

## **PLANNING COMMITTEE – 23 JULY 2019**

<b>Application No:</b>	<b>Newark and Sherwood District Council: 18/00995/NPA Lincolnshire County Council: PL/0055/18</b>
<b>Proposal:</b>	<b>Neighbour Planning Application Reference PL/0055/18 - Demolition of existing animal by products processing plant and all associated installations. Construction of a new animal by products processing plant, composed of: raw material reception and process buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation. Residential development to provide 3 environmentally sustainable eco affordable homes and 1 manager's house for the processing plant. Alterations to the existing site access from Jerusalem Road. All associated development, including landscaping.</b>
<b>Location:</b>	<b>Jerusalem Farm, Jerusalem Road, Skellingthorpe, Lincoln LN6 4RL</b>
<b>Applicant:</b>	<b>DS Developing Ltd</b>

**This full application will be determined by Lincolnshire County Council (as top-tier minerals and waste authority in Lincolnshire) and the site is located within the District of North Kesteven. Newark and Sherwood District Council have been consulted on the proposals due to the proximity of the development to our District boundary (approx. 1.5 miles or 2.4 km as the crow flies) and the potentially contentious nature of the proposed use.**

**This report sets out what officers consider those comments should be for Members to consider. The views of the Planning Committee will be reported back to Lincolnshire County Council who will take the contents into account in the determination of the application.**

**This application is being referred to the Planning Committee for consideration by Cllr Dobson due to the proximity of the proposals to the eastern boundary of the District and its potential impact on the built and natural environments and people in the villages of Harby, Wigsley and Thorney.**

### **The Site**

**The site is located within the defined district boundary of North Kesteven District Council and is approx. 1.5 miles or 2.4 km as the crow flies, from the common boundary with Newark and Sherwood District Council.**



The A46 Lincoln by-pass is roughly 1.5km to the east of the site in a straight line. However, to reach it vehicles have to travel significantly further, either passing through the village of Skellingthorpe; or by using the B1190 from the Doddington roundabout and then travelling north on Black Lane.

The map above shows the application site in red, relative to local roads and in particular the villages of Harby, Wigsley and Thorney.

The overall application site covers a roughly rectangular area of 14.7ha, approximately 330m wide and 460m long, which is relatively flat. The site is located to the south-west of the village of Skellingthorpe, just off Jerusalem Road at a point where the road turns sharply through a 90 degree bend. Most of the land is currently occupied by an existing Animal By-Products plant which has evolved over several decades. The applicant has stated that the existing tenants and operators – A Hughes and Son Ltd, owned by Lincoln Proteins Ltd – have decided to cease operating the plant, and move their business to a new site at Villa Farm, Norton Disney. A planning application

for development at the Villa Farm site is pending and will be brought to Planning Committee if necessary for consideration in due course when additional information requested by the County Council has been received and our Authority is re-consulted.

The existing site is made up of different areas with a variety of uses and development. On entering the access off Jerusalem Road, there is a weighbridge to the left, and a largely open area to the right which is used for vehicle parking. Beyond that, the main buildings, plant and equipment of the processing facility extend through the central area of the site – including waste reception and processing buildings, storage silos and tanks, a 25m high chimney stack, as well as ancillary development such as offices and workshops.

There are several waterbodies, located in the northern corner, and towards the south-west end of the site beyond the main plant area. There are also blocks of trees and woodland, particularly along parts of the south-eastern boundary, and around a large waterbody in the northern corner. There are also areas of grassland and scrub around the outer areas of the site in between woodland and water areas. Not all of this land is in active use in connection with the plant.

To the south and east there are largely open fields, but with a line of houses along the southern side of Jerusalem.

#### Background and Planning History

The wider site is already in use as an Animal By-Products (ABP) processing plant but this application site comprises a smaller part of a larger existing ABP facility operated by A. Hughes and Sons Ltd and the replacement facility would be generally located towards the eastern part of that existing wider operational area.

The detailed history of the site will be known to North Kesteven District Council, as the local planning authority, within whose boundary the site is located.

The applicant is part of the Leo Group of businesses which operates animal byproduct processing plants elsewhere in the UK. The applicants own the site, and the current plant operators – A Hughes and Son Ltd, owned by Lincoln Proteins Ltd – are their tenants. The application documents state that the proposed plant is “.... a direct alternative to the tenant’s proposed ABP plant at Norton Disney ...”. The applicant of Jerusalem Farm considers it would be better to retain the plant at Skellingthorpe and invest in the provision of new plant and machinery to improve efficiency and environmental performance, rather than transfer the operation to an entirely new greenfield location, approx. 12km to the south-west of this existing site.

