

Officers Report

Planning Application No: 140986

PROPOSAL: Planning application for a new 60m x 50m liquid fertiliser storage lagoon being variation of condition 5 of planning permission 134838 granted 17 October 2016 - lagoon covering.

LOCATION: Land to the east of Fir Tree Farm Carr Lane Blyton Carr Gainsborough DN21 3EP

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Mrs M Snee, Cllr Mrs L Clews, Cllr Mrs L A Rollings

APPLICANT NAME: Fred Walter and S Fred Walter

TARGET DECISION DATE: 24/06/2020

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant Permission subject to conditions

Planning Committee:

This planning application has been referred to the planning committee at the request of the three ward members, and following representations from third parties, on grounds of the impact of the smell on the life of the residents.

Description:

The application site is an existing lagoon constructed within agricultural land to the east of Fir Tree Farm, Blyton. The site is set back well back from Laughton Road and Carr Lane down a farm track which serves Fir Tree Farm and 3-4 other dwellings. The site is screened by low fencing. Agricultural fields sit to the north, east and west with a group of trees to the south. The nearest residential dwellings are approximately:

- 202 metres to Fir Tree Farm to the west
- 343 metres to Moorclose Farm to the south

The site is located within Flood zone 3 and a Sand and Gravel Minerals Safeguarding Area.

The application seeks not to comply with, or otherwise vary condition 5 of planning permission 134838 granted 17 October 2016 – permission granted for new 60m x 50m liquid fertiliser storage lagoon.

This is a Section 73 application in order not to have to comply with condition 5, which states:

The lagoon shall be covered at all times by the Hexa-Cover Floating Cover shown in the submitted brochure received 10th October 2016 and retained thereafter.

Reason: To reduce the potential for odours in the interests of visual amenity to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

The application seeks to vary the condition to:

The surface of the lagoon identified on site plan 002 dated August 2016 must be covered by chopped straw when liquid fertiliser is present in the lagoon. The chopped straw must be renewed every time the lagoon is refilled with liquid fertiliser.

Reason: To reduce the potential for odours in the interests of amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

In the Supporting Statement (SS) the application has stated that “the material we have found that the solid content of the liquid fertiliser is sinking to the bottom of the lagoon. This therefore requires the material to be stirred during the activity of emptying the lagoon in order to lift those solid particles into suspension and suck them out into the field application tankers. Therefore, we need to be able to access the lagoon to use the sub surface, tractor mounted stirrer when spreading the fertiliser as shown below.

The Hexacover is no longer suitable because the plastic plates will be dragged down into the lagoon and chopped/mixed up when we are stirring the fertiliser”.

The SS goes on to state that “the fertiliser is not forming its own surface crust to act as a seal on the top of the liquid. We would propose to cover the surface with chopped straw, renewed annually once filling is completed.”

Following a telephone conversation with the applicant it has been clarified that the required stirring of the lagoon mixes the natural chopped straw into the digestate and then is spread over the land within a 4 to 5 day period. The chopped straw is then replaced once the lagoon has been filled again.

Relevant history:

134838 - Planning application for a new 60m x 50m liquid fertiliser storage lagoon – 17/10/16 - Granted time limit and other conditions

Representations

Cllr. Mandy Snee, Cllr Lesley Rollings and Cllr Liz Clews: Comment

We have been asked by numerous residents and Morton Parish Council to request that this application be decided by the Planning Committee. The

original application 134838 was granted with several conditions attached and this Call in request is on the variations to this application, 140986: The residents and ward Councillors feel that the proposed amendment to the type of cover for the lagoon is not a suitable alternative. There is already an issue with smells and how that is impacting on the life of the residents and this change will not help this situation but compound it. The condition placed upon the original planning application states:

5. "The lagoon shall be covered at all times by the Hex-Cover Floating cover shown in the submitted brochure received 10/10/2016 and retained thereafter.

