

**APPLICATION NO** PA/2019/147

**APPLICANT** Mr Ben Jackson, Norman Jackson Farming

**DEVELOPMENT** Planning permission for storage lagoon for liquid organic waste

**LOCATION** Land south of Mickleholme Farm, access road to Mickleholme Farm, Appleby, DN15 0AD

**PARISH** Appleby

**WARD** Broughton and Appleby

**CASE OFFICER** Tanya Coggon

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Appleby Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

### **North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

RD7 (Agriculture' Forestry and Farm Diversification)

HE9 (Archaeological Evaluation)

LC2 (Sites of Special Scientific Interest and National Nature Reserves)

LC7 (Landscape Protection)

DS1 (General Requirements)

DS11 (Polluting Activities)

DS13 (Groundwater Protection and Land Drainage)

DS15 (Water Resources)

DS16 (Flood Risk)

### **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)

CS6 (Historic Environment)

CS17 (Biodiversity)

CS18 (Sustainable Resource and Climate Change)

CS19 (Flood Risk)

### **CONSULTATIONS**

**Highways:** No objection.

**Environment Agency:** The proposed development presents a risk to groundwater, which is particularly sensitive in this location. The site lies on blown sands, which provide a direct pathway to groundwater through the secondary A, sand aquifer to the principal limestone aquifer beneath. The site also lies within a groundwater safeguard zone (SgZ) for public water supplies which have only recently come back into use after being impacted by pollution. The Risk Assessment and supporting information submitted in support of this planning application do indicate that it should be possible to suitably manage the risks posed to groundwater resources by this development. Further detail will, however, be required before any development is undertaken. No objection subject to a condition requiring an amended construction plan and risk assessment to be submitted.

**Natural England:** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Risby Warren Site of Special Scientific Interest and has no objection.

**Drainage (Lead Local Flood Authority):** The submitted details fail to provide adequate contingencies for breach failure. Section 10.3 of the submitted report briefly mentions this, but fails to provide mitigation. The lagoon will be lined and not susceptible to any groundwater ingress, however liquid organic waste will be held for longer periods where tankering and spreading onto land is unsuitable in wet weather conditions. The lagoon is of course open and will receive direct rainfall. The lagoon has a predicted freeboard of 0.75 metres, with a capacity to hold approximately 5000 litres, not including

freeboard volumes. No objection subject to conditions requiring the submission of a strategy for the maintenance and inspection of the lagoon.

**Environmental Protection:** The proposed storage lagoon requires an Environmental Permit from the Environment Agency, which has been discussed in the planning statement. The nearest sensitive receptor is located approximately 633 metres from the site in a rural area. This department is satisfied that the proposed odour control measures put forward are suitable.

**Historic Environment Record:** The application site lies within an area where archaeological remains of Iron Age and Roman date are anticipated. The HER does not wish to object to the application provided that appropriate mitigation measures to conserve the archaeological evidence of the site are adopted. Such measures should comprise a programme of monitoring, excavation and recording during any groundworks associated with the proposals. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results as required.

**Ecology:** No objection; biodiversity and landscape enhancements should be encouraged.

## **PARISH COUNCIL**

Object. Appleby Parish Council would like the applicant to consider installing a silo instead of an open storage lagoon for liquid organic waste. Appleby Parish Council would like the case officer to consider the implications of proposed vehicle movements both to and from the site. Is there any information providing the proposed route, days of operation and times that could be considered by the council? If heavy goods vehicles disregard the directed route and use Risby Road this would have a major impact on the recent remedial works undertaken to improve the road surface. We also have concerns regarding the suitability of allowing waste to be transported away from its place of production if a receptacle, lagoon or silo could just as easily be constructed at the site of origin. If animals producing waste are no longer present on the site why is it identified as an appropriate place for the development proposed? Storage of large quantities of aerobic digesting sludges also pose a significant risk to water course and drainage systems and the uncontrolled releases of sludges of this nature can have significant impact upon health and environmental ecosystems. Appleby Parish Council request pro-active monitoring of the air quality surrounding the site to ensure that smells do not encroach on the local area, with an adverse effect on the health and wellbeing of the residents.

