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Application Number:	22/00936/FUL
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Application Type:	Full Application
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Proposal Description:	Engineering Operation for creation of Access Track and Bio fertiliser Storage Lagoon
At:	Red House Farm Doncaster Road High Melton Doncaster

For:	Mr M & T Woolhouse
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Third Party Reps:	118 objections	Parish:	High Melton Parish Council
		Ward:	Sprotbrough

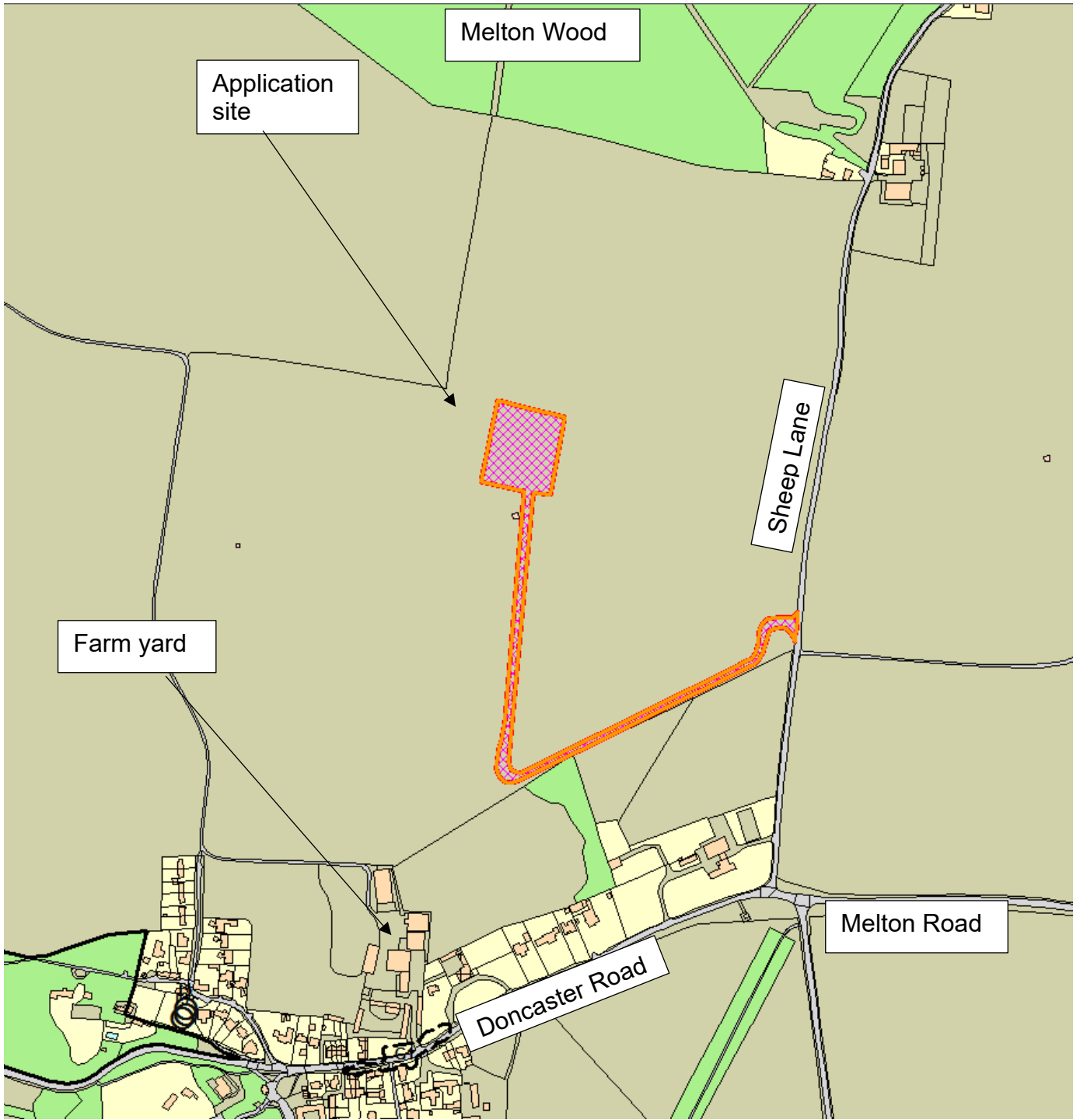
Author of Report	Mark Ramsay
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SUMMARY