NSDC officers have previously raised concerns to LCC regarding this application, specifically in relation to the routing of HGV vehicles to and from the site in July 2018 and since then LCC have requested additional information from the applicants on a number of issues. Following receipt of this additional information, NSDC has been re-consulted on the proposals.

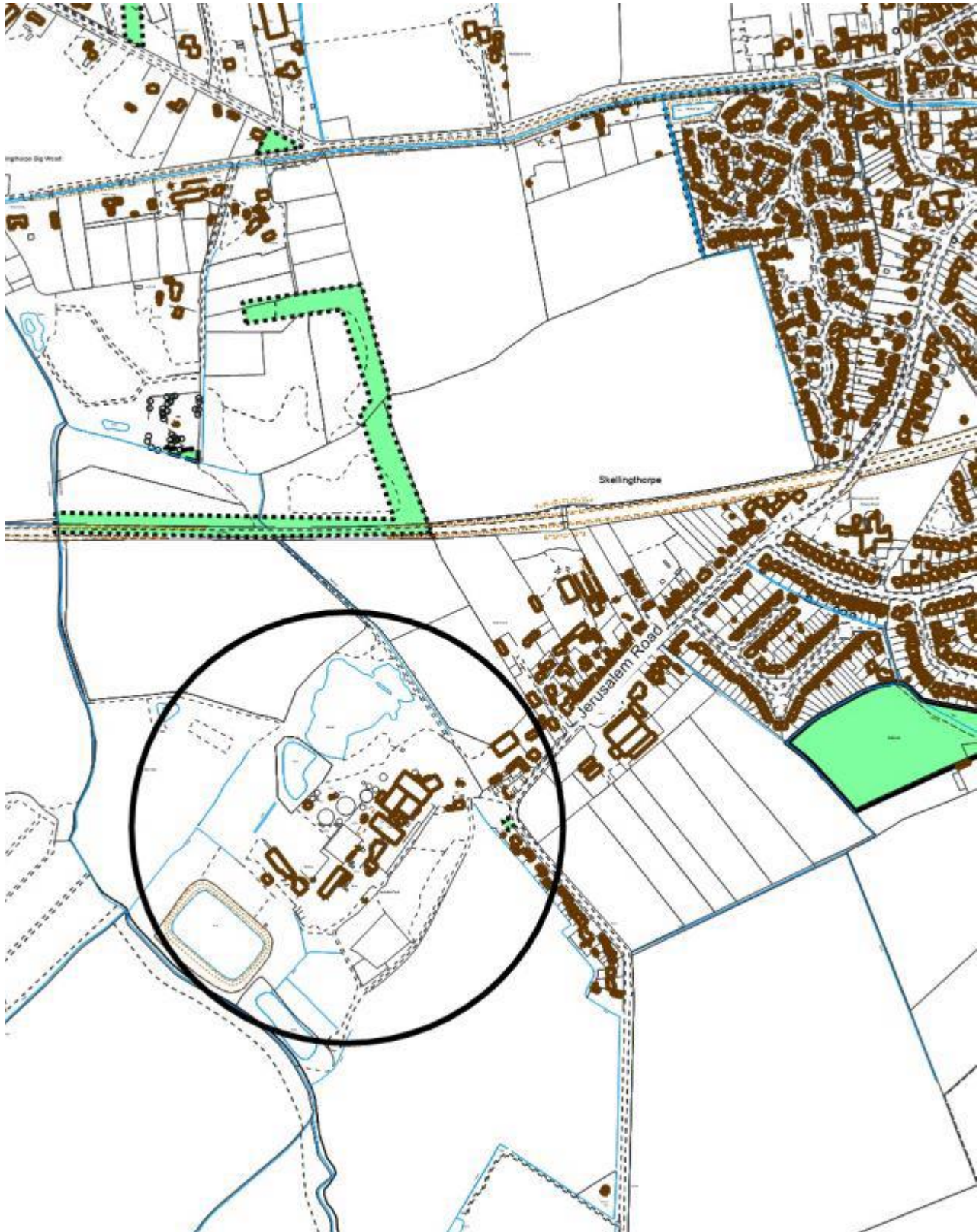
The application will be considered by Lincolnshire County Council, as decision maker, at their Planning Committee on 29<sup>th</sup> July 2019.