Open storage of organic waste always leads to unpleasant smells because as the waste decomposes it will produce methane and hydrogen sulphide (causes a rotten egg smell). These odours are usually impossible to control. This can cause an adverse effect on the health and wellbeing of the residents. Some attempt at using concentrated water misted perfume to mask the odour can be employed, however this is usually unsuccessful. Pro-active monitoring of the air quality surrounding the site would go some way towards ensuring that the smell does not encroach on the local area causing an adverse effect but only if steps were taken to empty the lagoon before the offensive smells were to reach our community. Appleby Parish council feel that an open organic storage lagoon at this site will have an extremely detrimental effect on the whole area.

## **PUBLICITY**

Advertised by site notice. No responses have been received.

## ASSESSMENT

Planning permission is sought for the erection of a lagoon to store liquid organic waste. This is produced from the food/drinks production industries and is spread on the land. The lagoon is required to store the organic food waste materials at particular times of the year when it is unsuitable to spread. The lagoon will provide a sustainable source of organic matter and nutrients to spread on the land as a replacement for artificial fertiliser and to prevent food waste material being taken to landfill facilities. The lagoon will be 29 metres wide, 87 metres in length (to the top of the bank) and a maximum depth of 4 metres. The lagoon itself will be surrounded by banking and 2 metre high wire mesh fencing.

The site lies within the open countryside, within an established farming enterprise and lies close to the Risby Warren Site of Special Scientific Interest. The site can be accessed from Ermine Street, Appleby via a private access road leading to the lagoon. 166 tankers would be required to fill the lagoon, but it is not the applicant's intention to fill the lagoon to its maximum volume in one go. Vehicles can utilise a turning area before exiting in forward gear and vehicles would not queue onto the highway.

**The main issues associated with the proposal are whether the principle of the development is acceptable, and if so, whether its impact on ground water, air quality, the highway, archaeology, the character and appearance of the area, and on residents is acceptable. Each issue will be discussed in the main report.**

### Principle

In terms of the principle of the proposal, this type of application can be considered to be acceptable in planning policy terms as the waste product will be used on the land as fertiliser and is therefore related to the agricultural use of the land in terms of policies CS1, CS2 and CS3 of the Core Strategy and policies RD2 and RD7 of the North Lincolnshire Local Plan. The National Planning Policy Framework (NPPF) supports a prosperous rural economy for the development of agricultural and other land-based rural businesses through paragraphs 83 and 84. The lagoon will be visible but partially screened by the bunding and the lagoon can be 'filled in' once it is no longer required, returning the land to its former condition. The principle of this type of development on agricultural land for agricultural purposes is therefore acceptable and aligns with the NPPF, policies CS1, CS2 and CS3 of the Core Strategy, and policies RD2 and RD7 of the North Lincolnshire Local Plan.

### Groundwater

The proposed development presents a risk to groundwater, which is particularly sensitive in this location. The site lies on blown sands, which provide a direct pathway to groundwater through the secondary A sand aquifer to the principal limestone aquifer beneath. The site lies within a groundwater safeguard zone (SgZ) for public water supplies which have only recently come back into use after being impacted by pollution. Groundwater level at this location is modelled to be 2–3 metres below ground, although this varies based on rainfall. There is a risk that the lagoon will comprise sub water table storage. The submitted risk assessment and supporting information submitted in support of this planning application do indicate that it should be possible to suitably manage the risks posed to groundwater resources by this development. The drawing provided of the lagoon design does not consider the site specific risks and therefore a condition is proposed requiring further details to be submitted in the form of an amended construction plan for approval by the local planning authority before any works commence on the site. The Environment Agency

and the LLFA have no objections to the proposal subject to conditions which will be imposed if permission is granted. Subject to conditions, the proposal is therefore considered to be acceptable and would protect groundwater in this area. It therefore accords with the NPPF, policy CS18 of the Core Strategy, and policies DS13 and DS15 of the North Lincolnshire Local Plan.

### **Odours and emissions**

In terms of odours, no objections have been received from Environmental Health, Natural England or the Environment Agency. An ammonia assessment and odour control measures are referred to in the submitted planning statement. The nearest sensitive receptor is approximately 633 metres from the site in a rural area and Environmental Health are satisfied with the odour control measures proposed. The proposed storage lagoon requires an Environmental Permit from the Environment Agency and the applicant will be advised on this matter.

