

APPLICATION NO	PA/2017/1039
APPLICANT	Mr L Dodds, Bio Waste Solutions Ltd
DEVELOPMENT	Planning permission to construct a fire water lagoon and soakaway in connection with AD Plant
LOCATION	Bio Waste Solutions, Bonby Lane, Bonby, DN20 0PJ
PARISH	Bonby
WARD	Brigg and Wolds
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bonby and Saxby All Saints Parish Councils

POLICIES

National Planning Policy Framework: Paragraph 7: states that there are three dimensions to sustainable development: economic, social and environmental.

Paragraph 11: states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14: states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay.

Paragraph 17: states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.

Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 56: states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 109: states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 120: states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 further advocates that sites must be suitable for their new use taking account of ground conditions and land instability and that after remediation, as a minimum, land should not be capable of being determined as contaminated land.

Paragraph 122 states that local planning authorities should focus on whether the development itself is acceptable use of the land, and the impact of the use, rather than the control of processes or emissions which are subject to approval under pollution control regimes.

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

RD7 (Agriculture, Forestry and Farm Diversification)

LC7 (Landscape Protection)

LC12 (Protection of Trees, Woodland and Hedgerows)

DS1 (General Requirements)

DS11 (Polluting Activities)

DS13 (Groundwater, protection and Land Drainage)

DS15 (Water Resources)

HE9 (Archaeological Evaluation)

T1 (Location of Development)

T2 (Access to Development)

Supplementary Planning Guidance (SPG3) (Design in the Open Countryside)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

CS17 (Biodiversity)

CS19 (Flood Risk)

CS20 (Sustainable Waste Management)

CS25 (Promoting Sustainable Transport)

CONSULTATIONS

Highways: No comments or objections to make.

Archaeology: No further archaeological work at the AD plant site is required.

Trees and Landscape: The application is within the open countryside and it is important that screening of the proposed development is undertaken. The application gives an indication of tree planting along the east of the site but does not identify species. Any screening should be in keeping with the rural landscape and therefore needs to be of native hedge species. A mixed rural hedge should be secured if the council is minded to grant planning permission with its location and species mix to be agreed with the local planning authority.

Ecology: No further survey work required. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement.

Environmental Health: No objection. Recommend a condition that the lagoon is restricted to the storage of fire water only.

Environment Agency: Initially objected to the proposed development due to concerns over a lack of detail with regards to the construction of the lagoon and associated pipework and how the water in the lagoon will remain uncontaminated. Following the submission of further information in response to the initial concerns raised, the EA subsequently removed their objection and confirmed that the information provided demonstrates that drainage can be managed effectively to pose minimal pollution risk to groundwater.

Humberside Fire and Rescue: No comments to make.

PARISH COUNCILS

Bonby Parish Council: No objection to the proposed fire water lagoon. Object strongly to proposed soakaway on the grounds that it would pose a risk to pollution of natural springs and aquifers in the area.

Saxby All Saints Parish Council: Object to the proposal as it poses an unacceptable risk of pollution and contamination to groundwater supplies and therefore a significant threat to public health. The parish council believes that all three current applications on the site form

part of a single strategy to continuously and incrementally increase the size of this waste processing plant without regard to its effect upon the local environment or communities.

Worlaby Parish Council: No objection or comments.

Elsham Parish Council: No objection but suggest that further passing places be put in place along Bonby Lane between the plant and the B1206.

PUBLICITY

This application has been advertised by site and press notices. No letters of comment or objection have been received.

ASSESSMENT

Site

The application site is a parcel of agricultural land located directly adjacent to an existing waste facility, comprising a Thermophilic Aerobic Digestion (TAD) plant and a recently consented Anaerobic Digestion (AD) plant. The site is approximately 1.4 kilometres to the northeast of Bonby and access to the site is via Bonby Lane, a small C-class road linking Brigg Road to the northeast and Middlegate Lane to the southwest. The surrounding area is predominantly agricultural in nature, the application site being surrounded by arable fields, except to the south-east where it abuts the existing waste facility. Field boundaries are mostly defined by hedgerows and there are small strands of plantation woodland to the north and west.

Proposal

Planning permission was granted at appeal on 18 November 2015 for the installation of an anaerobic digestion plant and ancillary infrastructure on the adjacent site, including the installation of a 6.9 kilometre gas pipeline and compressor compound. This application seeks planning permission for the construction of a fire water lagoon and soakaway in connection with the consented AD plant.

The fire water lagoon measures approximately 32.7 metres long by 14 metres wide and will hold clean water, with a capacity of 389 cubic metres. The lagoon will be bounded by an earth bank to the south which will be constructed from material excavated to create the lagoon, this bank will be seeded with grass. The proposed soakaway will sit immediately to the east of the fire water lagoon and will be linked via a high level soakaway.

This application is one of three pending applications on/adjacent to the AD plant site at Bonby Lane, all of which are directly linked to the AD plant operations. PA/2017/1038 which seeks consent to vary condition 2 of the original consent for the AD plant to allow minor alterations to the layout of the plant and PA/2017/1041 which seeks consent for the construction of a digestate lagoon, overflow lorry parking area and security fencing.