Reason: to reduce the potential odours in the interests of visual amenity to accord with the National Planning Policy framework and saved policies STRAT1 of the West Lindsey Local Plan First review and local policy LP26 of the Central Local Plan 2012-2036"

The applicant is now saying that this type of cover is unsuitable, however the brochure submitted at the time of his original application clearly details the operational procedure and type of cover suitable for each operation. The decision was based on the evidence put before the planning committee.

Residents are also concerned about how the proposed change of cover will impact on the safety and welfare of birds and animals frequenting the site and surrounding area.

Other conditions placed on the approval of the original application also appear not to have been addressed. Condition 9 with regard to the planting of trees and the fencing as detailed in the original application is queried by residents " All planting comprised in the approved details of landscaping shown on plan 002 dated 2016 shall be carried out in the first planting and seeding season following completion of the development "

Other issues pointed out by nearby residents of this site are the frequency and high speed of the vehicles accessing this location and the detriment these vehicles are having on the highways approaching the site and beyond. This application needs to be decided by the Planning committee to ensure the residents have the option to attend and put their views forward to the elected members.

Blyton Parish Council: No objections

Morton Parish Council: Objections

The observations and concerns of Morton Parish Council remain the same as the concerns raised with previous applications PL/0009/19 and PL/0067/19.

Whilst as a Parish we are aware that the proposed site falls within the Parish of Blyton/Laughton, we strongly feel that consideration must be given to the fact that the majority of the additional traffic caused from the lagoon passes through the village of Morton. This causes a substantial impact on the village with an increase in road traffic and damage to the road surfaces and verges

by the many lorries and heavy farming vehicles that drive through on a regular basis. This in turn causes a danger to other road users due to the potholes and deep crevices caused by these vehicles constantly passing through.

There are genuine concerns regarding safety both to human and wildlife as to date there has been no fencing erected surrounding the present lagoon (although we believe fencing has been put in place over the last week or two), also up until recent times no cover had been in place. There is the added risk posed to wildlife in the nearby causeway due to pollution and the hazard that would be caused if the site were to flood. The offensive smell omitted and is unbearable at times in the surrounding area and potential for further bad air quality.

We feel that the concerns we have raised previously have not been taken into consideration as the issues are still on going and any proposed new application will only impact these further.

Local residents: Representations received from:

16 Front Street, Morton
New Farm, Carr Lane, Blyton Carr
Fir Tree Farm, Carr Lane, Blyton Carr
Newville Farm, Carr Lane, Blyton Carr
Carr Farm, Blyton Carr
Blackbird Hill Farm, Laughton
Laughton Lodge, Laughton Lane, Morton
Wheelhouse, Laughton lane, Morton
Moorclose Farm, Carr Lane, Blyton Carr
Catchwater Farm, Blyton Carr

Objections (summarised):

Residential Amenity

- Smell in summer months. Unbearable to have windows open in New Farm and sit outside for any length of time.
- There are odours. Take this as a complaint from Newville Farm.
- We have lived with offensive smell for 4 years at Carr Farm and made many complaints.
- Odours which will emanate in general and when wind turns north/north west it will be extremely unpleasant.
- There are days when the odour is offensive at Moorclose Farm.

Description

- The description is ambiguous

Highways

- Increase in traffic on unnamed lane and constantly having to fill in potholes.
- Speed of vehicles and damage doing to roads.

- Morton cannot sustain extra farming and lorry traffic caused by development.
- Heavy traffic has become a major problem through village of Morton.
- Extra slurry lorries will make area even more unsafe through Morton and right angles bend.

Other

- Concerned straw cover not enough given depth of lagoon.
- 3-4ft galvanised fence and gate around perimeter of site as well as 3000mm new trees has not been implemented.
- No safety fence and dog mistook straw for ground and fell in nearly drowning.
- Straw is a risk to wildlife and unauthorised persons.
- Do not understand how straw stays intact when lagoon stirred.

