

## **Officers Report**

### **Planning Application No: 142952**

**PROPOSAL:** Planning application for the construction of a drying shed for food processing (B2)

**LOCATION:** Manor Farm Brigg Road Clixby Barnetby LN7 6RT

**WARD:** Kelsey

**WARD MEMBER(S):** Cllr P Morris

**APPLICANT NAME:** R C Woolliams & Sons LTD

**TARGET DECISION DATE:** 01/04/2022

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Refuse planning permission.

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The application is being referred to the Planning Committee for determination following objections from the Ward Councillor, County Councillor, four Parish Council's and a number of objections from local residents, and as the planning matters under consideration are deemed to be finely balanced.

#### **Description:**

The site is part of a working farm located south of Brigg Road (A1084), approximately 860 metres to the south east of the built footprint of Grasby. In April 2013 planning permission (reference 129445) was granted to construct an Anaerobic Digestion (AD) plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure. A further permission was granted in June 2016 (ref 133563) to install an agricultural dryer and associated storage bay immediately to the north of the four large green tanks that form part of the AD plant. The permissions have been implemented.

The application site is located immediately to the south of the Anaerobic Digestion (AD) plant, which in turn is located to the south of the farmstead (Manor Farm) which comprises a traditional farm house near to Brigg Road with modern corrugated or brick steel portal framed agricultural buildings beyond (to the south of the farmhouse).

The application site comprises surplus soil from the construction of the AD plant which is located immediately to the north of the site. The site is surrounded by agricultural fields on all other sides. The nearest neighbouring property to this application site is Clixby House, Church Farm located approximately 274 metres to the north east of the application site with Church Farmhouse itself approximately 342 metres to the north east of the application site. There is a closer property to the application site (The Beeches, Manor Farm also to the north east of the site) but this is in the ownership of Manor Farm. There is a row of tall poplars along the eastern edge of the farmstead.

There are a number of small woodland and copse areas surrounding the site on the outer edges of the surrounding fields. A public right of way which forms part of the Viking Way long distance footpath runs through the farmstead to the north of the existing farm buildings (Gras/29/2). The public right of way is approximately 214 metres from the application site at its closest point. The track to the west of the site leads south to land associated with the holding. To the north the track links the site to the rest of the farmstead and two points of access onto Brigg Road.

The application seeks permission to erect a drying shed to be used for food processing (B2) which will connect to the adjacent AD plant so it can utilise waste heat from this existing facility. The proposed drying shed would be approximately 24 metres in length, 18.5 metres in width and 8 metres in height. The building would have two access doors, both on the north elevation. The building would be clad in green metal cladding.

The drying shed would be used to dry fish for human consumption. Fish would be delivered in sealed plastic containers. The building would have the capacity to air dry 1200kg of fish in 24 hours at 30 degrees. Once dried the fish will weigh only 20% of their original weight. The final product will be transferred to Grimsby once a week for distribution. Waste water from the drying process will be collected in sealed underground tanks for disposal once every two months. The only other expected waste will be from welfare facilities (toilets) and general site hygiene (washing equipment and floors) for which a package treatment plant is proposed.

The proposal would see the creation of 15 full time and part time jobs equating to 10 FTE jobs in the local area.

An Odour Control Appraisal and Assessment (Redmore Environmental 16 February 2022) has been submitted alongside amended plans showing a 14 metre high odour dispersal stack located immediately to the south of the proposed drying shed (located at the south western corner of the drying shed).

It should be noted that a permit will be required from the Environment Agency in order to be able to implement any approval.

### **Town and Country Planning (Environmental Impact Assessment) Regulations 2017:**

The development is neither Schedule 1 nor Schedule 2 development. The proposal is considered to be 7. Food Industry b) Packing and canning of animal and vegetable products under Schedule 2 and falls below the threshold of 1000 sq metres of floorspace specified within the schedule. Therefore the development is not 'EIA development'.

### **Relevant history:**

On the application site - No recorded planning history

Site immediately to the north:

**129445** - Planning application for installation of anaerobic digestion plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure granted 30/04/2013.

**130345** – Request for confirmation of compliance with conditions 3 and 4 of planning permission 129445 granted 30 April 2013 granted 22/10/13.

**130415** – Application for non-material amendment to planning permission 129445 granted 30 April 2013-relocation of flare stack and increase length of silage clamps granted 31/10/2013.

**132088** - Application for non-material amendment to planning permission 129445 granted 30 April 2013-amended layout plan and landscaping scheme granted 2/2/2015.

**133563** - Planning application for installation of agricultural dryer and associated storage bay. Granted 06/06/2016.

**Representations**

**Cllr P Morris (Ward Councillor):** Firstly, this is entirely the wrong place to build and operate a fish processing plant, this is a rural location bordering an AONB and the proposed site would be within yards of the Viking Way which is used by thousands of tourists each year. Tourism is a valuable part of the local economy and the noise and particularly the odour that this processing plant would inevitably produce would seriously undermine and damage local tourism focused businesses.

According to the current Central Lincolnshire Local Plan (Section 26 ) any new development MUST take into consideration adverse impact on air quality from odour.

I would also highlight PA140497 which was a similar proposed development in Caistor which was refused planning by WLDC and was again refused on appeal.

I am also disappointed with LCC Highways response to this application which will only increase the dangers on the A1084 because of the increased traffic movements on the road, as far as I am aware they have not even made a site visit.

Other objections have highlighted that the landscaping conditions from the original AD plant still have not been completed, although it has been operational for some years, this hardly inspires confidence that the applicant will adhere to their new plans for screening the proposed processing plant.

Further comment 13/03/2022 - Having read the environmental report closely I would like to draw everyone's attention to a sentence near the end of their reply "The proposed activity is not usually found in an inland agricultural area and such may be more appropriate elsewhere." This says it all.

**Cllr Tom Smith (County Councillor):** Contrary to the DE&S statement because of the food stuff that is being dried at the proposed site there is a significant impact on the village of Grasby and to a lesser extent the market town of Caistor the proposals also fail to move away from the private car as a mode of transport contrary to LP5. Furthermore, there is local concern that this will exacerbate an already long standing issue of harming the appearance of the local area as previous conditions relating to planting and other conditions to prevent noise have not been discharged appropriately.

Additionally, contrary to the statements made the development will require all employees to use the private motor vehicle which is contrary to section A of policy LP13 as despite what the applicant states the alternatives means of travel are unrealistic. I would contend further that the development is contrary to policy LP26 on the following grounds subsection R and S. In respect of policy LP55 the proposals fail the test set out in subsection A as the AD plant is a separate business and not related as such the proposals must comply with the first part of subsection A and in my view it fails to do so there is no justifiable means for such a business to have a rural location when the end product must be transported to Grimsby and there are ample empty units close by the products end destination. Furthermore, due to the nature of the food stuff being dried I contend that it is not compatible with the neighbouring land use that being residential properties.

Turning to the NPPF the applicant sites paragraph 154 I contend that the effects of said development cannot be made acceptable on the local population of Grasby namely the intense smell that would emanate from the development all year round being worse during summer and months where fog was present. Also the applicant highlights paragraph 83 of the NPPF subsection B it is my view that if this proposal is allowed this would substantially undermine subsection C of the same paragraph of several businesses that are tourism focused that are already established in Grasby.

