

Planning Permission

Name and address of applicant

Beeswax Dyson Farming Ltd
The Estate Office
Nocton
Lincoln
LN4 2AB

Name and address of agent (if any)

GP Planning Ltd
iCon Innovation Centre
Eastern Way
Daventry
NN11 0QB

Part I - Particulars of application

Date of application:
20 October 2020

Application No.
H09-0966-20
LCC Ref. No.
PL/0118/20

Particulars and location of development:

For construction of a covered digestate storage lagoon, perimeter bunding and fencing at Leadenhall Farm, Holbeach

Part II - Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

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

Date: 10 December 2020

N McBride

Lancaster House, 36 Orchard Street
Lincoln LN1 1XX

Head of Planning
Lincolnshire County Council

1. There may be pre-development conditions attached to this notice and if these are not complied with before development commences then you may not have been deemed to have been granted planning consent.
2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.

2. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
- Planning Application Form (received 21 October 2020);
 - Planning Statement (Document Ref: B036-17/TFC) and Flood Risk Assessment (Document Ref: B036-17) both produced by GP Planning (received 26 October 2020) and Ecology and Protected Species Survey produced by IEL (received 26 October 2020).
 - Drawing No. GPP/BDF/LHL/20/02 – 'Proposed Lagoon at Lendhall Farm, Holbeach Spalding Site Layout Plan' (received 21 October 2020);
 - Drawing No. DJS-ES-NGH-P432-02 – 'New 5,500m³ Lagoon Scheme design' (received 21 October 2020)

Reason: To ensure that the development is completed in accordance with the approved details.

3. A total of no more than 5500 cubic metres of liquid digestate shall be brought to the site as shown within the red line boundary on Drawing No. GPP/BDF/LHKL/20/02 per calendar year, for the purposes of the development hereby permitted. The operator shall maintain records of their annual digestate imports to the site which shall be retained for at least two years and be made available to the Waste Planning Authority within 28 days of a written request.

Reason: To enable the Waste Planning Authority to monitor digestate throughput.

4. The HDPE cover defined in Document Ref: B036-17/TFC – 'Planning Statement' 2.4.1 shall be retained and maintained for the duration of the development.

Reason: In the interest of the amenity of surrounding land users.

5. No site preparation or ground clearance works that would involve the destruction or removal of vegetation shall be undertaken during the months March to August (inclusive) unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside of this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No works shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.
6. No external lighting shall be installed on site until details of such lighting, including intensity of illumination and predicted lighting contours have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Reason: To avoid disturbance to birds during the breeding season and foraging bats in the interests of wildlife conservation.

7. All construction operations required in association with this development and HCV tanker deliveries of digestate, including the accessing and egressing of the site, shall only be take place between the hours of:

07:00 and 17:00 Monday to Saturday; and

No construction operations or deliveries shall be carried out on Sunday, Public and Bank Holidays.

Reason: In the interests of general amenity of the area.

8. In the first available planting season following the construction of the containment bunds as illustrated in Drawing No. DJS-ES-NGH-P432-02 approved in condition 2 above the outer slopes of the bund shall be seeded with wildflower grass mix.

Reason: To prevent soils erosion and maintain the integrity of the lagoon containment.

9. The wildflower seeding and management detailed in 'Ecology and Protected Species Survey' 5.6 approved in condition 2 above shall be implemented in full and maintained for the duration of the development.

Reason: To enhance biodiversity as directed by NERC Act 2006.

Informative

Attention is drawn to:

- i) Environment Agency letter ref: AN/2020/131091/01-L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made either electronically via the Planning Portal at www.gov.uk/government/organisations/planning-inspectorate or by using a form which can be obtained by contacting the Customer Support Team on 0303 444 00 00). The Secretary of State has a power to allow a longer period for the giving notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by them. Please note, only the applicant possesses the right of appeal.
2. Applicants that want a planning appeal to follow the Inquiry procedure should notify the local planning authority and the Planning Inspectorate at least 10 working days before submitting their planning appeal. Further information and a copy of the template notification form can be found here: <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>

The form should be emailed to Lincolnshire County Council at dev_planningenquiries@lincolnshire.gov.uk and the Planning Inspectorate at inquiryappeals@planninginspectorate.gov.uk
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, they may serve on the council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

FAO: Felicity Webber
Lincolnshire County Council
Development Control, Planning &
Conservation
Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Our ref: AN/2020/131091/01-L01
Your ref: PL/0118/20

Date: 02 December 2020

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Dear Felicity

**For construction of a covered digestate storage lagoon, perimeter bunding and fencing
Leadenhall Farm, Holbeach**

Thank you for consulting us on the above application, on 27 October 2020.

Whilst we have **no objections** to this application, we would like to draw the applicant's attention to the following informative comments:

Information for applicant

Requirement for an environmental permit

The development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted.

Additional 'Environmental Permitting Guidance' can be found at:

<https://www.gov.uk/environmental-permit-check-if-you-need-one>

No part of the structure should be within 10 metres of a watercourse. We would advise that all field drains be removed within this distance to remove any potential pathways, including the area used by vehicles.

The loading area should be impermeable to ensure no spills or leaks of digestate can soak into the ground. The area ideally should have a bund or a perimeter drain to prevent runoff of contaminated rainwater and digestate leaving the site.

Maintaining a freeboard on a covered lagoons can be difficult and it is recommended to install a level gauge to monitor levels.

Part of the land around the lagoon site is a nitrate vulnerable zone (NVZ) and subject to closed periods where products, such as digestate, containing high readily available

Environment Agency

Nene House (Pychley Lodge Industrial Estate),
Pychley Lodge Road, Kettering, Northants, NN15 6JQ
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Customer services line: 03708 506 506

Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02).

Cont/d..

nitrogen cannot be spread. If the land to be spread by the lagoon is wholly within the NVZ then the store should have adequate storage for 5 months production or be managed accordingly, such as storage elsewhere such as the site of production.

All spreading of digestate must comply with our Guidance for farmers and landowners that explains the rules you must follow if your land is in a NVZ:

<https://www.gov.uk/government/collections/nitrate-vulnerable-zones>.

Rules for farmers and land managers to prevent water pollution:

<https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

Regardless of the permit requirements, the store will need to be managed to ensure adequate storage of the digestate during periods where it cannot be spread, such as wet weather. If under a permit, this should be included in an Environment Management System.

Development involving silage or slurry

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

Further guidance is available:

Storing silage, slurry and agricultural fuel oil: <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Livestock manure and silage storage infrastructure for agriculture (ref: C759F): <https://www.ciria.org/ItemDetail?iProductCode=C759F&Category=FREEPUBS>

Information for your authority

Advice on flood risk issues that are not in our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Details and adequacy of an emergency plan

We can provide the following information on the characteristics of flooding at this site to help with your decision:

The submitted flood risk assessment (FRA) (ref: B036-17) dated October 2020 for the storage lagoon has stated the development is protected by defences but has not obtained the Environment Agency hazard mapping. The 2115 0.5% (1 in 200) hazard map shows danger to most and danger to all and potential depths of 1.6 metres plus. The development does not fit the South East Lincolnshire Strategic Flood Risk Assessment flood risk standing advice (cells C4 and D4) as the lagoon cannot be elevated.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Keri Monger
Sustainable Places - Planning Adviser

Direct dial 020 847 48545

Direct e-mail keri.monger@environment-agency.gov.uk