The main issues in the determination of this application are the principle of development and whether the proposal will have an unacceptable impact on the character of the area or pose an unacceptable risk of groundwater contamination.

Principle

Policies RD2 of the North Lincolnshire Local Plan and CS3 of the North Lincolnshire Core Strategy are the most relevant development plan policies in establishing the principle of development proposals in the open countryside. Policy CS3 states that development outside of defined development boundaries will be restricted to that which is essential to the functioning of the countryside. This includes uses related to agriculture or forestry or other uses that require a countryside location or contribute to the sustainable development of the tourist industry. Policy RD2 is similarly restrictive and defines a specific list of types of development that are considered to be appropriate in countryside locations. Amongst others, policy RD2 identifies development which is essential to the efficient operation of agriculture and forestry, and development for the diversification of existing agricultural businesses as being appropriate types of development in these locations.

The proposed development is directly linked to the consented AD plant and part of the fire water lagoon sits within the consented site boundary of the plant. This plant generates renewable energy from food/drink waste and the resulting digestate is used as a bio-fertiliser on adjacent agricultural land to replace artificial fertiliser. Therefore, the development is also linked to agriculture in the area. As such, it is considered that the development is broadly in accordance with policies RD2 and CS3 and is acceptable in principle. Compliance with policy RD2 is also dependent on the impact of the development with regards to character, amenity and highway safety. These issues, amongst other material considerations are assessed in detail below.

In addition to the above, the National Planning Policy Framework is also a material consideration in the determination of planning applications. The proposed development is linked to and supports the consented local business. The investment in the proposal will also contribute to the wider economy during the lagoon's procurement, and construction. Therefore, it is considered that the proposal accords with the provisions of the NPPF, in particular section 3 which seeks to support a prosperous rural economy and the sustainable growth and expansion of all types of business and enterprise in rural areas.

Character

The lagoon is located directly adjacent to the consented AD plant, which comprises a number of large buildings and structures and sits directly to the north of the digestate lagoon proposed under PA/2017/1041. The surrounding area is predominantly agricultural in nature, characterised by intensive arable farming with limited boundary features and landscaping and is divided by hedgerows and small stands of plantation woodland. This landscape is broken up by scattered farmsteads and agricultural structures, including the adjacent AD plant site, which the lagoon will ultimately form part of.

The proposed lagoon is of low profile and will be effectively screened by the proposed earth bunds, which will be seeded with grass. This landscaping will provide natural screening of the lagoon and will mitigate its visual impact. It is also proposed to provide a band of new tree planting to the northeast of the lagoon to screen it, and the AD plant, and mitigate its impact on the open countryside. For these reasons it is considered that the proposed lagoon will have no unacceptable impact on the character or appearance of the area.

Ground Water

The application site lies above a principle aquifer and within a safeguard zone designated for the Barrow public water supply abstractions. As such, the site is located in a sensitive area with regards to groundwater. The EA initially raised concerns with the proposed development due to a lack of information in respect of the construction of the lagoon and associated pipework and whether it will be double skinned and incorporate leak detection. Furthermore, in their initial response, the EA confirmed that whilst soakaways for the disposal of clean uncontaminated water is acceptable in principle, any potentially contaminated water would have to be passed through an interceptor. No detail was initially provided on how to ensure that the water draining to the lagoon is uncontaminated. In order to overcome this objection the EA recommended that details of the fire water lagoon and overflow soakaway, including associated pipework, should be provided together with a consideration of site sensitivity and associated mitigation.

In response to the comments from the EA the applicant has submitted the further information requested. This information confirms that the lagoon will only be collecting clean surface water run-off from the roofs of the process building and depack shed on the AD plant site and therefore there will be no contamination of the water. It also confirms that there will be no recirculation of water in the event of a fire. As the fire water lagoon and soakaway will be a clean system with no contaminated water being discharged into them, there is no need for secondary containment. The EA has reviewed the additional information and has confirmed that this information demonstrates that drainage can be managed effectively to pose a minimal pollution risk to groundwater. On this basis the EA has removed their objection.

For the reasons outlined above, it is considered that the proposed development poses no unacceptable risk to groundwater.

Amenity

The lagoon will hold clean water drained from the adjacent buildings only and as such will have no impact upon residential receptors, which are located a considerable distance from the site (over 1km). This water will be stored within the lagoon, with a high level overflow to take excess water to the adjacent soakaway. The stored water will be available for firefighting purposes should the need arise. The council's Environmental Health department has suggested a condition restricting the use of the lagoon for the storage of fire water only to prevent potentially odorous material from being stored at any time in the future. Subject to this condition, it is considered that the proposed development will have no unacceptable impact on residential amenity.

Conclusion

The proposed development is considered to be in accordance with the relevant development plan policies and will have no unacceptable impact on the character of the area or on groundwater sources. Therefore the proposed development is acceptable in planning terms and should be supported.

RECOMMENDATION **Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 5 "Proposed Site Layout", Drawing no. 6 "Proposed Cross Section", 25776/130 rev E "Drainage".

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

4.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

5.