This proposal seeks planning permission for engineering operations to create a lagoon to store Bio fertiliser within the holding of Red House Farm to allow the timely spraying of crops without having to await deliveries. The proposal also includes a spur from the already authorised access track that leads from Sheep Lane to the farmyard. This will replace the existing tank used for storing Bio fertiliser which is located further to the west and is currently accessed from Hangman Stone Lane and requires delivery vehicles to exist the farm within the village.

The application is being presented to Planning Committee given the level of public interest.

RECCOMENDATION: To GRANT planning permission subject to conditions.



1.0 Reason for Report

- 1.1 This application is being presented to committee due to the high level of interest in the proposal.

2.0 Proposal and Background

- 2.1 The proposed lagoon would comprise the excavation of soil and banking to be created from it form a lagoon enable approximately 6,000m³ of Bio fertiliser to be temporarily stored before use on the farm. The lagoon will be lined and covered with high strength Polyolefine, and the seams will be welded and include vents.
- 2.2 The digestate or 'Bio fertiliser' material will be produced from the anaerobic digestion of food waste. The Bio fertiliser that is to be stored within the proposed lagoon will have achieved British Standard Institution's Publically Available Specification – BSI PAS110 - prior to dispatch from the producing anaerobic digestion site, i.e., it is a product not a waste. This specification provides a baseline quality specification for digestate, ensuring that it is safe and reliable to use. PAS110 includes requirements about how food waste and other materials can be processed, and forms the main part of the Biofertiliser Certification Scheme. This certification will ensure that the material is of a consistent quality, is sanitised and stable.
- 2.2 The farm holding is principally in arable production growing wheat, potatoes, sugar beet, oil seed rape and haylage. The Bio fertiliser will be delivered by tanker (as it currently is to the mesh bladder/tank on the farm) and then transferred to and from the lagoon via sealed pipework that will connect the tanker to a discharge station. The discharge station includes a double valve assembly and a sump (PVC overflow drum) to capture any spills during discharge/ filling and also enables the lagoon to be completely emptied, if required. The Applicant's own farm tanker will be used for the removal of digestate for spreading on the land.
- 2.3 The existing bladder/tank within the Farm Holding is served by a track way that runs from the farmyard in the south through to Hangman Stone Lane in the north. This track is of a limestone and road scalping's surface and currently serves the farm holding for farm vehicle movements. This trackway is in part also a public footpath and bridleway. The proposal will render the existing bladder tank redundant and remove the requirement for delivery vehicles to access the farm on the bridleway/footpath.
- 2.4 A new access to the site of the proposed lagoon is partly permitted and under construction from Sheep Lane to the existing farm yard in order to serve a new barn. A new spur will link this access to the lagoon. This new access will provide access to the lagoon from Sheep Lane and avoid deliveries of Bio fertiliser from having to use the access to the farm from Doncaster Road which is in the middle of the village. Tankers will enter and leave the farm from the new access road which is specifically designed for the farm and its specialist vehicles.

3.0 Site Description

- 3.1 The application site lies within the farm holding of Red House Farm and is located, on land to the north of the west of the farmyard. High Melton village principally lies along Doncaster Road running east-west and the site of the lagoon would be approx. 0.5 km to the north of the village to the west of Sheep Lane

- 3.2 The farmyard itself lies adjacent to High Melton Village and the associated farm land extends to some 190 hectares to the north of the village. Sheep Lane runs through the land holding with another 40 hectares lying to the east of Sheep Lane.
- 3.3 The farm buildings are located around the farm yard and comprise large modern agricultural buildings used for machinery storage crop drying and storage. The original and historic farm buildings lie principally within another ownership south of the working farmyard.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
20/02080/FUL	Proposed Erection of Hay Store (36.81m x 27.1m) and provision of new farm access track from Sheep Lane.	Granted December 2020
19/00003/ENFNOT (Planning Inspectorate ref APP/F4410/C/19/3222400)	Appeal against enforcement action for alleged unauthorised installation of bladder tank under grounds A, C, E, F and G.	Appeal allowed Enforcement Notice Quashed and planning permission granted 17 August 2021

- 4.1 The access to be used by delivery vehicles is partly authorised and the bladder bladder/tank currently used to store Bio fertiliser was allowed as part of the appeal against an enforcement notice as listed above. The applicant has stated that the bladder bladder/tank will be redundant and a condition for its removal is recommended to be included in the permission for this development.