The following information was also forwarded by the Cllr: Searby and Owmy have now been informed of the planning application at Clixby. While this was mentioned at our meeting, some people cycled over from Searby to the Show yesterday and told me that they can smell the coffee being roasted at Elsham Wold Industrial Estate sometimes in Searby. I have checked and it is 3.8 miles between these points. Caistor is 2.2 miles from Clixby and Searby is 2.5 miles.

**Grasby Parish Council:** At the Parish Council meeting held on 21 July 2021 this matter was discussed at length at the open forum at which at least 12 residents were present along with the District Councillor, County Councillor and Parish Councillors.

Given the arguments put forward by local residents in our community as a Parish Council we object to the application in the strongest possible terms for the following reasons:-

- Odour/Smell – This is a major concern. A number of residents have experience of working in or adjacent to fish processing plants in Grimsby and on the Humber Bank. Their experience is that the smell generated by these factories is intolerable and cannot be suppressed by any mechanical or technological means. Although an odour assessment has been requested of the applicant, we feel that this will not adequately deal with the odours that will inevitably emerge and any retrofitting of odour suppressant simply will not work.
- Environment – as mentioned above there is a cluster of fish processing businesses in Grimsby and the surrounding areas for good reason. There seems to be no sense in transporting product to and from Grimsby in wet then dry state as this just increases food miles which is very much against the grain. If there is excess heat to use from the plant, then it should be used to generate more electricity - exactly what the plant was built to produce in the first place. If there is waste heat then it should be used for proper agricultural processes, such as drying grain, rather than an industrial process. Many residents made the point that this is a farming/agricultural area and not an industrial estate.
- Wastewater - Paragraph 3.9 of the Access & Design Statement states “wastewater from the drying process will be collected in sealed tanks for disposal.” However, there is no explanation as to how the wastewater will be dealt with. There is a discrepancy with the application which states that the proposal does not involve the disposal of trade wastes or effluent.
- Environment Agency – we are surprised that the EA have not commented on this application, we consider that it is in their remit to do so especially given the odour, wastewater, noise and light pollution implications of the application.
- Highways – we take issue with Lincolnshire County Council (LCC) Highways response to the application in that they have ‘no objections’. A site visit is required, rather than a pure desk study. The application site has access and egress to the A1084 by two narrow singletrack lanes to the north and to the east, both have extremely difficult sight lines especially for slow moving HGV’s exiting the site – the increase in HGV’s taking access to the site will increase the risk substantially. We consider that the access is unsuitable and request that Highways withdraw their current response and undertake a site visit before responding again. It should be noted that the A1084 is classed as one of the country’s most dangerous roads.
- Noise – The operating hours stated in the application appear to indicate that the drying plant will run 24/7. Residents, particularly those on Clixby Lane, Vicarage Lane, Front Street and Churchside are already disturbed by the constant noise from the AD plant and additionally the reversing bleepers from loaders/tractors and trailers when the maize harvest is being undertaken and the consequent

biomass brought into the plant for storage. This disturbance will only be exaggerated by the proposed fish drying plant.

- Light Pollution – Again, the proposal will involve increased lighting used during the winter months and creating further light pollution for residents especially if the plant is run 24/7.
- Landscaping – It has been pointed out that the landscaping conditions imposed by the original application have not been implemented or the trees have failed. This was supposed to ‘hide’ the AD plant from surrounding views, but it is not the case. The new application suggests trees will be planted on the top of a 6-metre-high bund as screening, we are of the opinion that this will just not work and will fail just like the previous attempt.
- PA140497 – we are aware of the recent Planning Inspectorate Appeal decision regarding a site off North Kelsey Road, Caistor which is within 2 miles of this application site. The appeal was dismissed by the inspector for the following reasons:-

The main issues are (i) the effect of the proposed development on the provision of employment land and whether there are material considerations to permit the development and (ii) the impact of odour on the occupiers of the proposed dwellings Central Lincolnshire Local Plan – under section 26 of the current plan any development must take into consideration adverse impact on air quality from odour. This is not mentioned in the Design & Access Statement submitted with the application.

Further representation 03/03/2022:

- Disagree with the methodology and findings of the Odour Control Appraisal and Assessment.
- The odour stack proposed is 14 metres (46 feet) high, in what appears to be stainless steel. This can hardly be described as agricultural and would look completely out of place in this rural landscape.
- No account has been taken of topography (or it has been conveniently obscured). The ground level at the site of the proposed discharge stack is 35m above sea level hence the top of the proposed discharge stack is 49 m above sea level which corresponds with the road level of the A1084 about 300 meters away. The discharge would also be below the level of some of the key public buildings in Grasby, for example Grasby All Saints School (55m), Grasby Church (50m), Cross Keys Public House (62m) and Mill Farm (68m).

**North Kelsey Parish Council:** The entrance and exit to the site are on blind bends, with additional traffic movement already impacting this area, due to the biomass plant, which was installed in 2015. An increase in heavy traffic on surrounding rural roads from HGVs bringing the fish and packaging, skip lorries taking waste fish, waste water HGVs, would have a major detrimental impact. There is a lack of transportation links which would be required by the commuting of the workforce. The economic benefit of creating jobs is greatly reduced due to a mainly mechanised factory. Smell, noise and light pollution

are all major concerns, which may impact local villages for miles around the site, with the biomass plant already contributing to this, despite previous considerations. There will be an impact on tourism at the local caravan park and walkers on the Wolds Way and Viking Way, an area designated as an Area of Great Landscape Value. This industrial process is more appropriate for an industrial site/docks than a rural area. Landscaping and tree planting requirements from the 2015 biomass plant planning permission have not been completed, as set out in the permissions previously granted. The energy created by the biomass, meant for local housing will be negated by this plant, which will need considerably more than the biomass can supply. Major concerns have been expressed with regard to high water usage, and its source, along with contaminated waste water which will be discharged into the sewage system. The product produced is not destined for the UK food market.

**Searby and Owmyby Parish Council:** Following a unanimous decision at our meeting on 12.9.21, I am instructed to lodge our objection to the proposal. We are very concerned about the lack of provision for removing the odour which will obviously arise from the fish drying process, and its effect on the present tourism in the area, let alone that planned for by WLDC, and the knock on effect on jobs in that sector; the poor sustainability of the proposed project re transport; and the effect upon our Countryside, and the plans to achieve AONB.

**Bigby Parish Council:** 1. As a village in a rural area, residents are well used to agricultural smells that emerge from the farmed fields on an irregular basis. As the crow flies, Bigby is approximately 3.25 miles from the proposed development. On a windy day, the noxious fish smells emitted from the site will undoubtedly reach Bigby. These smells will be released on a regular basis and are not the normal, natural smells associated with rural Lincolnshire. This site is totally in the incorrect place for the process of drying fish. 2. There is concern about the Carbon Footprint involved in transporting the fish from and to Grimsby. (This has been detailed in other online comments and is fully supported by Bigby Parish Council.) 3. Another concern is the increased flow of traffic along the A1084, including access to the proposed development, which are currently located at Clixby bends and after the bends towards Grasby, which is a blind exit from the farm is. 4. Furthermore, what is the proposed route from Grimsby docks to Clixby? Will the lorries come from Grimsby Docks along the A180 to Barnetby Top and then use the unclassified road from Melton Ross to Bigby as a short cut to the A1084? The unclassified road is already used as a rat run with far more traffic moving through Bigby than LCC Highways give credit for. Even if this is not the designated route, it may be used as a detour.

