

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0966-20 **Applicant:** Beeswax Dyson Farming Ltd

Proposal: Construction of a covered digestate storage lagoon, perimeter bunding and fencing

Location: Leadenhall Farm Leadenhall Road Holbeach St Marks

Terminal Date: 17th November 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Lincolnshire County Council has received an application for planning permission to construct a 5500 cubic metre covered digestate storage lagoon, perimeter bunding and fencing at Leadenhall Farm, Holbeach St Marks (ref. PL/0118/20). South Holland District Council has been consulted as part of the application process.

Site Description

The proposed covered digestate storage lagoon (site area some 0.8 ha) would be located in the corner of an agricultural field located in open countryside at the north-eastern end of Leadenhall Road some 2.2km to the north of the village of Holbeach St Marks. A dwelling (Hospital Cottage) is situated approximately 100 metres to the south-east, which is within the applicant's ownership. The Leadenhall Farm complex is some 650 metres to the south-west.

Development Plan

South East Lincolnshire Local Plan (SELLP), 2019

The Lincolnshire Minerals and Waste Local Plan (LMWLP)

· Policy W5: Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting;

- Policy DM1: Presumption in Favour of Sustainable Development;
- Policy DM2: Climate Change;
- Policy DM3: Quality of Life and Amenity;
- Policy DM6: Impact on Landscape and Townscape;
- Policy DM9: Local Sites of Biodiversity Conservation Value;
- Policy DM11: Soils;
- Policy DM12: Best and Most Versatile Agricultural Land;
- Policy DM13: Sustainable Transport Movements;
- Policy DM15: Flooding and Flood Risk;
- Policy DM16: Water Resources, and
- Policy DM17: Cumulative Impacts.

Site History

None relating to the site.

Consultation Responses

No responses received.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- Environmental/Amenity;
- Other material considerations such as highway issues, ecology and flood risk.

Policy/Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

Policy W5 of the LMWLP states that "planning permission will be granted for anaerobic digestion, open air composting, and other forms of biological treatment of waste outside of those areas specified in Policy W3 provided that proposals accord with all relevant Development Management Policies set out in the Plan, where they would be located at a suitable 'stand-off' distance from any sensitive receptors and where they would be located on land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use".

The National Planning Policy Framework, 2019 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The lagoon would be used in association with the farm complex and is considered necessary in this location. It would be a suitable 'stand-off' distance from any sensitive receptors and would have close links with the existing agricultural use, through the provision of an enhanced nutrient rich natural fertiliser for use on the immediate and surrounding agricultural land.

Policy DM12 of the LMWLP states that "proposals for waste development that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that: no reasonable alternative exists". In this case, the proposed development would not require a significant area of best and most versatile agricultural land (0.8ha in total) when considering the extent of the wider farm holding and would be to the benefit of the applicant and the local community in terms of increased crop yield.

The proposal therefore satisfactorily complies with Policy 1 of the SELLP and Policies W5 and DM12 of the LMWLP.

Character/Appearance

Policies 2 and 3 of the SELLP indicate that new development should not harm the character and appearance of an area/landscape.

Policy DM6 of the LMWLP states that "planning permission will be granted for waste development provided that due regard has been given to the likely impact of the proposed development on landscape and townscape, including landscape character, valued or distinctive landscape features and elements, and important views".

The excavation of topsoil, subsoil and clay would be undertaken to create the digestate lagoon void. Excavated material, including clay, would be used for the construction of the lagoon embankments and also to create the lagoon floor. All excavated material would be utilised on the application site and within the development.

The embankments of the digestate lagoon would be a maximum of 1.7 metres high (slope 1:3) and would be seeded with grass and a wildflower mix. The site is isolated and the development would not materially harm the character/appearance of the countryside landscape.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP and Policy DM6 of the LMWLP in this respect.

Environmental/Amenity

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable impacts in terms of health and safety of the public, the amenities of the area, air quality, including fumes and odour, etc.

Policy DM3 of the LMWLP seeks to protect occupants of nearby dwellings and other sensitive receptors from unacceptable adverse impacts arising from odour and/or emissions.

Liquid digestate would be transported to the site on a campaign basis from the Carrington and/or Nocton Anaerobic Digestion (AD) facility for storage, prior to being spread on the Applicant's surrounding agricultural land as a nutrient rich fertiliser at the required and appropriate time of year.