#### The Proposal

A full planning application has been submitted to Lincolnshire County Council for the development



of a replacement Animal By-Products (ABP) processing plant with associated development, together with four new dwellings (one to be provided as a manager's accommodation) and a further three affordable 'eco-homes.'



The ABP processing plant proposal includes the following elements:

- Main, improved site entrance off Jerusalem Road – with improved visibility, greater width for vehicles to pass more easily, and footways connecting to rights of way;

- Lorry and staff parking area moved further into the site than at present ;
- Internal roadway leading to a weighbridge, with a secure yard in the centre of the site;
- The main processing infrastructure (see below) located further to the southwest of the current plant;
- Water treatment equipment, together with retention of an existing water storage ponds, located at the western end of the site;
- Additional trailer parking at the southern end of the site.

The main processing area has a number of significant buildings, structures and items of plant, including:

- two raw material reception buildings - one for lowest risk Category 3 material, one for higher risk Category 1 & 2 material - each with a footprint of 35m x 12m, and a maximum of 11.52m to the highest point of the roof.
- two process buildings, one for each waste category line, and each linked to its reception building – these would be the same height, but with a footprint of 20m x 25m. These would house hoppers, cookers, filters and centrifuges
- a boiler house, 15m x 10m, and just under 7m in height
- a bio-filter bed, 50m x 20m, surrounded by a 1.5m concrete wall
- a water effluent tank surrounded by a 6m high wall
- an oxidiser building 48m x 12m, and just over 8m in height – with an associated emission stack 25m in height, 2m in width taking emissions from the oxidisers and boilers

There would also be a number of ancillary items such as stores and workshops, offices and storage silos, and perimeter security fencing. The application proposals include the installation of a new gas main to fuel the replacement plant, with benefits in terms of emissions and consistency of energy use. Landscaping around the site is proposed in order to screen and reduce the visual impact of the scheme, as well as provide gains for biodiversity.

The planning application documents state that the replacement plant would handle the same quantity and type of animal by-products as the existing plant, accepting and treating Category 3 material Category 1 & 2 material. No information has been provided regarding what that the existing plant through-put is, but it is stated that the site would employ approximately 75 full-time equivalent staff, though usually no more than 38 would be on site at any one time.

The waste would arrive in specialist, covered heavy lorries designed for the purpose. Measurements of existing traffic have recorded 123 lorry movements over a 24 hour period, and it is estimated that over a week there would be approximately 550 two-way movements per week (275 in, 275 out). Deliveries could take place during a 24 hour period, though it is anticipated that the numbers would be significantly lower during the night. The plant itself is intended to operate 24 hours per day over a 6 day week, with the sixth day allocated for cleaning and maintenance.

After recording at the weighbridge, lorries would be directed to the appropriate reception building, and in due course pass through an air-lock system to minimise the escape of odours. Negative pressure is maintained, with air extracted to pass through treatment processes to remove odours. Lorries would deposit their loads into one of four (two in each building) 100 tonne capacity hoppers, and be washed and disinfected at the same time. Lorries would then drive out of the building via the air lock.

The raw materials would then be crushed and passed to a cooker, with one in each Category 1&2

and Category 3 building, indirectly heated by steam from a natural gas boiler. Some moisture would be driven off and sent to thermal oxidisers to treat odours. These oxidisers would in turn send emissions to the 25m high stack, which would also handle emissions from the boilers. There would be a back-up system available in the case of failure or unplanned maintenance of the oxidiser – fumes would be sent to an air-cooled condenser, with the liquid treated in the effluent tank, and any cases incinerated in the boiler.

The “greaves” resulting from the cooking process would be pumped to high pressure extruders, so that the tallow oil is separated from the bulk of the solid meat and bone meal (MBM). The tallow would be further screened and spun in centrifuges to remove more solids, before being stored in tanks. The meal would be stored briefly before despatch.

The tallow is mostly sold to bio-fuel manufacturers. Meal from the Category 3 waste process is a primary ingredient in farm animal and pet food. Meal is used mainly for power plant fuel. Waste water would be sent through a Dissolved Air Flotation (DAF) plant, then passed through a further cleaning in the effluent tank – before either being recirculated through the processing plant, or discharged to the public sewer.

The four proposed dwellings would be served by the improved plant site access, and all would be single storey. One 2-bedroom property measuring 8m x 12m and a height of 4.3m is intended as a plant manager’s home, located to the south of the access road, near to the site entrance. This would have a fairly conventional design with brick facing walls, and a tiled roof having a shallow pitch.