In conclusion, Bigby Parish Council wholeheartedly supports the many online comments expressing concern about this application. These, along with its own concerns, support the view that this site is totally in the incorrect place for the process of drying fish.

**Local residents:** No.3, 4, 5, 12 (x3), 16 & Bentley House, Bentley Lane, 2, 4, 6 9 & 10 (x2) Wilmore Lane, 7 (x2), 11, 11a (x2), 12 & 13 (x2) Front Street, 3

(x2), 7 (x2), 11a, 15 (X4), 19, 21a (x2), 21, 23, Malvern & Mount Sorrell, Clixby Lane, 1 & 5 Church Side, 1, 2, 3, 4, 26, 30 (x2), 31, Tennyson Villa (x2) & Dovecote House (x2), Vicarage Lane, 1, 3, 6, 8, 11, 13 Church Hill, Hillside House & The Old Chapel, Main Street, 3, 4, 6, 8 (x2), 14, 20, 29 & 39d Station Road, Mill Rise & The Cottage, Brigg Road, Clixby Top Farm & Grasby Top Farm, Grasby Wold Lane, 5 & 6 The Old Quarry, 1 Holland Drive (x2), Reading Room Cottage [incomplete address] and Willow Farm, Middletons Lane, Grasby. Coppice House, Brigg Road. Moortown. 6 Westerby Court & 5 Manor Gardens, Brigg Road, South Kelsey. Highfield Farm, West Holmes Lane, 6 Wold Gardens & Holly Corner, High Street, Beck House, West Street and Setcops Farm, Cross Lane, North Kelsey. West Barn Cottage, Caistor Road, North Kelsey Moor. 4 Riby Road, Copse View, North Kelsey Road, 109A Brigg Road, 43 Lincoln Drive, 16 Tennyson Close, 90 North Street, Teesdale, Moor Lane and Sandbraes Farm, Sandbraes Lane, Caistor. 2, 6, 17, 19, 35, 40, 43, 57 & 59 Wolds Retreat, Brigg Road, Fonaby [2 further representations from Wolds Retreat with incomplete addresses], Hogarth, Main Street, Howsham, Monument House, Main Road & North Wold House, Somerby Top, Wold Lane, Somerby. Tithe House, Ivy House & Whimbrel, Owmby Hill, Anfield House & Rosedene, Wold View, Owmby. The Cottage, Main Street, The Manor, High View, Back Lane and 1 The Chestnuts, Searby and 15 Front Street, Tealby. Station Road, Hull [Incomplete address], 44 Plymouth Road, Scunthorpe and 4 Railway Terrace, Sowerby, Thirsk. Object to the application for the following reasons, in summary:

#### Odour concerns

- Regardless of the filtration systems or enclosed water system put in place the smell still escapes and can travel a long distance and is very unpleasant to say the least.
- I note an odour assessment has been requested, but how can this be accurate when the facility and the process does not yet exist. It will come from the applicants advisors who will provide a favourable report.
- The impact on the houses closest to this development on Clixby bends with the wind blowing in the right direction, will force them to close their windows and stay indoors. The smell will render properties worthless.
- Will affect local residents and businesses.
- The weather severely impacts the conditions [of the proposal]. On a rainy day the smell is bearable, on an average day when it is sunny the smell is horrendous. On days with wind the smell travels for miles and would severely impact on the village of Grasby in their spacious gardens and homes.
- The processing of fish and the potential release of trimethylamine (TMA) is a common problem and causes significant issues, distress and impacts on the surrounding areas of these types of processing units.
- No odour abatement control methods are identified in the application documents.
- The smell issue relates to the activities within the building, but also to the delivery to and removal from the site of the fish and the contaminated water the process will generate.

- The local primary school children will have to endure the smell in class and outdoors.
- The stench will cling to washing.
- We are assuming that if the Odour Assessment is considered accurate, and as such, forms the basis for consent to proceed with planning permission, what will be the clauses which proves accountability if the assessment is incorrect, and how will the communities be compensated?
- Odour from the anaerobic digester plant on the same site is detectable in the village, dependant on wind and operations being carried out. Fish odour will be substantially worse.
- It is necessary for people to be able to enjoy their gardens and homes without being subjected to having to close windows and stay indoors due to odour and fume polluted air.
- The Odour Report - Everyone knows that the prevailing wind of the UK is from the southwest, but the wind statistics in the report clearly show that over 20% of the winds come from directions that will affect Grasby Village. This equates to approximately 2.5 months of fish odours plaguing our village.
- The planning officer has the power to insist that appropriate odour control systems are implemented in the final design (E.g. Activated Carbon Filters).
- The Noise Assessment report reveals that the roller shutter doors could be open for the whole of the daytime in addition there are open doors and six fans exchanging the air with the outside. So, odour from fish processing will leave the building.
- The odour report is inadequate.
- How can the planning application can be approved without an Environmental permit being approved.
- What if the Odour mitigation system proves to be inadequate should permission be granted.
- The applicant's odour report has failed to take into account best practice, attribute odour classification appropriately or realistically consider those who could be affected.
- Revised Plans [with dispersal stack] fail to mitigate concerns and there is a total disregard for the odour report submitted by the residents.
- It is clear that the full abatement measures are considered too costly and that the burden must be accepted by the community in the form of a 14m stack on top of the proposed shed.
- The erection of a stack to vent the odours at a height of 14m rather than at the ridge height of 7m does nothing to address odour concerns. The odours created will continue to be emitted without any abatement controls to reduce them.
- The application is contrary to guidance from the environment agency 'H4 odour management'.
- The mitigation proposed is not highly effective and relies upon good operating discipline to maintain it only to a level that will work some of the time.

- The data used and choices made in the Odour Appraisal & Assessment report are wrong.
- The increase in the vent stack height may reduce the obnoxious odour within the processing work area but will spread said odour much further afield.

#### Traffic / Highway safety concerns

- This plant will need HGVs pulling into and from the site via Clixby Bends which are on a severe gradient. The entrance/exit is on blind bends where there have already been accidents.
- Traffic generation is stated at one HGV per day however, no mention is made of the capacity of the drying shed. Are the owners building in potential for business growth?
- There will be traffic generated by the employees.
- A traffic survey should be undertaken.

#### Location

- From experience this proposal is a bad idea, it should be confined to a proper Industrial estate, as there is plenty of fish processing plants and factories in Grimsby, where they are combined all together and the smell captured in one place.
- Object most strongly to the proposed application on the basis of the unsuitability of the location and nuisance to the surrounding area.
- How disappointing to have this area of beauty spoilt by the odour of fish.
- A more suitable location for such a plant is nearer to where the fish originate and NOT near to any residential areas. Fish drying is an industrial process and should be located alongside similar industries in a port town such as Grimsby.
- It also creates unnecessary food miles adding to more environmental issues when there are already plants nearer to the docks where these fish could be processed.
- In my opinion, this intended business is best situated in an already established industrial area where residents are not affected by it.
- The addition of this development will be seriously detrimental to this Area of Great Landscape Value (AGLV) both in terms of the visual amenity and the potential for noxious smells being emitted.
- Is this a joke? An application to build a smelly fish factory in an Area of Outstanding Natural Beauty?
- This development introduces another industrial building with its associated hardstanding, car parking and lighting that is out of character.
- The only thing that appears to be driving locating this fish drying factory in this remote rural setting, is a free source of heating to dry the fish.
- The discharge stack would be clearly visible from the surrounding area including the Viking Way creating a scar on the views of the Wolds and creating industrialisation of what is a rural area

- We object to this due to the smell and disruption to the Viking Way public right of way. The Viking way route which is frequented by many visitors all year round is very close to this proposal.
- The Viking Way runs adjacent to the proposed site. It is heavily used by walkers, and even cyclists, who would be placed in potential danger by 5 weekly HGVs delivering wet fish, the single weekly HGV collecting the dried fish, the indeterminate number of HGVs removing the waste water and the cars of the workforce entering/leaving the site.
- The proposal will be visible from the footpath.
- Tourism is being encouraged in this area to boost the economy, particularly in nearby Caistor, a fish factory will detract from the rural setting.
- Tourism could be affected as people staying in Caistor Lakes, Wolds View, and other local amenities could be severely affected due to smells from his proposed development.
- It will degrade the countryside and put walkers and cyclists off from choosing this area and put them off from using the refreshment establishments on their walking and cycling routes.