### **Site of Special Scientific Interest and ecology**

The site lies near to the Risby Warren SSSI. Natural England has been consulted on the proposal and considers that the proposed development will not have any significant adverse impacts on the designated site and has no objection to the proposal. The council's ecologist also raises no objection to the proposal. It therefore aligns with policies LC2 and LC7 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

### **Highway impact**

In terms of highways, no objections have been received. The applicant submitted a Planning Statement with the application which refers to highway matters. The applicant states that the number of vehicles delivering to the site will vary as the lagoon will be used for storage during inclement weather conditions. For long periods there will be no vehicle movements to the lagoon as the product will be deployed directly to the land. 166 tankers will be required to fill the lagoon to full capacity but the applicant's intention is never to fill it to its maximum volume in one go. Delivering vehicles can enter and leave the site in forward gear. The applicant states that they never plan to have more than one vehicle at the lagoon at any time and vehicles will not queue onto the highway. It is therefore considered that the proposal is acceptable in highway terms and accords with policy T2 of the North Lincolnshire Local Plan.

### **Drainage**

In terms of drainage, the Environment Agency and LLFA have been consulted. The Environment Agency, whilst not objecting to the proposal, has advised the applicant that insufficient information has been supplied as to the construction of the lagoon, pollution prevention measures, and ongoing management of the lagoon. A condition is proposed by the Environment Agency which will be imposed on any planning permission relating to the construction and pipework of the lagoon. The LLFA has some concerns in relation to contingencies for breach value of the lagoon and a bund breach. However, these issues can be dealt with by planning conditions requiring the submission of a strategy for the maintenance and inspection of the lagoon, which will include contingency arrangements for breach failure, including overland flow routes. Subject to the conditions proposed by the LLFA, the proposal will align with policies CS18 and CS19 of the Core Strategy, and policy DS16 of the North Lincolnshire Local Plan.

## Archaeology

In terms of archaeology, no objections have been received from the HER. The site lies within an area where archaeological remains of Iron Age and Roman date are anticipated. The excavation of a lagoon on the site has the potential to disturb or destroy archaeological evidence and the significance of any such remains. As a result, mitigation measures are required in the form of planning conditions to conserve the archaeological evidence on the site. The proposal therefore accords with the NPPF, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

## Character and appearance

In terms of impact on the landscape, the lagoon will be visible on the landscape but will be partially screened by the proposed bunding. The lagoon can be 'filled in' once it is no longer required and therefore may not be a permanent feature on the landscape. The

lagoon is set back some distance from Ermine Street and will be partially concealed by hedging and trees around the site and by the existing agricultural buildings on the site. The proposed lagoon will therefore not result in demonstrable harm to the visual amenity of the area and the proposal therefore accords with policy CS5 of the Core Strategy and policies LC7 and RD2 of the North Lincolnshire Local Plan.

## Amenity

In terms of impact on neighbours, the lagoon is over 633 metres from the nearest residential property. Environmental Health have raised no comments to the proposal and there have been no neighbour representations made in respect of this application. An Environmental Permit is required for the site as advised by the Environment Agency which will protect the amenity of residents and the area. The proposal therefore accords with policies CS3 and CS5 of the Core Strategy and policies RD2, DS1 and DS11 of the North Lincolnshire Local Plan.

## Other issues

The comments made by the parish council are noted. The applicant has set out the need for the lagoon in this location within the application. The comments relating to deliveries have been addressed in this report. Deliveries to the site will not be significant and Highways have raised no objections to the proposal. The impact on air quality would be controlled by an Environmental Permit. Drainage and groundwater issues can be dealt with by planning conditions.

## **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: PA/2019/147/01, 18136/2, 18136/3 and 18136/4.

Reason

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

3.

The development hereby permitted may not commence until such time as an amended construction plan drawing (to include pipework) and risk assessment have been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented according to the amended plan, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and the requirements of Position Statement D1 of the Environment Agency's Approach to Groundwater Protection are met.

4.

No development shall take place until a strategy for the management of the maintenance and inspection of the lagoon has been submitted to and agreed in writing by the local planning authority. The document shall include details of an inspection regime and the location of these records. It should also include contingency arrangements for a breach failure, including overland flow routes.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, future adoption and maintenance of the lagoon in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

5.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 4 above, completed prior to the lagoon being brought into use, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation, future adoption and maintenance of the lagoon in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

6.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by the North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development

- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

#### 7.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

8.