5.0 Site Allocation

- 5.1 The site is identified as being within the South Yorkshire Green Belt as shown in the Doncaster Local Plan.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

- 5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.7 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.8 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.9 Paragraph 111 states that development 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.
- 5.10 Paragraph 119 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.11 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.12 Paragraphs 147 -150 states that development in the Green Belt is inappropriate unless there are very special circumstances except for a number of types of development that are not considered inappropriate such as engineering works and agricultural buildings.
- 5.13 Paragraph 183 states planning policies and decisions should ensure that a site is suitable taking account of ground conditions and any risks arising from land instability and contamination.
- 5.14 Paragraph 184 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Local Plan

- 5.15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- 5.16 Policy 1 Settlement Hierarchy (Strategic Policy) sets out that High Melton is a village and that decisions for development in the Green Belt will be taken in accordance with policies set out in the National Planning Policy Framework.
- 5.17 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure
- 5.18 Policy 41 of the Local Plan states that development proposals will be supported where they respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and where they integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.
- 5.19 Policy 46 sets out that all non-residential and commercial developments, must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located and have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

Other material planning considerations and guidance

- Transitional Developer Guidance (2022)
- National Planning Policy Guidance

5.20 Neighbourhood Plan (NP).

- 5.21 No neighbourhood plan is relevant to this application.
- 5.22 Doncaster Council adopted the Biodiversity Net Gain Supplementary Planning Document (SPD) in September 2022, and the document is a material consideration in decision-making
- 5.25 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight

6.0 Representations and consultations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Act by display of site notice close to the site and letters to neighbouring properties

6.2 181 individual representations were received objecting to the proposal and the matters raised include;

- loss of amenity through noise, traffic, noxious odour, air quality
- scale of the storage facility when compared with the bladder/tank
- extra movements of large vehicles on country roads and through Sprotbrough village
- water pollution
- validity of odour management plan
- management of current spreading on the farm

7.0 Town/Parish Council

High Melton Parish Council

7.1 High Melton Parish Council resolved to object to the proposal.

Sprotbrough and Cusworth Parish Council

7.2 The main areas of concern relate broadly to two material planning considerations;

- Impact on local amenity in relation to noise and odour.
- Impact on the local highway network.

The proposed application will have a significant impact on the resident's enjoyment of their home, the village of Sprotbrough and the surrounding area with persistent odour pollution from the development either by the effect of prevailing winds or the pooling of odour.

7.3 We note the response from the Environment Agency to this application dated 24th May 2022 and endorse the view relating to the advice given regarding compliance with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended in 2013 and The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018.

7.4 With regard to impact on the local highway network there will be an increase in heavy goods vehicles through the Parish – notably Sprotbrough Road, as this is the most direct route to Bentley where Re:Food is located. This type of traffic is unsuitable through a residential area which includes a primary school at Richmond Hill adjacent to the road.

8.0 Relevant Consultations

Environmental Health

8.1 Version 2.1 of the Odour Management Plan is agreeable with the measures to be taken considered suitable and sufficient to control the potential for odour emissions from the proposed storage lagoon.

Environment Agency

- 8.2 No objections but have highlighted the legislation that the developer will need to comply with, in terms of avoiding pollution, should permission be granted.; i.e. Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013 and Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. Informatives to this effect are recommended to be included in the decision.

Highways

- 8.3 No objections subject to minor alterations required to ensure sufficient turning for delivery vehicles.

Natural England

- 8.4 No objections.

Yorkshire Wildlife Trust

- 8.5 No objections.