#### Anaerobic Digester and Noise

- It is my understanding that in 2015 when planning permission was granted for the bio mass plant. A condition was that many trees of different variety including Birch, Aspen alongside Holly and Hawthorn were to be planted. Have these trees and shrubs ever been planted?
- Residents are already aware of some noise from the anaerobic digestion plant already situated there especially at night (every night, 365 days a year). Further noise from a continuously running drying process plant can only but make this worse.
- The fans will cause increased noise levels.

#### Fossil Fuels and Green Energy

- The design and access statement fails to mention that many of the points used to sell the AD plant, such powering many local houses, will be negated by this project. Significant power will be used for powering the 6 large fans, conveyors, packaging plant, refrigeration plant, lighting and welfare facilities.
- Burning fossil fuels to transport fish inland and then back to Grimsby will have a far greater environmental impact than the saving made in utilising a bit of waste heat, especially when you factor in all 10 staff, plus support services travelling to Clixby by car or van. The waste heat would be far better utilised for a local agricultural process such as crop drying or storage.
- The applicant already has an AD plant for which he got planning permission to generate electricity. He now says he wants to use the 'excess heat' to dry fish.
- If the reason for seeking permission for such a development is to utilise surplus energy that is produced through the Bio process why isn't due consideration being given to an alternative use for the energy such as using it to heat a glass house to produce food for human consumption.

#### Other comments

- Does not comply with policies in the Central Lincolnshire Local Plan or the NPPF.
- Application form and plans are inaccurate.
- The design and access statement fails to address how waste from the process will be safely stored and prevented from contaminating the natural environment.
- How will the inevitable solid waste generated be dealt with? Damaged product (fish) and packaging entering the natural environment will be a magnet for vermin, including seagulls.
- I would like to emphasise that in Planning Application 140497 and its rejection, if it is not acceptable to build houses near a fish plant then logically it cannot be acceptable to build a fish plant near houses. There will be a high water usage from a local bore hole and large quantities of waste water will need to be removed from the site.
- The one in Stallingborough was forced to close due to the stench of the fish, not suitable for a small village.
- Very few jobs will be created for local residents due to mechanisation and food processing is associated with low paid/low skilled jobs.
- There is no public transport to this location as was stated in the application documents.
- Very few jobs will go to local people.
- Health, wellbeing, mental health. This proposal will also severely impact detrimentally on the enjoyment of our homes.
- I also note that the working hours are unrestricted in the application itself and request that limits should be applied should the permission be granted.
- Will lead to ecological destruction.
- Will conditions be enforced if this proposal is granted?
- We have only one local public house with an outside facility that also serves food. The Crossed Keys is in very close proximity of the proposed plant. If the wind was in the wrong direction, it would render the outside area unusable and having to close windows.
- The proposed facility will handle 1200kg (1.2 tonnes) of raw fish and over 24 hour period and convert this into 240kg of packaged product. What remains is 960kg of liquid, evaporated material and odour every day. If this application is the first of its kind then it may well set precedents for other applications of a similar nature.
- There are countless farms within West Lindsey that have been given planning permission to operate anaerobic digesters, all of which will produce waste heat 24/7.
- Optimistic assertion that the proposal as it stands can support 10 full-time equivalent jobs.
- Light pollution
- Inadequate landscaping.
- Lack of information in the application on how the process will actually be carried out.

- The surplus heat that is being produced by the Bio plant could be harnessed and used to produce food more akin to this area such as the glass house production of micro herbs, fruit and veg.

Letters have also been received on behalf of a group of more than 20 concerned residents from Grasby, Owmyby & Searby dated 21/09/2021 and a further letter received 4 March 2022. The letters cover the matters outlined above and technical details in regards to Odour Assessments.

1 Somerby Green, Somerby, Mill Farm, Garden Mill Farm, Brigg Road, Grasby, 16 Fountain Street, 1 Millfields, 95 Brigg Road & 27 Nettleton Road Caistor, 17 Moorhen Close, Market Rasen, 27 St Peters, Close, Great Limber, Greenholme, High Street & Hill Farm, Grasby Road, North Kelsey, The Bungalow, Moortown Road, Nettleton, 24 Trinity Road, Scunthorpe and Blackberry Barn, Car Colston Road, Screveton. Support the application for the following reasons:

- Won't affect anyone. Nice to see some enterprise. Great idea.
- Possibility to generate local jobs. Fail to see the negatives. Business should be encouraged locally.
- I see this as having a positive impact only as it will bring jobs to the local area. I doubt very much there will be any issues regards generating noise, smell etc. and do not see why this should not be given full approval.
- What a fantastic thing for the local area, I for one can't wait to try fish jerky especially when it's using green energy, this project needs as much support from us all, fish is a great source of omega 3 which has lots of health benefits.
- I think it is a great idea to use the heat up from the plant than to just let it be wasted and brings in a new product to the area and room for growth and potential jobs.
- We need to invest in local employment, not run it out of down because people don't understand the process. The complaints about the smell seem irrelevant as the wind report suggests. Grasby shouldn't and hasn't been affected.
- Any agriculture development which creates jobs for local people can only be a good thing in my opinion. Local people can't survive on tourism and hospitality alone.
- Has anybody thought that the applicant isn't going to build a plant in his own back garden if the smell is going to be so overwhelming.
- I regularly use the footpath that runs adjacent to the A&D plant and have never noticed a bad smell from the plant which they normally do, so I can't imagine the drying shed will have much of an impact (if any).
- I note many objections on grounds of odour from residents living several miles away. If the plant was located in Grimsby as some suggest tens of thousands of residents would be as close to the plant as these objectors so I fail to see how these can be reasonable concerns.

**LCC Archaeology:** No archaeological input required.

**LCC Highways and Lead Local Flood Authority:** 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.

**Economic Development:** No representations received to date.

**Natural England:** Natural England has no comments to make on this application.

**Lincolnshire Wildlife Trust:** No representations received to date.

**The Ramblers Association:** No representations received to date.

**Environmental Protection:** I have reviewed the Noise Report by NoiseAssess reference 13174.01.v1 dated April 2021. I confirm that the report is satisfactory and I have no objections to the proposal on noise grounds.

I do have some concerns about the odour impact of this proposal and I understand that you have requested an odour assessment.

**Further comments received 26/08/2021:** I accept that the assessment has been carried out following the IAQM 'Guidance on the Assessment of Odour for Planning v1.1' document and that a qualitative risk based approach is justified in this instance. However, although the assessment concludes that odour impacts will not be significant (with either a slight or negligible impact at the nearest receptors) I am concerned that in a real situation this may not be the case.