LCC Highways/Lead Local Flood Authority: No objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

WLDC Environment Protection: No objection with comments

Representation received 6th June 2020:

Having looked into the history of the lagoon at Fir Tree Farm I can find no complaint of odour which has been linked directly to the lagoon after investigation by Tony. The odours complained of having been linked to spreading in nearby fields rather than the lagoon itself.

It appears that the lack of cover on the lagoon, as required by the original planning condition, was noted along with a complaint received about the lack of fencing and increased traffic movements damaging the public highway rather than as a direct complaint about odour from the lagoon itself.

The applicant was advised to apply for a variation of the condition related to the requirement for a cover as it was apparent that no cover was in existence or likely to be, this appears due to the conditioned cover material (Hexa floating cover) not being suitable according to the applicant. Who explains reasons in his supporting statement, in brief: The lagoon needs to be stirred during removal of the contents due to the settling of solids, the stirring would mix the cover material with the content and as the Hexa is a manmade material this would cause problems when spread on land. However no such issue would occur with the chopped straw, being a natural material and easily recovered annually.

Representation received 3rd June 2020:

In principle I would continue to hold the line of requiring the specified cover as best practice has not been demonstrated nor is it apparent. However I cannot support an objection.

My analysis of online comment subsequent to my last is as follows:

1. Boyden Blackbird Hill Farm – no relevance [to application under consideration]
2. Ruddle Laughton Lodge – advice apparent – no impact (in excess of 2km away)
3. Trew hitt The Wheelhouse – reference is to something that might occur as if there were to be a retrograde step in respect of this presently uncovered lagoon: ‘The odours which will emanate in general and when the wind turns to the North/North West will be extremely unpleasant, and possibly affect general health and wellbeing’ – no impact apparent and in excess of 2km away
4. Cllr Mandy Snee, Cllr Lesley Rollings and Cllr Liz Clews – I support their view that lagoons of this type ought to be suitably covered and that the case resulting in the original permission ought to stand, however I have yet to see complaint, let alone substantiated complaint. NB the lagoon on the occasion I visited in 2017 was did have fenced protected from unintentional intrusion from man or animal.
5. Morton Parish Council I haven’t been to site since I investigated first concerns in 2017 – I have yet to see justification of odour complaint or of substantiated odour in comment ‘The offensive smell omitted is unbearable at times in the surrounding area and potential for further bad air quality.’. January 2017 complaint from Holme Farm cited ‘smell from field’, inferred the lagoon but was in fact digestate spread on a field near the complainant’s property. I remain unaware of any other complaints, only of a speculative at the time of first application.
6. Youngmans Carr Farm – Despite the inference of many complaints over 4 years, the only records apparent as regards the lagoon are a 2016 Planning Enforcement referral and a January 2017 odour complaint for which no monitoring information appears to have been returned. Reference in the Planning Enforcement log would suggest that complaints were about spreading to the land. In any event no nuisance from the lagoon would appear to be likely as distance is 0.5km with prevailing winds that would take any odour away.
7. Newville Farm is located in excess of 0.9km SSW of the lagoon in a direct line on the other side of the Youngmans – it is apparent from the online comment that there is no clarity of what the proposal is i.e. a new lagoon or a cover + I suggest a need to verify if there is still fencing. NB no nuisance potential with a SW prevailing and distancing.
8. New Farm Carr Lane like Newville Farm is in a direct line and circa 600m SSW of the lagoon. Complaint primarily is in relation to the impact on the road and there is nothing in the comment to positively connect summer time odour with the lagoon. Typically spreading to the land is during spring and harvest time and the medium could be from any number of sources whether the lagoon was there or not.
9. Pratik Basu Fir Tree Farm Nothing in the representation to suggest that there is or has been odour impact for the last three years, concern would appear to be about safety

Representation received 14th May 2020:

I have reviewed the 'supporting statement' and note a reported reduction of 40% of ammonia emissions, reference to the Code of Good Practice and to DEFRA but to no substantiation of fact let alone of best practice for which I would suggest 40% is significantly lower than would be provided by the required Hexa cover. Mention is also made of clay beads – a method recently been rejected in respect of a number of applications by County Waste Planners where argument of 'crusting over' was also used. Odour will still be picked up off the lagoon by the wind whether crusted over or covered in straw or beads, both of which will be subject to displacement by the wind. It is apparent that the basis for application in respect of the original permission was lacking in terms of management ability of a covered lagoon; lagoons elsewhere are 'stirred' by other methods so as not to compromise the cover that was agreed to.

The proposed cover is contrary to current guidance from enforcing authorities and practice cited is not best practice. However I have no substantiated history of complaint and location factors would appear to make the potential for substantiated complaint unlikely, as such I cannot reasonably object but would suggest that there be requirement for regular checking and maintenance of the straw covering.

Were the lagoon to be subject to an Environmental Agency Permit or Exemption requirement or to a County Waste Permission then I would advise consulting with them. The applicant ought nevertheless to be made aware that should there be substantiated complaint then there would be a legal requirement to serve notice to abate any Statutory Nuisance arising.

Representation received 5th May 2020:

Unfortunately this application has been tendered without any of the information I had advised Original permission was for a floating cover; submission of proposal for a straw cover being rejected then and later as not being a substantial or proven covering and one subject of displacement and degeneration. Conversation earlier this year appears to have arisen out of enforcement action around other none compliance and/or damage to roads which raised fact of none- compliance with the requirement for a cover. Discussion regarding this appeared to resolve into an intent to submit an application to vary the cover requirement based upon perceived lack of need and complaint.

Advice was threefold

1. Existing policy was for such lagoons and tanks to be covered
2. That national policy (i.e. Environment Agency) as regards to types of cover was understood to be being reviewed.
3. That if application was to be submitted it ought to demonstrate best Practice.

Advice was also to address the following of which there is nothing in this application:

- a) That addresses complaint history
- And
- b) That demonstrates and compares best practice of covers and materials available for the purpose

There is nothing that suggests or demonstrates best practice, let alone that addresses any aspect of adequacy of a floating straw cover. Straw covers are subject to displacement including and especially by wind and change in wind direction. They are subject to decomposition, and sinking and will in any event absorb and hold the liquor and thereby undermine its purpose, namely that of preventing odour from being picked up and carried by movement of air.

Recent County Planning Applications in respect of retrospective applications for temporary tanks within the county and district have been refused on the grounds of them not having covers; alternate proposals, including the crusting over and floatation of other materials (clay beads) having been deemed to be inadequate. Points in favour of the applicant is that there is no recent complaint or substantiated history of complaint of odour. Prevailing wind makes most likely complaints too distant to experience other than occasional odour and historical complaint would appear to have been more associated with the application of organic materials to the land.

WLDC Enforcement Officer: Comment

I have had some involvement with the above site following a report received to suggest a breach of conditions. After contacting the owners they were advised they submit an application to vary the conditions which was submitted recently and the enforcement file closed.

I am aware that there are some other issues with the site which are being monitored to ensure these are adhered to once the planning application to vary the changes has been resolved.

Archaeology: No representations received to date

Environmental Agency: No representations received to date

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP26 Design and Amenity

LP55 Development in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Blyton Neighbourhood Plan (NP)**

There is currently no neighbourhood plan in circulation that may otherwise be taken into consideration.