Public Rights of Way

- 8.6 The Public Rights of Way team has no objection to the planning application.

Access to the proposed lagoon site is along the new farm access track from Sheep Lane (approved under application ref: 20/02080/FUL) and a proposed link from this track to the lagoon. Public footpath No.4 High Melton crosses the new farm access track. Given the likely increase in traffic from vehicles accessing the lagoon, provision needs to be made to safeguard pedestrians using the public footpath. The farm access track poses a new hazard to pedestrians, previously it was a field with not interaction with vehicles other than during agricultural operations.

Ecology

- 8.7 No objections - in order to provide net gain for bio diversity a condition requiring a landscaping scheme comprising equivalent to two habitat units is required.

9.0 Assessment

- 9.1 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little
- No

Principle of development

- 9.2 The main assessment in this report will directly be related to the creation of the lagoon and its use. In considering the proposal, the main material planning considerations are outlined below:
- 9.3 The application site falls within the South Yorkshire Green Belt as shown on the maps that form the Doncaster Local Plan 2015-2035. Local Plan Policy 1 is relevant and states that for development in the Green Belt national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 9.4 Paragraphs 147-150 of the NPPF set out that certain types of development are not considered inappropriate in the Green Belt and these include agricultural buildings and engineering operations (provided they preserve its openness and do not conflict with the purposes of including land within it). Therefore, the proposal does not need to show very special circumstances.
- 9.5 Paragraph 84 of the NPPF also states that planning decisions should support the sustainable growth and expansion of all types of business in rural areas through the development and diversification of agricultural and other land-based rural businesses.
- 9.6 The proposal has been screened for an Environmental Impact Assessment (EIA) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulation 2011. The proposal is not Schedule 1 development requiring mandatory EIA. The proposal is, however, potentially caught by Schedule 2 (Part 11) i.e. Installations for the disposal of waste (within 100 metres of controlled waters). The proposal is not strictly speaking 'disposal' as it is to be stored for the beneficial use as a fertiliser on adjacent land. Nevertheless, it is akin to such considerations and the assessment criteria laid out in Schedule 3 have been assessed.
- 9.7 The cumulative impact of both storage and spreading of this material over the land holding has been considered and it is unlikely that the proposal will have a significant effect on the environment in terms of the characteristic of the development, the location of the development or the characteristics of the potential impact. Indeed, the material is already spread onto this agricultural land and is subject to regulations laid down by the Department of Food and Rural Affairs and subject to regulation by the Environment Agency.
- 9.8 The proposal, therefore, is acceptable in principle.

Sustainability

- 9.9 The National Planning Policy Framework (NPPF, 2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.10 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

- 9.11 The proposal supports a rural agricultural business and will allow the enterprise to virtually eliminate the use of factory prepared fertilisers and move completely over to the use of Bio fertiliser. Additionally by having the material stored on site and in sufficient quantity, will be able to deploy this at the optimum time, especially when weather conditions are changeable. As the available storage is greater than the bladder/tank, overall, the number of deliveries should even out and it is estimated that around 21 deliveries across a week would be sufficient to keep the lagoon filled.
- 9.12 While the Bio fertiliser itself is technically not waste, the re-use of the end product from the process of disposing of waste food can be seen to add to the overall sustainability of the proposed development.