I note that decaying fish will not be stored at the site and that all operational processes will occur within the drying shed. These points should be conditioned if the application is approved.

The Odour Assessment also states that the facility will have three drying rooms and that 'air extracted from each room will be emitted to atmosphere via dedicated vents at roof level'. I have looked the plans for the proposed building and these vents have not been included on the plans.

Therefore I would like the applicant to provide me with some additional information:

- Can you advise me of any similar facilities currently in operation so that I can research actual odour impacts?
- More details on the process that will take place in the drying rooms.
- Details on the proposed vents.
- What odour abatement will be used in the facility?

The Odour Assessment also points out that 'activities to be undertaken at the site will be covered by the Environmental Permitting (England and Wales) Regulations (2016) and the operations will require a Part B Environmental Permit from WLDC'.

Our department has not yet been approached regarding this permit. Any additional information provided to us this stage will be useful in the permit application process.

**26/08/2021** **16/09/2021** - I have reviewed the additional information relating to odour provided by the agent an email dated 31/08/2021 in response to my original comments [see above].

1. I note the invite to witness a trial at the site, however due to leave commitments and workload this has not been possible to date.
2. The information regarding the venting system and louvres does not appear to include any odour abatement. Therefore the current proposals mean that air from the drying rooms will disperse into the atmosphere without treatment. I am concerned that this could potentially cause odour issues.
3. I understand that the client does not wish to address the Environmental Permit until the planning has been addressed, however it would be useful to have a discussion about the required permit at an early stage.
4. The Odour Management Plan for the Anaerobic Digestion Plant dated 26 February 2013 is a similar document to what will be required for this proposal, however as the processes are very different I do not feel it is relevant to this application.

As odour abatement options for the facility have not been provided I do not feel that my initial concerns have been fully addressed. Therefore I am still of the opinion that there is a potential for odour issues at this site.

**01/12/2021** – Firstly, I have looked at the Odour Issues Review by Michael Bull and Associates dated 13 September 2021.

This report is written by a very experienced odour expert who has been involved in producing odour guidance for the planning system. I therefore believe that this report should be given a great deal of credibility. Although the review does not completely disagree with the odour assessment carried out by Redmore Environmental it highlights some gaps in the assessment approach and also suggests that the impact of the odour from the fish processing plant may have been underestimated. It also suggests that the culmulative odour from the site should have been assessed.

As I mentioned in my earlier comments, the review also states that information has not been provided on how the odours will be controlled and ventilated from the building and although the vents are mentioned they are not shown on the plans.

I have subsequently read the email from the agent dated 28 October 2021 confirming that the applicant now intends to install odour abatement measures

at the facility. They have confirmed that the system will include 'carbon filters on the air extraction system, linked with appropriate vent discharge heights'. In principle I agree with this approach however I would wish to see an assessment to back this up and demonstrate the effectiveness.

The agent has requested for the full details of the odour abatement system to be conditioned, however I do not feel comfortable with this as ideally we should be provided with evidence that the proposals will mitigate the odour prior to a decision. Also, as mentioned by Michael Bull and Associates, the odour abatement system may require a change in the visual appearance of the proposal (elevated stacks etc.).

If you are minded to grant the application I concur with the conditions suggested by Michael Bull and Associates, however in order to protect the residents further I would also suggest a pre-commencement condition that an assessment is carried out by a suitably qualified person to determine the details of the odour abatement system required. This should include (but not be limited to) calculations to show required stack heights, flow rates, carbon specification and overall effectiveness of the mitigation. This information should be submitted to us and agreed prior to any development taking place.

Prior to the first operation of the facility a verification report should be provided to us to evidence that the agreed odour abatement system (condition above) has been implemented.

The odour from the site (and therefore the effectiveness of the odour abatement system) should be assessed and a further report submitted within 3 months of operation (condition suggested by Michael Bull and Associates).

I also reiterate the need for a condition for an odour management plan (also recommended by Michael Bull and Associates) and the conditions that operational processes must take place inside the unit and no waste fish products to be stored on site as previously requested.

**08/03/2022** - I have reviewed the Odour Control Appraisal and Assessment Report Ref. 4693-1r1 dated 16 February 2022 by Redmore Environmental in conjunction with the earlier odour report and my previous comments.

My first observation would be that the applicant has carried out an options appraisal and has moved away from the earlier decision to use carbon filters largely due to the cost implications. I appreciate that high level discharge of emissions via a dispersion stack could be a suitable odour control option, however I am disappointed that our department was not involved in any discussions around this or informed earlier of this change.

This option means that emissions will be released into the atmosphere untreated and it is therefore paramount that the stack is correctly designed. I note that 'the parameters for the dispersion stack were determined based on information obtained from technology providers as part of the Options

Appraisal and information provided by the applicant', however no stack calculations or design justification have been provided in this report.

Aside from the options appraisal exercise and the conclusion to use a dispersion stack I am of the opinion that we are not much further forward than we were in December as this report does not address the gaps in the original report.

As pointed out by the Odour Issues Review by Michael Bull and Associates (13/09/21) the odour from the plant may have been underestimated and I still believe this to be the case. This review also suggested that the cumulative odour from the site should have been assessed and this has not been considered to date.

The potential odour from the development has been classified as 'moderately offensive' and therefore has an assessment criterion of 3.0ouE/m<sup>3</sup> as the 98th percentile of hourly average concentrations using the EA benchmark. It has been given this classification due to 'food processing', however, one could argue that the smell of drying fish is more offensive than other food processing odours due to the subjective nature of odour perception. Also this odour is out of context with the area ('location' factor) which may again make it more offensive. I therefore believe that the benchmark figure should be somewhere between 1.5ouE/m<sup>3</sup> and 3.0ouE/m<sup>3</sup>. If this is the case the odour impact at receptors R1 – R4 would be classed as 'moderate' using IAQM Guidance 2018 (based on 'most offensive' odours).

In general there are still uncertainties surrounding the potential odour impacts of this development as the report is based on estimates and modelling. Estimations of future releases from the stack are based on monitoring data reported for a 'similar facility', however limited information has been provided about this facility.

I take on board that if permission is granted the proposed activity will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations (2016) and as such detailed consideration of odour emissions will be required for the application process. This will also include conditions to restrict environmental impacts (including odour) beyond the boundary of the site, however there may still be a residual odour which needs to be considered at this stage.

Due to the points above I believe that the actual odour impacts of this proposal will not be fully ascertained unless the facility is operating. I requested that the applicant provide me details of other similar facilities in my comments of 26 August 2021. This would have enabled me to research 'real-life' odour impacts, however the information was not provided. The proposed activity is not usually found in an inland agricultural area and as such it may be more appropriate elsewhere.

If you are minded to grant the application I would wish to see conditions for the following:

Pre-commencement conditions - Details and justification for the use of high level discharge of emissions via a dispersion stack option. This should include justification and design specification.

A noise impact assessment for the above extraction system.

Prior to first operation - A verification report should be provided to us to evidence that the agreed odour abatement system (condition above) has been implemented.

Condition for an odour management plan (also recommended by Michael Bull and Associates).

During operation - The odour from the site (and therefore the effectiveness of the odour abatement system) should be assessed and a further report submitted within 3 months of operation (condition suggested by Michael Bull and Associates).

All operational processes must take place inside the unit.

No waste fish products to be stored on site.