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is in a Sand and Gravel Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**

- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>

<https://www.gov.uk/government/publications/national-design-guide>

Other

Code of Good Agricultural Practice for Reducing Ammonia Emissions by DEFRA dated 2018

<https://www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions/code-of-good-agricultural-practice-cogap-for-reducing-ammonia-emissions#store-and-cover-your-organic-manures>

Main issues

This application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 as a variation of condition planning application. Section 73(2) of the Act states that:

*“On such an application the local planning authority shall consider **only** the question of the conditions subject to which planning permission should be granted, and –*

(a)if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b)if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

Accordingly, this application shall consider only the conditions that were applied to application 134838, and is not a fresh assessment of the proposed development, or a review of the previous grant of planning permission.

- Principle of the Development
- Assessment in planning permission 134838
- Residential Amenity
- Minerals Resource
- Assessment of conditions 1-4 and 6-9 of planning permission 134838

Assessment:

Principle of the Development

The principle of the development has already been established and the lagoon part of the development has commenced and been completed. As previously described, under this application the local planning authority “shall consider only the question of the conditions subject to which planning permission should be granted”. The application form states that the development commenced on 24th October 2016 but has yet to be completed in full. There were no pre-commencement conditions on planning permission 134838 that needed to be discharged.

It is relevant to note that planning permission 134838 was assessed against the saved policies of the West Lindsey Local Plan Review 2006 with appropriate weight attributed to the position of the emerging Central Lincolnshire Local Plan 2012-2036.

The Central Lincolnshire Local Plan was formally adopted in April 2017 and its relevant policies will be used in the assessment of this planning application.

This application has been submitted to vary the lagoon cover (condition 5) from a Hexa-Cover Floating Cover to a cover of chopped straw, renewed annually once filling is completed.

The lagoon has never been covered by the conditioned Hexa-Cover and has instead been covered by chopped straw method. The applicants reasoning behind the use of chopped straw by the applicant is set out in the earlier

description section of this report. The acceptability of the chopped straw method is assessed later in the report in the residential amenity section. This application has been submitted on the back of intervention by the Authority's Planning Enforcement Team as the development is currently in breach of condition 5.

Assessment in 134838

In planning application 134838 the following consideration apart from the principle were assessed in the decision making process:

- Pollution
- Visual Impact
- Highways
- Archaeology
- Trees

These consideration are not altered from the officer's report assessment of planning application 134838.

Residential Amenity

Objections have been received in relation to the odour impact of the development from Ward Members, residents and Morton Parish Council. The nearest residential dwellings are approximately:

- 202 metres to Fir Tree Farm to the west
- 320 metres to Moorclose Farm to the south
- 570 metres to Mobile Home, Brewery Lodge, New Farm to the south
- 700 meters to Redhill Farm, Laughton Road to the north east
- 735 metres to Greenhills Farm, Laughton Road, to the north west
- 800 metres to Carr Farm, Laughton Road, to the south east

The applicant has included the submission of Department of Environmental Food and Rural Affairs (DEFRA) guidance on the Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions dated 2018. This provides guidance on best practice and states on page 7 that *"Storage systems that have a large surface area per unit volume (such as a lagoon) have a greater potential for ammonia emissions as more slurry is exposed to the movement of air. It is more difficult to reduce ammonia emissions from lagoons than from tanks. Before constructing a lagoon, you should plan effective mitigation measures for reducing emissions, such as installing a cover."*

The COGAP then adds on page 7-8 that the three main styles of covers available for slurry storage are:

- Tight lid, roof or tent structure
- Floating sheeting
- Floating LECA (light expanded clay aggregate) balls or hexa-covers

Page 7 of the COGAP also states that *“Where the fibre content of the cattle or pig slurry is high and it is not necessary to regularly mix and spread the slurry, **allowing the slurry to develop a natural crust** can reduce ammonia emissions during storage by up to 40%. Similar effects can be achieved by adding chopped straw or LECA (light expanded clay aggregate) pellets to non-crusting slurry, as long as it won’t cause management problems. These fibres rise to the surface and act as a barrier, reducing the interaction between the movement of air and the nitrogen in the slurry.”*

It would therefore appear that the guidance advises the use of a cover as the preferred method of sealing a larger surface area such as a lagoon but if managed properly chopped straw can additionally be an effective method of reducing odour into the air.