The digestate lagoon would be lined with a 2 millimetre (mm) high-density polyethylene (HDPE) membrane. The digestate depth would be some 2.25 metres and have a floating cover which would be approximately 1mm thick. All HDPE liners would be welded together to ensure a water tight seal. The lagoon would have a freeboard of approximately 0.75m.

The stored liquid digestate would be extracted from the lagoon using an overbank pipe. It would then be taken to the surrounding agricultural land by tractor for spreading as a fertiliser and soil conditioner at the appropriate time of year.

The Planning Statement accompanying the application indicates that the proposed digestate lagoon would be fully covered with passive venting pipes for the relatively small amounts of biogas that is generated from the storage of the material. It goes on to stress that odour surveys of the Applicant's existing digestate lagoons have determined that odour from the venting pipes serving the lagoon is imperceptible at a distance of more than 5m and flow rates from the venting pipes is expected to be very low.

The nearest residential property is approximately 100m to the south east of the proposed covered digestate storage lagoon and is in the Applicant's control/ownership. Given the distance of this property, odour nuisance from the proposed development is considered to be unlikely.

It is therefore concluded, that there will be no significant odour nuisance associated with the proposed development and that it is therefore compliant with Policy 30 of the SELLP and Policy DM3 of the LMWLP.

Highways

The Planning Statement indicates that digestate would be delivered to the site from Carrington and/or Nocton AD facilities in sealed artc tankers. A tractor with a spreader unit would spread the digestate on the surrounding agricultural land in the ownership of the Applicant.

The lagoon would have a capacity of approximately 5,500m³ or 5,500,000 litres. Liquid digestate would be delivered to the Application Site by HCVs/tankers (29,000 litre capacity) on a campaign basis. The statement indicates that it is anticipated that approximately 170 loads of digestate would be imported to the site on an annual basis, usually over a three week period (8 loads a day/16 movements). Once on the site, liquid digestate would be transported to the agricultural land by tractor and spreader unit using the Applicant's internal farm tracks/roads and fields.

It is considered that the traffic movements associated with the proposed digestate lagoon would not therefore give rise to any unacceptable impacts upon the local highway network or compromise highway safety in the locality. The proposal is therefore compliant with Policies 2, 3 and 33 of the SELLP and Policy DM13 of the LMWLP and with the NPPF.

Ecology

The application is accompanied by an Ecology and Protected Species Survey. It summarises that no ecological constraints were found to be associated with plans to develop the land, but that some precautionary measures and ecological enhancements are required in order to ensure legal compliance and no net loss to biodiversity. They are as follows:

- Precautionary measures with respect to great crested newt and other amphibians
- Best practice in relation to bats
- Vigilance and best practice regarding and other ground mammals
- Appropriate timing with regards to nesting birds
- Use of native species in any landscaping scheme

It is considered that the proposal is compliant with Policy 28 of the SELLP and DM9 of the LMWLP, subject to an appropriate condition to ensure that the measures are carried out.

Water Environment/Flood Risk

The interior of the lagoon would be lined with clay obtained during the excavation works. A HDPE membrane would line the lagoon to prevent digestate loss and would therefore avoid any adverse impacts upon the water environment.

A Flood Risk Assessment (FRA) has been undertaken as the site is located within Flood Zone 3a (highest risk of flooding) and within an area designated as "Danger for All" within the Strategic Flood Risk Assessment. It indicates that, although the site is located within Flood Zone 3a, the surrounding area benefits from flood defence measures in the form of embankments including drainage ditches designed to drain the surrounding land into the River Welland.

The proposal is defined as 'less vulnerable'. In accordance with advice within the Planning Practice Guidance it is therefore considered to be appropriate in this location. It is therefore concluded that

the proposed development will not give rise to an increased risk of flooding in the locality. It is therefore compliant with Policy 4 of the SELLP, Policy DM15 of the LMWLP and national planning advice relating to flood risk.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal is a sustainable form of development and is compliant with the Development Plan and national planning policy.

There would be no unacceptable adverse environmental or local amenity impacts as a result of the proposed development in relation to odour, ecology, water environment and flood risk, landscape and visual impacts and traffic and transportation, subject to mitigating conditions where appropriate.