The other three x 3-bedroom affordable dwellings would be larger, with footprints of 14m x 14m, but the same roof height of 4.3m. They are termed ‘eco-homes’ on the submitted layout plan. These would be located on the opposite, northern side of the access, with gardens extending north-west towards the larger pond. These would have a more contemporary design, with a central corridor/hall flanked by side areas having mono-pitched roofs sloping away. Each dwelling would have a detached double garage, again with a mono-pitched roof.

One feature of the application proposals is that the implementation of different components of the development would be phased. The applicant intends that the new plant would be constructed first (to the west of the existing plant), while the existing plant is still operating – access improvements would take place at an early stage. Once the new plant has been tested and commissioned, the existing plant would be decommissioned and eventually demolished; any remaining external works for the new plant could be completed. Then works to develop the proposed housing would take place.

The application is accompanied by an Environmental Statement (ES) pursuant to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is the responsibility of Lincolnshire County Council as decision maker to ensure that the content of the ES accords with the requirements of the 2017 Regulations, including the minimum information requirements set out in Schedule 4. This includes the need to consider the significant effects of the development on the environment.

#### Departure/Public Advertisement Procedure

As the District Council is not the decision making authority in this instance, the responsibility for undertaking consultations and taking representations into account lies with Lincolnshire County

Council as Waste Planning Authority. Full details of all representations submitted to Lincolnshire County Council can be viewed via the County Council's Planning Online service.

However, this local planning authority has consulted:-

- Harby Parish Council
- Wigsley Parish Council
- Thorney Parish Council
- Spalford Parish Council
- NCC, Highway Authority
- NCC, Landscape
- NSDC, Environmental Health
- NSDC, Conservation
- Local ward Members

No third party consultations have taken place.

### **Planning Policy Framework**

NSDC have received the application as a consultation request and therefore it remains that LCC will be the determining authority for the application. LCC will assess the application against their adopted development plan. Notwithstanding this, it is accepted that the NPPF and its associated guidance, together with National Planning Policy for Waste 2013, will form part of the material considerations against which LCC will make their assessment of the proposal.

### **Consultations**

**Thorney Parish Council** – “Councillors fully understand the need for such animal by products processing plants & accept that this plan attempts to make this site & its surroundings palatable. They also have no desire to indulge in NIMBYism or to hamper employment opportunities in the area.

However:

- They are very concerned about the very likely impact of this development on traffic on local roads, including those over the county border into Nottinghamshire. Roads in our Parish are already badly affected by an increase in heavy vehicles.
- It is felt that such developments should, where possible, be built in less populous areas, preferably easily accessed via major roads such as the A46.
- It is noted that this development does not seem to offer any additional employment as it is a largely automated site.
- Concerns were expressed about the inevitable issue of odour, despite the modernisation.

In the light of these observations, Thorney Parish Council feels it cannot support this application.”

**Harby Parish Council** – “No comment.”

**Collingham Parish Council** – “The Parish Council considered this application at its last meeting and voted unanimously not to support this proposal

The Material Planning reasons for this were:

- Traffic and
- Health & Safety

There was a great deal of concern about a development of this size and the impact that this would have should there be any requirement for a diversion from the A46/A1 or A57. As Collingham is the only principal village in the county with an A road through the middle, the use of the high street is not appropriate due to the resulting conflicts between an increased number vehicles and the existing village traffic and non-motorised users which inevitably will occur through the village.”

**Wigsley Parish Council** – no comments received.

**Spalford Parish Council** – no comments received.

**NCC Highways Authority** – “This application will have negligible impact on roads maintained by Nottinghamshire County Council. Therefore, no objections.”

**NCC, Landscape** – no comments received.

**NSDC, Environmental Health** – “I have looked at the application associated documents and in particular and the comments from the district council with regard to environmental controls.

I would see odour being the only issue that may have an impact on the Newark and Sherwood District. Whilst I share some of the concerns raised I am not aware that, in the past, we have received any substantial number of complaints about odour from this site and that is such a problem for me to formally object. However, the points raised with regard to odour are relevant and I would like to endorse the comments of North Kesteven DC.”

**NSDC, Conservation** – “We have reviewed the submitted planning application and do not wish to comment in this case. If you have any specific heritage concerns, please do not hesitate to get in touch.”