The Authority’s Environmental Protection Officer (EPO) has stated that *“I would continue to hold the line of requiring the specified cover as best practice has not been demonstrated nor is it apparent. However I cannot support an objection.”* The EPO has made it clear that, from an Environmental Protection perspective, there has been *“no substantiated history of complaint”* and that *“location factors would appear to make the potential for substantiated complaint unlikely”*.

As stated by the Authority’s Enforcement Officer complaints received by their department have been based around a failure to comply with conditions such as the use of a hexa-cover and implementation of the approved fencing, gates, hardstanding and planting. The complaints were not based on odour.

The EPO has commented on representations made stating that all of the comments are either:

1. Not relevant [to the application]
2. No impact due to the distance of objectors from the site
3. No evidence to suggest an odour problem
4. Odour potentially from land spreading typically from Spring to harvest

The Local Authority has statutory nuisance powers under the Environmental Protection Act 1990, outside of the planning system, to investigate any complaints made in relation to issues such as odour and take necessary action where required.

It is therefore considered that the use of a chopped straw covering to reduce the ammonia emissions from the existing lagoon is acceptable and the development accords to local policy LP26 and LP55 Part E (c) of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the NPPF.

It is considered that policy LP26 and LP55 Part E (c) are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Minerals Resource

The principle of the development has already been established in commenced planning permission 134838 therefore it is not necessary to assess the impact of the development on a Minerals Resource

Assessment of conditions 1-4 and 6-9 of planning permission 134838

As a variation of condition application will create a brand new permission in itself a review of all other conditions originally imposed on 134838 needs to be undertaken without this any new permission would be unrestricted.

Condition 1 – Time limit for commencement

This condition is no longer relevant or necessary as the development commenced in a timely manner and can be removed.

Condition 2 – Plans

This condition is still relevant and necessary and will be retained.

Condition 3 – Verges

This condition is still relevant and necessary and will be retained.

Condition 4 – Permeable Hardstanding

This condition is still relevant and necessary and will be retained.

Condition 6 – the leak detection and monitoring system

This condition is still relevant and necessary and will be retained.

Condition 7 – Lagoon Storage Material

This condition is still relevant and necessary and will be retained.

Condition 8 – Method of transferring liquid fertiliser

This condition is still relevant and necessary and will be retained.

Condition 9 – Planting

This condition is still relevant and necessary and will be retained. It is acknowledge that the tree planting proposed in the original application has not been implemented, however the condition states that the planting “*shall be carried out in the first planting and seeding season following the completion of the development*”.

Although the lagoon has been constructed the full development has not been completed in terms of the perimeter fencing/gate and permeable hardstanding. It is important that the perimeter fencing/gate and permeable hardstanding is completed first before the tree planting. If the trees were planted first then the construction of the perimeter fencing/gate and permeable hardstanding could impact on the establishment of the planted trees through cutting roots and soil compaction not allowing water to flow through the ground.