SOCIAL SUSTAINABILITY

Impact on Amenity

- 9.13 The proposal will store 6,000 cubic metres of Bio fertiliser. The lagoon has been designed to be lined underneath and with high strength Polyolefine cover over the top with the seams welded together and vents fitted into the cover. The Bio-fertiliser does have a distinctive odour, however as the lagoon is covered the amount of odour emanating from the lagoon itself will be limited and is likely to only emit odour when being filled as the liquid will push air through the vents.
- 9.14 The applicants have prepared an Odour Management Plan that has assessed the receptors within a kilometre of the site and based on the study have concluded the results of odour modelling predict that the 98th percentile hourly mean odour concentrations at the modelled residential/commercial premises would be less than the Environment Agency's benchmark criteria for the most offensive odours, the 98th percentile hourly mean odour concentration being 1.5 ouE/m³.
- 9.15 The assessment concludes that predicted odour concentrations are at levels which would indicate that odour from the proposed lagoon would vary rarely, if ever reach detectable levels at any residential/commercial properties, the closest of which is over 400m away.
- 9.16 The modelling predicts that in closer proximity (within approximately 200 m) of the proposed Bio fertiliser storage lagoon, there would be detectable odours on occasion. This area is largely open arable farmland, however users of the footpaths and/or bridleways might encounter moderate odour levels in very close proximity to the lagoon.
- 9.17 Natural England and the Wildlife Trust have not objected but stated that additional advice is taken. The nearest receptor of interest would be Melton Wood which at its closest point is over 300m away. Given that the development is sufficiently set apart it is not considered that the development would be detrimental to that habitat.
- 9.18 Many of the representations take issue with the odour from the spreading of the product and whether this should be used at all. However, the product is certified for use and is already being spread across the farm holding successfully. The spreading of this product or any fertiliser will inevitably produce some odour but is not directly controlled under the planning acts. Should there be a statutory nuisance it would be for the authority to act in its role under Environmental Protection legislation.

- 9.19 The odour management plan puts in place measures that the operator must take in the course of the operation of the lagoon as good practise, if any incidents occur. This is in a similar fashion to that required by the appeal decision on the bladder/tank. The Environmental Health Officer has agreed with the applicants measures to be put in place to make the deliveries as safely as possible and that there are processes should accidents occur.
- 9.20 The siting of the lagoon is over 400m from the nearest dwelling and the access track for delivery vehicles will be no closer than 150m from the dwellings that front Doncaster Road. The lagoon is proposed to be situated in a dip in the landscape which will also reduce the impact on the appearance in the landscape and the openness of the Green Belt. It also would avoid any run off to adjacent land.
- 9.21 The vehicle movements to and from the lagoon would also lessen the impact of amenities of occupants within the village in terms of disturbance and remove conflict with pedestrians. Delivery vehicles would no longer need to turn onto Doncaster Road within the village and share a bridleway with pedestrians and other users. This is discussed in more detail later in the report.

Conclusion on Social Impacts.

- 9.22 While the development is within the landscape looked over by residents on the edge of the neighbouring settlement. The development is not sufficiently close to significantly harm the amenities of residents through noise, disturbance or odour, due to the distance involved to the nearest receptors and limited weight should be afforded. Additionally this development will render an earlier development redundant and there is a net benefit from vehicle movements servicing that development no longer being required with the benefit to users of the bridleway and occupiers next to the farm. Therefore, limited weight can be set against the proposal based on social impacts.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.23 The NPPF attaches significant weight to the design of the built environment and states that planning decisions should aim to ensure that developments are visually attractive as a result of appropriate landscaping.
- 9.24 In terms of the existing landscape, the area is dominated by both arable and pasture fields, Melton Wood and trees separating the ribbon of housing on Doncaster Road from the farmland. The key part of the design in its final appearance is safe and secure storage area for digestate and one that isn't intrusive into the surrounding landscape.
- 9.25 The proposal will comprise the excavation of the lagoon, and create a low raised bund approx. 3.5m above ground level. This will limit its visual impact in the landscape. This is then viewed in the setting of the woodland to the north and within undulating land across the holding.
- 9.26 Given the relatively modest rise of the bund above surrounding ground level, which will become naturally colonised by native species, it is considered that the visual impact of the actual lagoon structure will be negligible.

- 9.27 A condition is recommended that would require prior approval of any fencing and landscaping that surrounds the turning area and the lagoon itself.