The development shall not come into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation and provision made for analysis, publication and dissemination of results, and archive deposition has been secured.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

9.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

10.

Within three months of the commencement of development on the site, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. Thereafter all the approved landscaping shall be carried out within 12 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

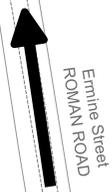
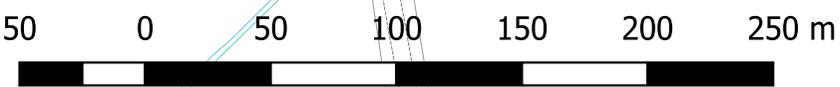
In the interests of the amenity of the locality and to ensure biodiversity enhancements on the site in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

### **Informative 1**

The applicant's attention is drawn to the comments made by the Environment Agency and the LLFA.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.



**B1207 to Winterton**

**B1207 to Appleby**

7.0m

7.7m

5.5m

6.2m

4.4m

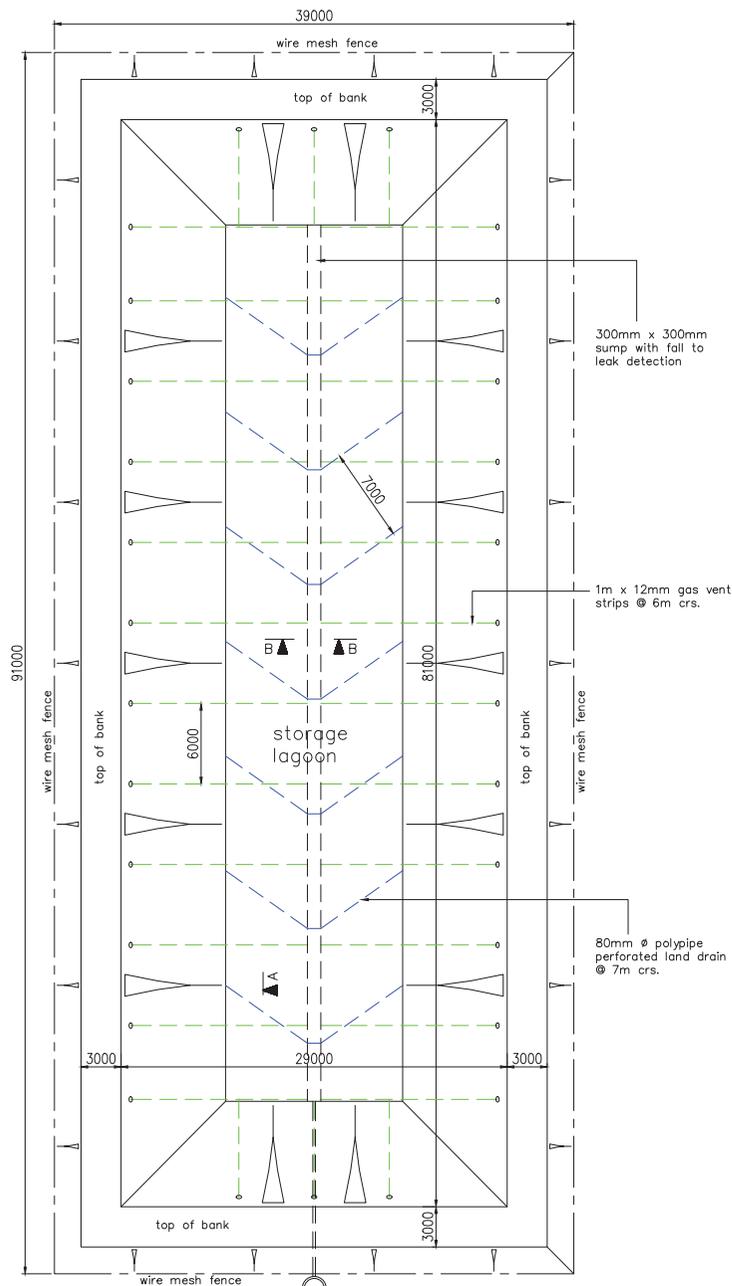
Wind Turbine

**North  
Lincolnshire  
Council**

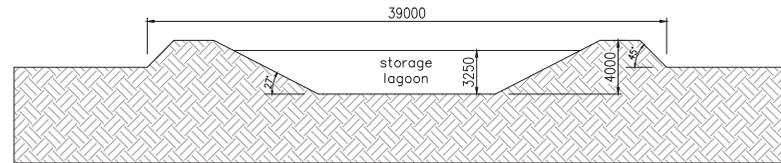
**PA/2019/147**

# PA/2019/147 Plan and cross-sections (not to scale)

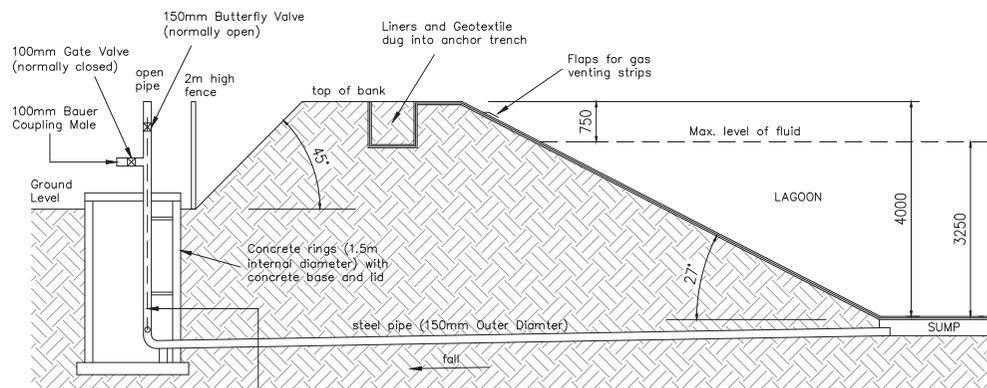
All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale. If In Doubt Ask.



Proposed Plan of Lagoon (1:200)

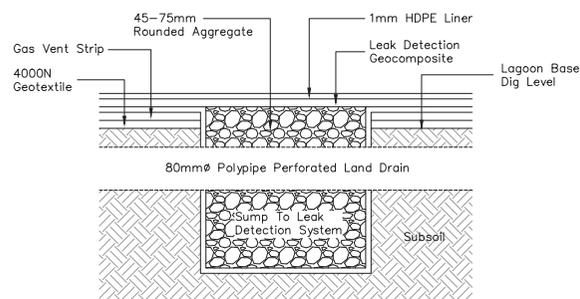


Cross Section Through Lagoon (1:200)



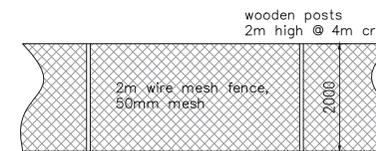
Section A-A: Proposed Lagoon Banking Detail (1:50)

Floatable plastic or stainless steel rod that passes through open butterfly valve. If leak occurs then rod floats up through open pipe and becomes visible. To empty lagoon, the rod is withdrawn and the butterfly valve is closed.



Section B-B

Liner/Sump Detail (Scale 1:5)



