessment:

Principle

The NPPF seeks planning policies which support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Paragraph 28 of chapter 3 states that:

To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses.

This proposal seeks to store digestate at the site as a by-product of the anaerobic digester located at Hemswell Cliff. The digestate will be fed via pipework to the lagoon where it would be stored until spread on the applicant's land and some surrounding land owners land as fertilizer. The pipework to the lagoon is existing and any spreading will be done via temporary pipework to surrounding fields. NvZ rules do not permit spraying digestate from the beginning of October through to the beginning of February. Spraying in this instance will be anytime in February, March and the first week or so of April, post-harvest in August and potentially the first week in September. Where a pipe crosses a track or road, highways approved steel crossing ramps are used. The pipe itself is flexible polymer-based and is rolled up after each use; the use being a day or two at a time.

This would reduce the need for vehicle movements.

It is considered that the proposal is an integral part of the AD process which utilises existing waste to create energy and then create a useable by product which is fertiliser. Such a scheme would appear consistent with a rural area.

It is considered that the scheme would accord with saved Policy STRAT1 and the principles of the NPPF.

Pollution and amenity

Policy STRAT 1 makes it clear that development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regards to (amongst others): viii) The impact of the proposal on neighbouring and; where relevant other uses; and xii) any other material considerations properly relating to regulating the use and development of land, including:

- Protection of general water quality and the quality of ground water;
- Protecting air quality
- Protecting land contamination

Similarly NBE 15 indicates development will not be permitted which would constitute a risk to the quality and quantity of water resources or to fisheries, amenity and nature conservation by means of:

- i. Pollution from development or as a result of the disturbance of contaminated land;
- ii. Water abstraction unless adequate measures are taken to reduce this risk to an acceptable level.

This is supported by policy NBE 14 which indicates that development will not be permitted which would generate foul sewage or surface water run-off in excess of the capacity of the sewage system works or plant or ultimate receiving land drainage system.

The site is not known to be within an Anglian Water area to extract drinking water where the result of contamination would be considerable. However, the lagoon will still be lined. No objections have been raised by Public Protection to the proposal.

The Environment Agency have been consulted and have no objections to the proposal but advise that the applicant will need an environmental permit from them.

To prevent unacceptable odour emissions the lagoon will be covered with a polymer coated floating cover. A specially selected micro porous substrate is coated with three specifically developed polymers that prevent the release of ammonia, H₂S, CO₂ and other VOC's which cause nuisance odours.

The initial siting of the lagoon was just over 200m away from the nearest residential property. This was felt to be too close to the residential properties and therefore the location was amended so that this distance would be over 400m away. It is considered that as the lagoon will be lined, will be covered with a floating cover and the proximity from residential properties that contamination and odour would be successfully dealt with.

Although not strictly relevant to this application it is worth noting that an intensive livestock unit policy within the Local Plan (ECON5) recommends a minimum limit of 400m from the nearest dwelling for similar odour reasons.

Character of Area and Landscaping

The site is located in the open countryside.

As the field would be visible from some vantage points it will be necessary to condition a scheme of landscaping.

Archaeology

This site lies in an area of known archaeology. The site is close to several prehistoric and Roman settlement sites and although no there has been no archaeological investigations of these sites there have been many finds from the Iron Age and Roman periods found in the immediate vicinity to the proposed lagoon site.

Further information was required given the sites location and therefore the applicant submitted an archaeological evaluation report as further evidence. This was assessed by the Archaeological Officer and in light of the negative findings of the evaluation, they can confirm that they requires no further archaeological work on this site.

Other matters

- The details of the pumping engines can be conditioned
- The objectors have allegedly been advised that security fencing will be erected however this does not form part of the application

Conclusion

The decision has been considered against saved policies STRAT 1: Development requiring Planning Permission, STRAT 12: Development within the Open Countryside: CORE 10: Open Space and Landscaping within Developments, NBE 10: Protection of Landscape Character in Development Proposals, NBE 14: Waste Water Disposal, NBE17: Control of Potentially Polluting Uses of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework. In light of the above assessment, it is considered that the proposal subject to conditions would not have a detrimental impact on the open countryside or any impact on residential amenity. There are no concerns with regards to highway safety.

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted,

fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT 1 and CORE 10.

3. Prior to the development being first brought into use detail of the pumping engines proposed shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include their position and acoustic performance and any noise mitigation measures. The pumps shall be constructed in accordance with the approved details and maintained as such thereafter.

Reason: to reduce the potential for noise nuisance in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan.

Conditions which apply or are to be observed during the course of the development:

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: A2622-001 dated March 2016 and the amended plan A2622-002 dated March 2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, STRAT12, CORE 10, NBE 10 and NBE14 and NBE15 of the West Lindsey Local Plan First Review 2006.

5. The digestate lagoon will be lined and have a floating cover in accordance with the information submitted in the Access & Design Considerations.

Reason: To reduce the potential for odours to maintain residential amenity and in accordance with Saved Policies STRAT1 of the West Lindsey Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

6. The lagoon hereby approved shall only be used for the storage of digestate generated from the AD plant at Hemswell Cliff and for no other material or from no other source.

Reason: To reduce the potential for odours/ contamination and in accordance with Saved Policy STRAT1 of the Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the lagoon or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development 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 consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report