**IDOX:** Checked 22/03/2022

**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).

**Development Plan:**

The following policies are particularly relevant:

\*Central Lincolnshire Local Plan 2012-2036:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP18: Climate Change and Low Carbon Living

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

*\*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP5 is consistent with chapter 6 of the NPPF as they both seek to create a strong and sustainable*

*economic growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.*

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

#### Draft Central Lincolnshire Local Plan:

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

#### Grasby Neighbourhood Plan

West Lindsey District Council has approved the application by Grasby Parish Council to have their parish designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood plan. However, there is not a draft Plan in circulation that may otherwise be taken into consideration with this application.

#### National policy & guidance (Material Consideration)

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

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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 July 2021. Paragraph 219 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**  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**  
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**  
<https://www.gov.uk/government/publications/national-model-design-code>

### **Main issues:**

- Principle of Development
- Agricultural Land
- Residential Amenity
- Visual Impact
- Highway Safety and Parking
- Foul and Surface Water Drainage
- Ecology
- Climate Change
- Other matters

### **Assessment:**

#### Principle of Development

The proposed site is located within the open countryside and is seeking permission for the construction of a drying shed for food processing (use class B2) which will connect to the adjacent Anaerobic Digestion (AD) plant so it can utilise waste heat from this facility.

Tier 8 of policy LP2 advises that unless allowed by any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be restricted to:

- *"that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*

- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents”.*

This opens the application to be assessed against policies LP5 and LP55 in order to determine whether the principle is acceptable.

Part E of LP 55 sets out its policy for “non-residential development in the countryside” as follows:

*Proposals for non-residential developments will be supported provided that:*

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b. The location of the enterprise is suitable in terms of accessibility;*
- c. The location of the enterprise would not result in conflict with neighbouring uses; and*
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

Policy LP5 referred to above supports the delivery of economic prosperity and job growth to the area subject to certain criteria being met. This sets out a hierarchy as follows based upon the designation of the location for the development:

- Strategic Employment Sites (SES)
- Employment provision within Sustainable Urban Extensions (ESUEs)
- Important Established Employment Areas (EEA)
- Local Employment Sites (LES)

This application site is not located within any of the four designations and would therefore be considered under ‘Other Employment Proposals’.

In considering ‘Other Employment Proposals’ policy LP5 states:

*“Other employment proposals in locations not covered by SES, ESUE, EEA and LES categories above will be supported, provided:*

- *there is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;*
- *the scale of the proposal is commensurate with the scale and character of the existing settlement;*
- *there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;*
- *there are no significant adverse impacts on the local highway network;*
- *there is no significant adverse impact on the viability of delivering any allocated employment site; and*
- *the proposals maximise opportunities for modal shift away from the private car.”*

Assessment of local policy LP5 (Other Employment Proposals) and LP55 (Part E) of the CLLP:

In summary these policies combined assess:

- Whether there are more appropriate sites or buildings within allocated sites or within the built up area of an existing settlement.
- The appropriateness of the location in terms of maintaining or enhancing the rural economy or by means of proximity to existing established businesses or natural features.
- The appropriateness and impact of the size and scale of the development on the rural character of the locality.
- Any conflict with neighbouring uses or amenity of neighbouring occupiers
- Any unacceptable impact on the highway network and accessibility

It is considered that the location of the development may potentially be justified for a countryside setting as such a use has the potential to conflict with neighbouring land uses if located within the built footprint of an existing settlement or on an allocated employment site many of which are located close to residential dwellings or incompatible neighbouring uses. The location will also allow the waste heat produced from the adjacent existing AD plant to be used for the 100% of the energy requirements of the drying process. The waste heat currently needs to be vented off regularly.

The Design and Access Statement submitted with the application states that the proposal will see the creation of 15 full time and part time jobs equating to 10 FTE jobs in the local area. On the whole the proposal is in line with the aims on the NPPF in particular Paragraph 84 which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and that the development and diversification of agricultural and other land-based rural businesses will also be supported. Paragraph 85 goes on to state that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It is considered that the proposal would enhance the rural economy.

The proposed drying shed is approximately 24 metres in length, 18.5 metres in width and 8 metres in height. The scale of the proposal is not in itself significant and is commensurate with what is usually to be expected of agricultural buildings. However, It is also now, following amendments, proposed to erect a 14 metre high dispersal stack to the south of the proposed drying shed which will have a visual impact on the landscape.

However, the principle of development cannot be supported as it is considered that the proposal will impact on the rural character of the locality and on the amenity of neighbouring occupiers (see relevant sections below).

The proposal therefore does not accord with policy LP5 and LP55 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

#### Agricultural land

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 3 – Good to moderate, as is most of the agricultural land to the south of the A1084 (Brigg Road).

Policy LP55 part G of the Central Lincolnshire Local Plan seeks to protect the best and most versatile agricultural land ('BMV'). The site is located on good to moderate land and there are no known other available sites of poorer agricultural quality which could serve the proposal in the locality. The site is also small (approximately 0.27 Hectares) and is currently not farmed as it comprises surplus soil from the construction of the AD plant which is located immediately to the north of the site.

#### Residential Amenity

It is proposed to erect a drying shed will be used to dry fish for human consumption. Fish is delivered in sealed plastic containers. The building will have the capacity to air dry 1200kg of fish in 24 hours at 30 degrees. Once dried the fish will weigh only 20% of their original weight. The final product will be transferred to Grimsby once a week for distribution. Waste water from the drying process will be collected in sealed underground tanks for disposal once every two months. The only other expected waste will be from welfare facilities (toilets) and general site hygiene (washing equipment and floors) for which a package treatment plant is proposed.

In terms of traffic generation, the proposed development will involve one HGV a day to deliver fish to be dried and one HGV a week to deliver the processed product to Grimsby for distribution. This equates to a maximum of 6 HGV trips per week. There will be no more than 10 staff on site at any one time.

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

**Noise** – A Noise Assessment (NoiseAssess Ltd) was produced in April 2021.

The assessment considers the potential impact of noise breakout from the proposed shed, noise from HGV movements and loading/unloading and mechanical services noise. The noise breakout from the proposed building and the noise from plant and vehicle movements / deliveries have been calculated and summed at the nearest residential property.

The report makes the following conclusions:

- The cumulative noise has been assessed in accordance with British Standards (BSI). The assessment results indicate that noise from the site will have a low noise impact during both the daytime and night-time periods.

- British Standards also advises that the potential noise be considered in context. The assessment in context supports the conclusion of the British Standards assessment that the noise from the site will have a low impact.
- The results of this assessment indicate that noise impact can be adequately controlled and therefore it is recommended that consent for the development should not be refused on noise grounds.

The Noise Impact Assessment has been advised to be acceptable by Environmental Protection. Based on the above it is considered that potential noise issues do not, alone, represent a reason to withhold consent in regards to this proposal.

However, these matters do not overcome the conflict with policy cited above.