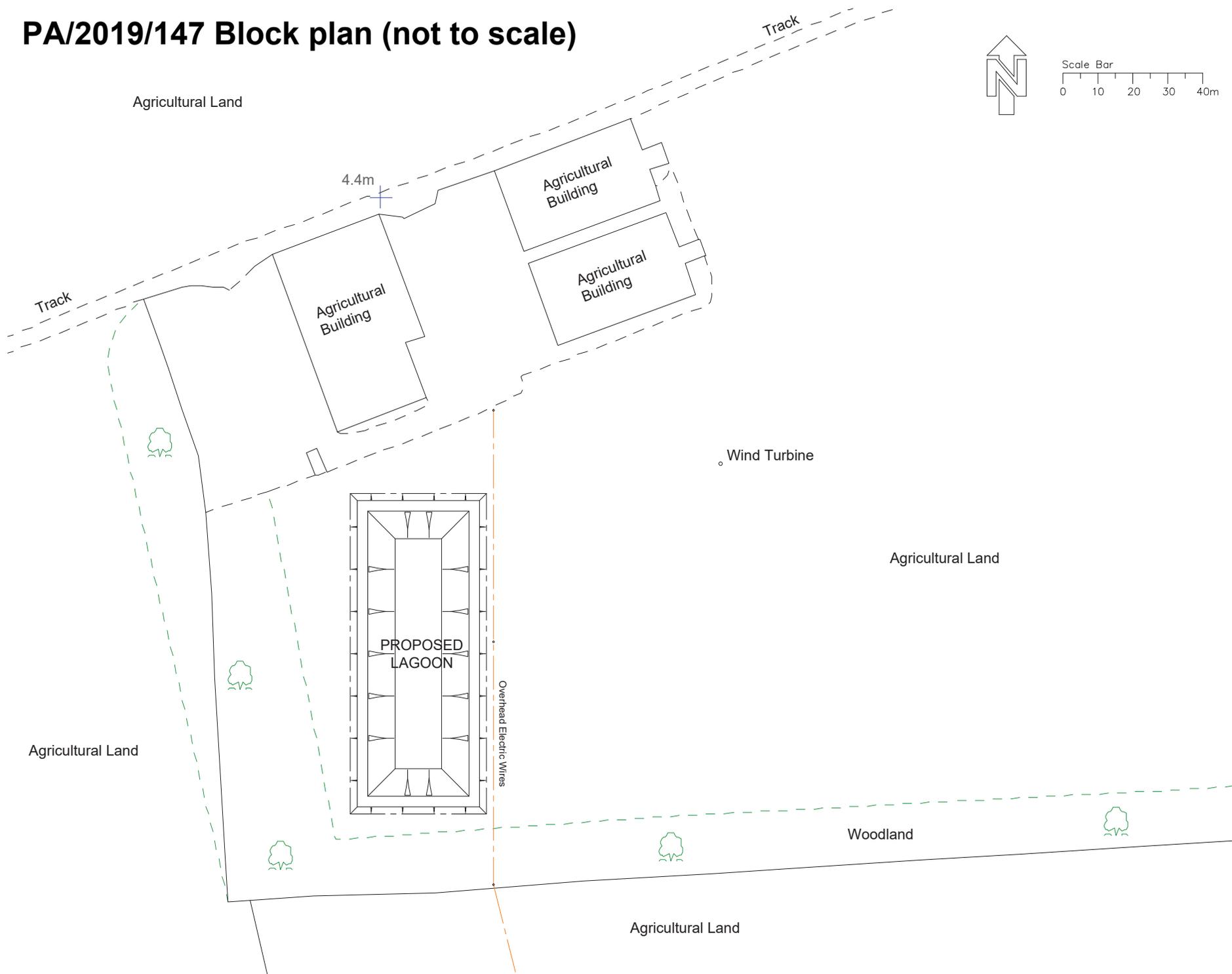
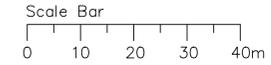
Proposed Fence Detail (1:50)



Revisions	Date
<b>Robert Farrow (Design) Ltd</b> Architecture : Planning : Construction Topographical Surveys Millar House, 32 Northgate, Hessle, East Riding of Yorkshire, HU13 9AA Tel: 01482 640699 E-mail: rfd@farrow.karoo.co.uk	
<b>Client:</b> Norman Jackson Farming	
<b>Title:</b> Lagoon Plan/Section Proposed Storage Lagoon on: Land near Mickieholm Farm Appleby, Scunthorpe DN15 0AD	
Scale: 1:50 1:200	Drawn by: SB Drg no: 2 Date: Jan19 Contract no: 18136

# PA/2019/147 Block plan (not to scale)

All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale If In Doubt Ask.



Revisions	Date			
<b>Robert Farrow (Design) Ltd</b> Architecture : Planning : Construction Topographical Surveys Millar House, 32 Northgate, Hessle, East Riding of Yorkshire, HU13 9AA Tel: 01482 640699 E-mail: rfd@farrow.karoo.co.uk				
<b>Client:</b> Norman Jackson Farming				
<b>Title:</b> Proposed Site Layout Proposed Storage Lagoon on: Land near Mickieholm Farm Appleby, Scunthorpe DN15 0AD				
Scale	Drawn by	Drw no.	Date	Contract no.
1:500	SB	4	Jan19	18136