Impact on the Highway Network

- 9.28 Local Plan policy 46 requires, amongst other things, that site layouts should function correctly and development should not result in unacceptable impact on highway safety.
- 9.29 The access to the lagoon will principally be from Sheep Lane which connects to routes towards Sprotbrough, Cusworth and Doncaster so that delivery vehicles can operate to and from the producer.
- 9.30 The current bladder tank is subject to a route management plan that sees vehicles proceed from Hangman Stone Road, share the Bridleway known as Hangman Stone Lane and then exit the farm via the farm yard and the access onto Doncaster Road, within High Melton village
- 9.31 Should the proposed development proceed, this will no longer be necessary as the bladder/tank would be redundant. Vehicles would therefore access the lagoon from Sheep Lane, transfer the Bio-fertiliser to the lagoon and leave via the same route. The applicant is agreeable that the bladder/tank that was approved on the appeal to the bladder tank being removed.
- 9.32 The proposal would benefit two fold, first removing tanker vehicles from the shared bridleway and also cease requiring the vehicles to turn at the access to Red House Farm within the village itself and from Hangman Stone Road which itself requires vehicles to slow on the approach to the turn where visibility is not ideal.
- 9.33 The requirement to access the lagoon for deliveries would remove conflicts that exist with the existing arrangements and provide a net benefit in terms of highway and pedestrian safety. Concern is raised due to the extra movements in Sprotbrough and Cusworth, once the lagoon has been filled the number of trips would average 21 per week so represent 4 or 5 movements each way across a five day week. This does not represent an excessive number of additional movements on local roads and would also remove the requirement for movements within High Melton village and on Hangman Stone Lane.
- 9.34 It is recommended to include a condition stating that access to the lagoon for deliveries is not permitted from Doncaster Road or Hangman Stone Lane, which in turn ensures that deliveries are only routed from Sheep Lane.

Conclusion on Environmental Issues

- 9.35 Para. 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve Biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.36 It is considered that this proposal, would have some impact on the surrounding landscape although this will lessen as the bund grasses over and it is

recommended a scheme is required by condition for prior approval of boundary treatment, fencing and landscaping of the bund and turning area.

- 9.37 In conclusion, the appearance of the lagoon would represent a change in the landscape, however this is limited by the height of the bund and the distance this would be from the road.
- 9.38 There would be positive benefit in terms of vehicle movements no longer required on Hangman Stone Lane, Hangman Stone Road and also turning onto Doncaster Road within the village of High Melton. So overall, there is limited impact in terms of Environmental sustainability.

ECONOMIC SUSTAINABILITY

- 9.39 This proposal is to benefit the operation of a rural enterprise that already employs 9 people and add to its sustainability by reducing its reliance on bought in factory prepared fertilisers and enable it to apply Bio fertiliser to the land within the farm holding at the most opportune time, especially given changeable weather conditions.
- 9.40 It has been raised in representations, concern that the lagoon would store Bio-fertiliser for onward sale to other operators. The applicant has stated that the content of the lagoon would be purely for the use on this holding. The onward sale may also change the status of what is stored which would require planning permission and also and bring it within other licencing requirements such as the waste transfer regime.
- 9.41 Given that the development has been proposed on the basis of the requirements of the current farm holding, it would not be unreasonable to condition that the storage of Bio fertiliser is purely to benefit the applicant or any operator of Red House Farm that may succeed them.

Conclusion on Economy Issues

- 9.42 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.43 The development will assist the efficiency of the farm holding which is an economic benefit. The work involved in creation of for the lagoon will also provide work for a short period in terms of production of the liner, cover and also the digging out of the lagoon and creating the bund.
- 9.44 The development will therefore give a positive economic benefit to a local employer that grows crops for sale to major food producers through the planting of crops, the fertilisation of the land, harvesting, storage and on site drying of cereals before final transport off the farm to their final destination.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 10 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have

identified that economic factors that weighs in positive favour along with the social and environmental benefits from deliveries no longer having to come through High Melton village and the Hangman Stone Lane bridleway but balanced against the moderate impact on the landscape and limited impact on amenities of local residents from vehicle movements and odour when in close proximity to the lagoon.

- 10.2 On balance of planning considerations the harm from its appearance can first be mitigated partly by landscaping around the lagoon which will also contribute to Bio diversity. The harm is outweighed by the economic benefit that allowing the lagoon to contribute to a local rural enterprise. There are no other material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:

Conditions / Reasons

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications:

21/358-102 Block Plan

21/358-101 Location and Context

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. The planning permission hereby granted shall be for the storage of bio-fertiliser to be used by the applicant on their farm holding only or by any succeeding operator of the Red House Farm holding.