**Odour** – The application as originally submitted did not include an Odour Assessment. After being requested by the Case Officer an Odour Assessment by Redmore Environmental was subsequently submitted on the 3 August 2021. In terms of Odour the following information was submitted up until the determination of this application:

- 26/08/2021 - Environmental Protection asked for additional information on odour abatement and on similar facilities so odour impacts could be researched.
- 31/08/2021 – The agent provided a response to the comments made by Environmental Protection.
- 16/09/2021 – Environmental Protection in response stated that they still had concerns in regards to odour abatement.
- 13/09/2021 - An Odour Issues Review by Michael Bull Associates (dated 13 September 2021 was submitted on behalf of local residents.
- 28/10/2021 – Comments provided by the agent in response to Environmental Protection comments.
- 01/12/2021 - Environmental Protection in response responded to the Odour Issues Review by Michael Bull and Associates and responded to the latest comments by the applicant's agents. The applicant now intends to install odour abatement measures at the facility. They have confirmed that the system will include 'carbon filters on the air extraction system, linked with appropriate vent discharge heights'. The agent has requested for the full details of the odour abatement system to be conditioned, however I do not feel comfortable with this as ideally we should be provided with evidence that the proposals will mitigate the odour prior to a decision.
- 16/02/2022 - An Odour Control Appraisal and Assessment Report (Redmore Environmental, 16 February 2022) was subsequently submitted by the agent. The report indicated that high-level discharge of emissions from drying operations via a dedicated dispersion stack [carbon filters too costly] is likely to represent the most suitable odour control solution for the site. Amended plans showing a dispersal stack of 14 metres in height were subsequently received.

- 08/03/2022 - Environmental Protection in response '*Aside from the options appraisal exercise and the conclusion to use a dispersion stack I am of the opinion that we are not much further forward than we were in December as this report does not address the gaps in the original report. In general there are still uncertainties surrounding the potential odour impacts of this development as the report is based on estimates and modelling. Estimations of future releases from the stack are based on monitoring data reported for a 'similar facility', however limited information has been provided about this facility.'*'

It is considered that there are still gaps in the information West Lindsey have requested in terms of Odour. Estimations of future releases from the stack are based on monitoring data reported for a 'similar facility', however limited information has been provided about this facility and the actual odour impacts of this proposal will not be fully ascertained until the facility is operating and it is unlikely to be possible to reduce the potential harm identified from Odour through the imposition of reasonable conditions.

The Local Planning Authority have worked with the agents and Environmental Protection to try and resolve issues with regards to odour. However, fundamental areas of concern still exist in respect to Odour.

It is therefore considered that there is still a risk that the proposed development would produce a level of Odour which would materially impact on the amenity of nearby residential dwellings contrary to Policy LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

#### Visual Impact

It is of relevance in the consideration of potential impacts to note that the landscape is not a designated Area of Great Landscape Value (AGLV) nor does it fall within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Policy LP26 also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

The existing AD plant comprises three silage clamps (storage bays) constructed of concrete and open at the southern end (67.5 metres long and 60 metres in width). Beyond is the AD plant itself which comprises 2 hydrolysers 5.2 metres in height and 8 metres in diameter with 3 metre high flare stacks, a CHP unit engine with an associated office and control room, a domed digester tank reaching a height of 10.5 metres and a diameter of 22 metres and a storage tank which has a diameter of 32 metres and reaches a height of 13 metres. The four tanks mentioned above are constructed in concrete and clad in corrugated steel sheeting finished in green.

The proposed drying shed is approximately 24 metres in length, 18.5 metres in width and 8 metres in height. The building will have two access doors, both on the north elevation. The building will be clad in green metal cladding and is located immediately to the south of the much larger digester tanks and will therefore be seen in context with the existing much larger structures that are already on site.

Secondly, landscaping is proposed around the site in the form of a landscaping bund to the west and south of the site. No landscaping is proposed on the eastern boundary. In the wider landscape there is a row of tall poplars along the eastern edge of the farmstead. There are a number of small woodland and copse areas surrounding the site on the outer edges of the surrounding fields.

However, amended plans have now been received showing a 14 metre high dispersal stack towards the southern end of the site which will be seen from the A1084 and the Viking Way. The stack would have been better placed next to the domes of the AD plant to the north but as it is the location of the stack will further industrialise this rural location. This part of the proposal is not acceptable in visual impact terms and will not be absorbed into the landscape. The proposal will therefore create an unacceptable visual impact in this rural location contrary to Policy LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

#### Highway Safety and Car Parking

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

In terms of traffic generation, the proposed development would involve one HGV a day to deliver fish to be dried and one HGV a week to deliver the processed product to Grimsby for distribution. This equates to a maximum of 6 HGV trips per week. There will be no more than 10 staff on site at any one time. The proposal therefore includes 10 parking spaces. Parking is to be located to the north west of the site a short distance from the building.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the proposal.

The NPPF indicates that permission should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is considered that there would not be an unacceptable effect on highway safety and the proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF.

However, these matters do not overcome the conflict with policy cited above.

#### Foul and Surface Water Drainage

The application states that foul sewage will be dealt with through a package treatment plant and that surface water will be dealt with by a way of a disposal to a pond/lake. Waste water from the drying process will be collected in sealed underground tanks for disposal once every two months by DM Boyles Ltd who are a wastewater management company.

If it was minded to grant planning permission a condition should therefore be attached to the decision notice requiring that no development other than to foundations level shall take place until full foul sewerage details and a scheme for the disposal of surface water from the site (including the results of soakaway/percolation tests if applicable) have been submitted to and approved in writing by the local planning authority.

A condition would also need to be attached to the decision notice if it is minded to grant planning permission requiring that any hardstanding shall be constructed from a porous material and be retained as such thereafter or shall be drained within the site.

However, these matters do not overcome the conflict with policy cited above.

#### Ecology

The application site comprises a surplus soil from the construction of the AD plant which is located immediately to the north of the site

A Preliminary Ecological Appraisal (BM Ecology) dated February 2021 has been submitted as part of this application's supporting documentation. The site was surveyed on the 4 February 2021 and states the following results and recommendations:

- The Site is not located within 2 km of a Statutory Designated Site and is not located within a SSSI risk zone as such there is a negligible risk of the development having an adverse impact on the conservation interests of such Sites.
- The proposed development will not occur within a locally designated wildlife site and LERC provided no records of Local Wildlife Sites (LWS) within 2 km of the Site. The Site is not connected to any locally designated sites through ecological or hydrological features and as

such there is a negligible risk of the development having an adverse impact on the conservation interests of such Sites.

- The Site is dominated by a large spoil heap with bare ground, poor semi-improved grasslands and ruderal as well as a pebbled area with an in use large commercial freezer and associated materials. The habitats within the Site are of limited ecological value and are widespread within the wider area and as such are considered as being of ecological value within the immediate zone of influence of the Site only.
- It is understood that a line of trees will be planted along the west of the Site to provide screening, similar to that of the anaerobic digestion plant. The planting of such a scheme provides an opportunity to enhance the biodiversity value of the Site. As such, any new trees planted within a landscaping scheme should be British native species and preferably of local provenance. It is recommended that a mix of at least five species from the following list should be included within the planting scheme: oak *Quercus robur*, sessile oak *Quercus petraea*, hawthorn *Crataegus monogyna*, rowan *Sorbus aucuparia*, blackthorn *Prunus spinosa*, elder *Sambucus nigra*, hazel *Corylus avellane*, holly *Ilex aquifolium*, beech *Fagus sylvatica*, field maple *Acer campestre*, spindle *Euonymus europaeus*, alder *Alnus glutinosa*, alder buckthorn *Frangula alnus*, cherry *Prunus avium*, crab apple *Malus sylvestris*, dogwood *Cornus sanguinea*, wych elm *Ulmus glabra*, English elm *Ulmus procera*, guelder rose *Viburnum opulus*, hornbeam *Betulus fastigiate*, common lime *Tilia x europaea*, large leaved lime *Tilia platyphyllos*, small-leaved lime *Tilia cordata*, whitebeam *Sorbus aria* and/or yew *Taxus baccata*.
- The Site is generally considered to be of negligible foraging value for bats and there is limited linear habitat to the Site and the Site is not considered to be on a commuting route for bat species.
- Given that the Site is located within a dark rural area a sensitive lighting plan should be incorporated into the design. Measures should include:
  - Lighting must not be directed or spill onto the bordering trees to the north-east of the Site.
  - Lighting should only be used where genuinely required.
  - The use of covers/hoods to be installed on any external lights to reduce light spill.
  - The use of low-pressure sodium lamps or high-pressure sodium lamps instead of mercury or metal halide lamps should be used where possible.
  - The height of the lighting column should be as short as possible to reduce light spill and ecological impact.The lighting design should be in accordance with the following document: Bat Conservation Trust (2018). Bats and Artificial Lighting in the UK: Bats and the Built Environment Series.
- Great Crested Newts are not considered to be a constraint to the proposed development.
- There is a risk that individual grass snakes may visit the Sites on occasion – although likely to be very low due to the size of the Site and