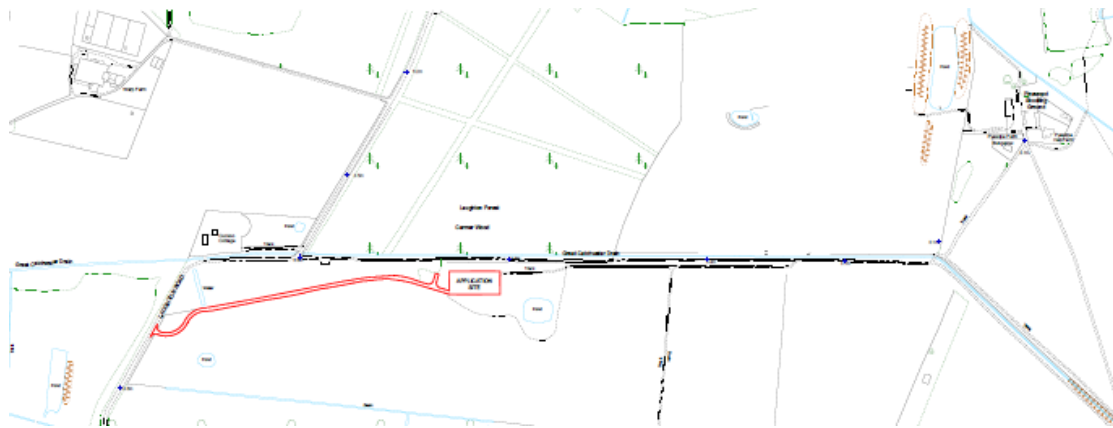
It would therefore be prudent to attach a condition which ensures the tree planting is completed in the first planting season after completion of the approved perimeter fencing/gate and hardstanding (see below).

New Condition

Given that the approved perimeter fencing/gate and permeable hardstanding has not been completed it is considered necessary to add conditions ensuring they are implemented and completed within a 6 month period.

Other

The reference numbers (PL/0009/19 and PL/0067/19) listed by Morton Parish Council in their representation are withdrawn County Matters Waste planning application numbers relating to Land East of Laughton Road, Blyton (see plan below). This site is a different site to the application site therefore has no bearing on the determination of this application.



Conclusions and reasons for decision:

The decision has been considered against local policies LP26 Design and Amenity and LP55 Development in the Countryside of the adopted Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the variation of condition 5 to alter the approved cover to a chopped straw method is acceptable. The proposed method would not have an unduly harmful odour impact on the residential amenity of nearby dwellings. The proposed variation is therefore acceptable subject to conditions.

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

Proposed Conditions:

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

NONE

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

NONE

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

1. 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 proposed drawings:

001 dated August 2016 –Site Location Plan

002 dated August 2016 – Site and Landscaping Plan

BCL-FWSL0003 Revision A dated 4th August 2016 – Lagoon Floor Plan

BCL-FWSL0005 Revision Z1 dated 7th October 2016 – Lagoon Site Section

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 policy LP55 of the Central Lincolnshire Local Plan 2012-2036.

2. All construction and excavation machinery or stored materials shall be kept off the vegetation verges at all times.

Reason: To safeguard the existing tree adjacent the site during construction works, in the interest of visual amenity and the health of the protected tree to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

3. All hardstanding areas shown on plan 002 dated August 2016 shall be constructed from a permeable material and retained thereafter.

Reason: To retain adequate surface water drainage of the site in a flood risk area to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

4. The surface of the lagoon identified on site plan 002 dated August 2016 must be covered by chopped straw when liquid fertiliser is present in the

lagoon. The chopped straw must be renewed every time the lagoon is refilled with liquid fertiliser.

Reason: To reduce the potential for odours in the interests of amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. The lagoon shall include the leak detection and monitoring system stated in the planning statement revision B dated 14th October 2016 and retained thereafter.

Reason: To reduce the potential for contamination to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

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 liquid fertiliser and for no other material.

Reason: To reduce the potential for odours/contamination to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

7. The liquid fertiliser shall on each activity be piped into and out of the lagoon from the bottom upwards.

Reason: To reduce the potential for odours to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

8. The 4ft high security fencing, 4ft high security gate and permeable hardstanding (see condition 3) identified on plan 002 dated August 2016 must be installed within 6 months of the date of this permission and retained as such thereafter.

Reason: To ensure the lagoon is securely fence from people and animals for health and safety reasons to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

9. All tree planting comprised in the approved details of landscaping shown on plan 002 dated August 2016 shall be carried out in the first planting and seeding season following the completion of the fencing, gate and permeable hardstanding (see condition 8) and any trees 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. The landscaping should be retained thereafter.

Reason: To ensure that additional tree planting is provided within the site as soft screening to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.