REASON

To restrict the use to the needs of the applicant only in the interests of the proper planning of the area and to reflect the applicant's personal circumstances.

04. Tanker deliveries to the lagoon shall not access or leave the site at any time either via the farm entrance fronting Doncaster Road or from the farm access on Hangman Stone Road.

REASON

In the interests of improving amenity in High Melton village and reduce conflicting vehicle movements on the footpath/bridleway known as Hangman Stone Lane.

05. The submitted Earthcare Technical Odour Management Plan version 2.1 dated 25 November 2022 shall be in place and adhered to at all times throughout the life of the development. Records of all monitoring required by the odour management

plan shall be kept for a period of 2 years and made available to the local planning authority for inspection when requested. The odour management plan is approved by the LPA and any proposed changes that materially impact on its requirements must be submitted to the LPA for agreement prior to the change being implemented.

REASON

To ensure that the development does not prejudice the local amenity.

06. Prior to construction of the lagoon, a scheme shall be submitted to and agreed with the Local Planning Authority to put in place warning signage about pedestrians crossing in the vicinity of where the public footpath intersects with the access track. The scheme shall be implemented before the lagoon is brought into use and maintained in perpetuity to the satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety and the amenity of the public.

07. Prior to the lagoon being brought into use, a scheme shall be submitted to the Local Planning Authority and approved in writing for the removal of the bladder tank permitted by Appeal decision APP/F4410/C/19/322400 and shall include a scheme for the restoration of the site. The scheme shall include a timetable of works and the development shall be carried out in accordance with the approved scheme.

REASON

In order to ensure development in the Green Belt that is redundant is removed.

08. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

09. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

10. A permanent cover, as specified in the odour management plan, shall remain over the lagoon at all times, except for the purposes of allowing access for routine and emergency maintenance. All instances when the cover is to be removed shall be notified to the LPA at least seven days prior to its removal in the case of routine works. In the event that the cover must be removed for emergency access then the LPA shall be notified within 48 hours following the cover being removed.

REASON

To ensure that the development does not prejudice the local amenity

11. No development shall take place, including any works of demolition, until a Construction Method Statement Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) the identification of delivery routes.

- iii) the identification of a construction access point and a swept path analysis for the largest construction vehicle to enter the site;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety

- 12 Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

- Screening planting on two sides of the lagoon comprising native species trees and shrubs.
- Native species hedgerow to be planted on the northern boundary of the site and on sections of the proposed access track linking to the existing access track.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29

INFORMATIVES

01. INFORMATIVE

Planning consent does not authorise the obstruction or interference of public rights of way in any way.

02. INFORMATIVE - Silage, Slurry and Agricultural Fuel Oil Regulations - advice to applicant

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.

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 at:
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

03. INFORMATIVE Farming Rules for Water - advice to applicant

The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 which came into effect in April 2018, introduce farming rules for water that now apply to all farms. The 2018 Regulations seek to address diffuse water pollution from agriculture and set a consistent baseline of good practice across the agricultural industry in England. They aim to prevent water quality deterioration as a result of farming activities, but at the same time benefit the farming business by ensuring that fertilisers are spread to meet crop and soil needs, that no nutrients wash off to the water environment causing diffuse pollution and that soil is kept in good health. In this context, Reg 4(1) provides that application of manure and manufactured fertiliser on agricultural land must be planned to meet soil and crop nutrient needs. Hence, it is likely that manure and slurry produced on farms may need to be stored for longer periods before it is applied on land.

In light of the above, the proposed slurry tank must have capacity to store the total volume of slurry produced on the farm for such periods as necessary to comply with the 2018 Regulations.

Additionally, it must be ensured that organic manure (slurry included) is not stored on agricultural land within 10 metres of inland freshwaters or coastal waters, or within 50 metres of a spring, well or borehole. Any risk factors for runoff, such as the angle of slopes, presence of land drains, soil type etc, must be taken into account when deciding on an appropriate storage location.