No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of nest boxes and bat boxes to be installed in trees or hedgerows;
- (b) proposed timings for the installation of the above features in relation to the completion of each building;
- (c) details for the creation and on-going management of areas of wild bird seed arable habitat;
- (d) details for the planting and aftercare of native trees and shrubs;
- (e) details of measures to be taken during the construction phase of the proposal, to avoid harm to nesting birds and other protected species or priority species;

(f) monitoring methods and remedial measures to be carried out as required.

Reason

To conserve and enhance features of recognised nature conservation importance in accordance with policy CS17 of the Core Strategy.

6.

The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the operation of the anaerobic digestion plant, the applicant or their successor in title shall submit a written report to the local planning authority with evidence of compliance with this condition.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the Core Strategy.

7.

The lagoon hereby permitted shall be used for the storage of fire water only and at no time shall other substances be stored within the lagoon.

Reason

To protect the amenity of residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

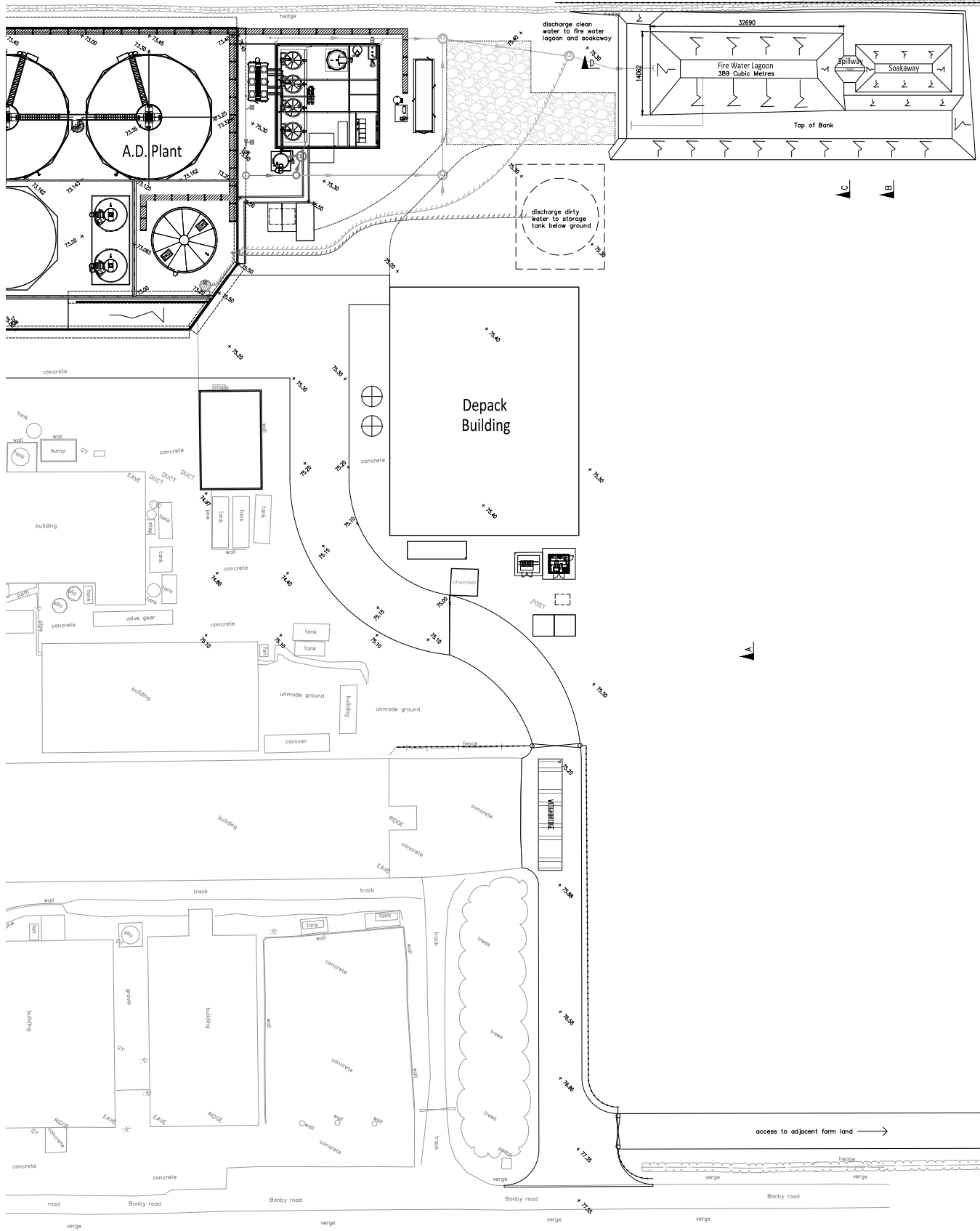
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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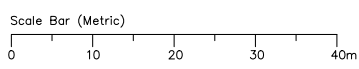
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3m high wire mesh security fence (green colour)

Proposed Site Layout



PA/2017/1039 BLOCK PLAN

NOT TO SCALE

- KEY**
- Clean Water
 - Dirty Water
 - Pump Station
 - Manhole
 - Soakaway Ring