unsuitable habitat adjacent to the Site. Given the risk (although considered low) of individual ‘common reptiles’ (grass snakes) occurring within the Site, the precautionary Method Statement detailed within Section 5 should be fully adhered to.

- The Site is highly unlikely to be a location used by significant assemblages of breeding or wintering birds. Common species such as wren or dunnock may nest within the grasses and ruderal if left unmanaged in the spring and summer. The young treeline bordering the north-west corner of the Site has higher potential to support common nesting passerines such as dunnock, robin, blackbird and blue tit, although it is understood that this would be retained as part of the development. No evidence of a bird nest was recorded during the field survey.
- As a precautionary measure, it is recommended that any vegetation clearance works is undertaken outside of the bird nesting period of March to August (inclusive). If this is not possible, works within the Site during the bird nesting period (March to August inclusive) may require supervision by a suitably qualified ecologist. The supervising ecologist would advise all site personnel of the potential presence of nesting birds, their legal protection and the need to minimise disturbance of nesting birds. The supervising ecologist would also check for active bird nests prior to works during March-August. In line with current legislation (The Wildlife & Countryside Act 1981), if active nests are present, these must be retained in situ undisturbed by the works until the nests are no longer active.
- Badgers are highly mobile animals and can excavate setts over short periods of time. As there may be a prolonged period between the Site survey and the actual development, it is recommended that an update badger walkover is undertaken prior to the commencement of any ground works. As a purely precautionary and standard measure, in the unlikely event that a badger sett is found during the development process, work must stop immediately, and advice sought from a suitably qualified ecologist.
- Hedgehogs may occasionally forage and commute through the Site, but there is no real potential for sheltering within the Site. Given the findings, other mammals such as otter and water vole are not considered to be a constraint to the proposed development. In the interest of animal welfare, during construction any deep excavations should be either fenced-off, covered overnight or fitted with an exit ramp to avoid the trapping of mammals.

A suitably worded condition will also be attached to the decision notice if it is minded to grant permission to ensure development is carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal (BM Ecology) dated February 2021.

However, these matters do not overcome the conflict with policy cited above.

#### Climate Change

Policy LP18 of the Central Lincolnshire Local Plan states that development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following (which are listed in order of preference):

- Reducing demand
- Resource efficiency
- Energy production
- Carbon off-setting

The proposal will utilise the waste heat generated from the neighbouring AD plant to fuel the drying shed. In terms of traffic generation, the proposed development will involve one HGV a day to deliver fish to be dried and one HGV a week to deliver the processed product to Grimsby which is a relatively short distance away for distribution. This equates to a maximum of 6 HGV trips per week. There will be no more than 10 staff on site at any one time. It is therefore considered that the development can be considered to be in line with Policy LP18 of the Central Lincolnshire Local Plan and the provisions of the NPPF as the proposal will create a low-carbon employment generating use by utilising the adjacent AD plants waste energy.

However, these matters do not overcome the conflict with policy cited above.

#### **Other Matters:**

**Public Right of Way** - A public right of way (Gras/29/2) which forms part of the Viking Way long distance footpath runs through the farmstead to the north of the existing AD plant and large modern agricultural buildings that are to the north of the proposal and provide a good level of screening (The public right of way is approximately 214 metres from the application site at its closest point).

There are two access points into the site from Brigg Road and with ten employees on site and 6 HGV movements a week it is considered that this level of traffic will not unduly affect the users of the Public Right of Way.

As such it is considered that the proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way. However, views from the Viking Way (albeit over a distance) would be taken of the proposed dispersal stack.

**Landscaping** – A landscaping bund is proposed to the west and to the south of the site and the proposed species are specified in the Preliminary Ecological Appraisal (BM Ecology) dated February 2021. If it is minded to grant permission appropriate conditions will be attached to the decision notice to secure this landscaping and to secure landscaping on the eastern boundary.

However, these matters do not overcome the conflict with policy cited above.

**AD Plant Landscaping (129445)** – A number of representations comment that the landscaping approved and conditioned by the AD plant permission has not been implemented.

This matter is being investigated and dealt with by the Council's Planning Enforcement Team.

**140497** – Objectors have cited the refusal of planning permission for 7 dwellings and 3 light industrial units on land adjacent Enterprise Road Caistor (appeal APP/N2535/W/20/3262989 dismissed). One of the reasons for refusal was that '*the proposed dwellings would be exposed to an unduly harmful odour impact from the adjacent seafood processing business.*' The proposed dwellings would have been adjacent to the seafood processing business unlike the current application under consideration and the seafood business operates a different process to the proposal under consideration. It is also worth noting the Inspector in their appeal decision had the following to state in relation to Odour:

*'13. The site is allocated for employment use and has previously benefitted from a planning permission for offices. It is reasonable to expect that employees working at offices would not be willing to work at premises that were subject to unpleasant odour for extended periods of time. Furthermore, there are houses close to the appeal site and the information provided suggests that there have only been isolated and infrequent complaints. The fact that they have not been persistent also suggests that they have been able to be satisfactorily resolved.*

*14. The odour report that has been submitted with the appeal provides detailed evidence relating to wind direction, the possible sources of odour and how they could be managed. The report concludes that there would be a slight adverse impact on residents of the proposed dwellings and that odour should not prevent the development of the site for residential purposes. On the basis of the technical evidence I have before me, I conclude that any impact arising from odour would not be of a magnitude to cause harm to the living conditions of the occupiers of the proposed dwellings.*

*15. Therefore, the proposal would accord with Policy LP26 of the LP where it seeks to protect living conditions.'*

This decision (140497) is not material to the determination of this current application.

**Lighting** - The application form states that the proposal is a 24 hours operation. As such if it was minded to grant permission an appropriate condition would be attached to the decision notice to seek full details of the proposed lighting scheme in this rural location.

However, these matters do not overcome the conflict with policy cited above.

**Objectors Comments** – All of the comments are addressed in the assessment above.

**Recommendation: Refuse planning permission for the following reasons:**

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP18: Climate Change and Low Carbon Living, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. The development due to Odour issues has the potential to adversely impact upon the amenities of neighbouring properties, and would not accord with Policy LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.
2. The proposed 14 metre high dispersal stack in particular is not acceptable in visual impact terms and will not be absorbed into the landscape. The proposal will therefore create an unacceptable visual impact in this rural location contrary to Policy LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

**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.