For more information on the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 please visit:

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

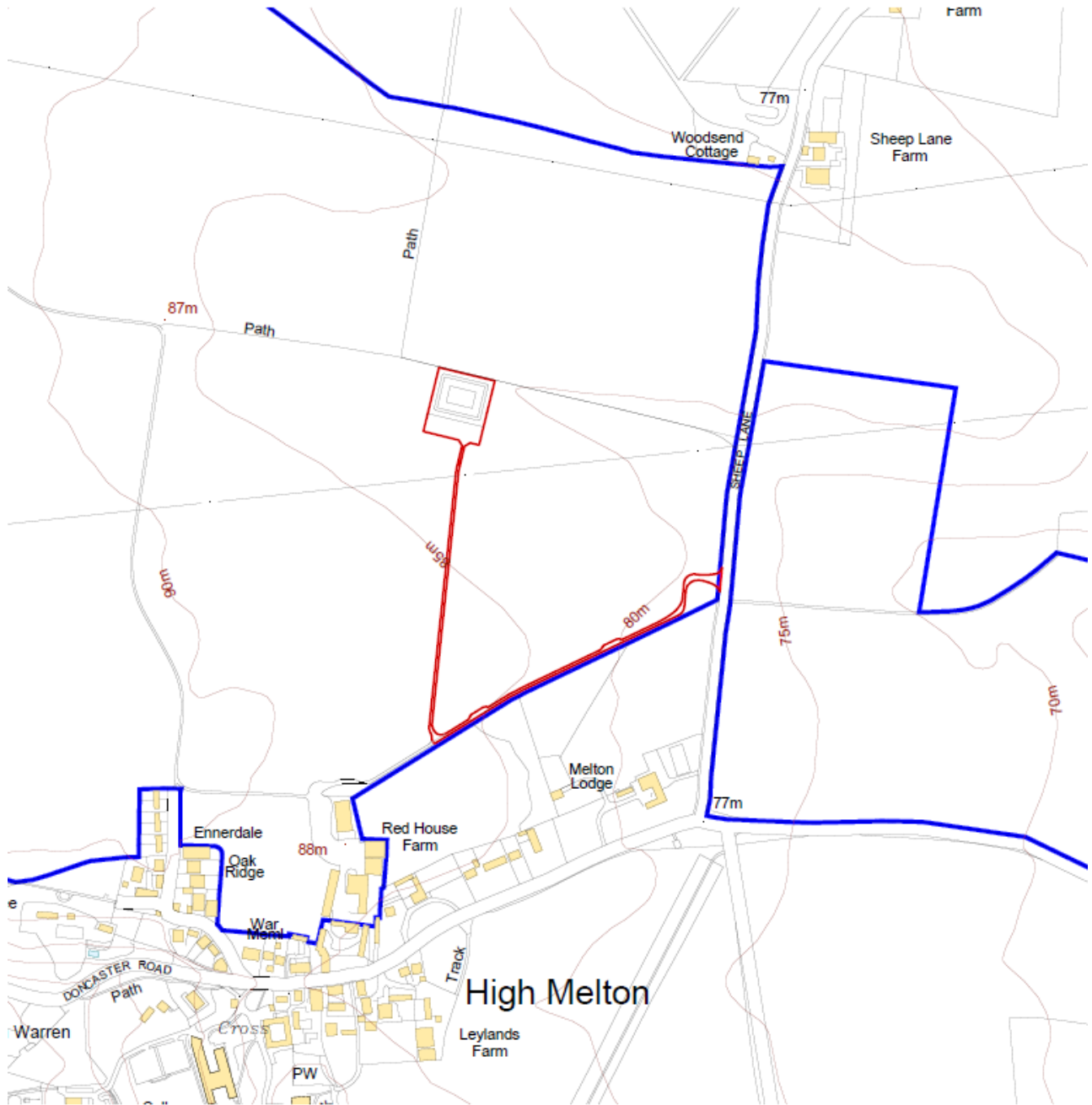
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application;

to ensure the access is adequate for delivery vehicles,
details and enhancements to the odour management plan.

The above objections, consideration 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.

Appendix 2: Location Plan



Appendix 3 - Cross section