#### Comments of the Business Manager

#### **Principle of Development**

There is a national need to manage such waste in a sustainable manner. Some of the waste is used to produce fuels; the remainder of the waste is processed to form new products such as fertilisers, or new raw materials for use in cosmetics and animal feed. Therefore the proposal involves both waste recovery and recycling, thereby avoiding and minimizing the need for disposal. This process moves animal waste up the waste hierarchy which in general terms is consistent with the objectives of the NPPF, the NPPW and the National Waste Management Plan for England. Planning Practice Guidance advises that waste planning authorities should not assume that existing waste facilities are appropriate for expansion or extension; but should consider their impacts on environmental quality, community well-being and economic potential.

The application proposals are for the replacement of an existing plant and the applicant states that this is intended to process a similar through-put of waste material as at present, although the new facility would largely occupy a different part of the overall landholding. The existing established plant is to be decommissioned and demolished. It is concluded therefore that in general terms, the principle of the replacement of the existing ABP plant on the same site to process similar volumes as existing is considered to be acceptable.



Given the location of the site, outside our District boundary, the main planning considerations that need to be assessed by this proposal are those impacts that are felt at a distance from the site itself, by residents across the Nottinghamshire border, within our District. It is considered that these matters are largely restricted to matters of odour and traffic, which are set out in more detail below.

## **Odour Impacts**

Paragraph 170 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by, among other things: 'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, noise pollution or land instability.' Appendix B of the NPPW and PPG identify odour and air quality as issues which should be addressed when determining planning applications for waste management developments.

The proposed plant would have a maximum capacity to process 40 tonnes of material per hour, using processing lines each with a limit of 20 tonnes per hour. This would lead to a total through-put of 5,760 tonnes per week, as a worst case scenario. However, the operating capacity and through-put of the existing plant is not known definitively, as this information is not known to the applicant (the site currently being under separate ownership) or North Kesteven District Council. This means that a direct comparison of through-puts between the existing and proposed plants at Skellingthorpe cannot be made.

The applicant maintains that for the purposes of assessing odour impacts and identifying criterion thresholds, the material to be processed at the plant should be placed in the "moderately offensive" category (within the Environment Agency's guidance on odour classification), due to the process systems and mitigation measures which would be in place to control and treat emissions.

North Kesteven District Council employed Odour Consultants alongside their own Environmental Health officers to advise them on these matters who consider that this is incorrect, and the "most offensive" odour categorisation should be used in assessing the impacts of the proposals – which Environment Agency guidance states includes 'processes involving decaying animal or fish remains'. This is considered to be an appropriately precautionary response, given the nature of the waste materials which would be handled. A key issue stemming from the ongoing disagreement regarding odour categorisation is that differing Odour Unit (OU) thresholds are applied depending on whether the activity is classed as 'most offensive' or 'moderately offensive'. The 'most offensive' category provides for a lower threshold for odour levels for sensitive receptors such as dwellings.

It is relevant in this respect that the plant proposed in this application would be permitted to handle Category 1 and 2 material, as well as Category 3 material. Category 1 & 2 animal wastes include materials such as decaying animal carcasses. These materials require different handling due to the greater hazards associated with them, compared to Category 3 materials which include food grade wastes including those otherwise fit for human consumption. The North Kesteven District Council's odour consultant has advised that there are several factors which could influence how odorous material might be – including how it is handled and transportation temperatures. This means that Category 1 and 2 material is not necessarily more odorous than Category 3 material.

However, other odour generation factors include the age of waste material, time taken to transport it for treatment, and the proportion of liquid to solid material. Furthermore, it is noted that there are fewer ABP plants (13 in the UK) licensed to handle Category 1 & 2 material across

the country than there are Category 3 plants (135 in the UK), so that there may be a tendency for those wastes with different odour profiles to travel further and for longer periods. The North Kesteven District Council's odour consultants advise that this could increase the potential for biological decomposition/degradation of the waste, in turn increasing the potential for odour generation compared with Category 3 material.

However, notwithstanding this, in terms of odour predictions North Kesteven's odour consultant advises that the applicant's additional information and general approach to odour modelling is broadly acceptable. The applicant has plotted predicted odour levels across the site and immediate surroundings arising from operation of the proposed plant. These indicate that none of the existing dwellings around site at Jerusalem Road would be close to the threshold criterion level, even if the waste material is assigned the "most offensive" category (rather than the "moderately offensive" category favoured by the applicant). This is an important finding, as it indicates that operation of the proposed plant itself is unlikely to have an unacceptable odour impact on the existing local community.

This view is reflected in the comments of NSDC's Environmental Health officer who considers that there is no ground to object to the proposals in relation to unacceptable odour impacts on residents within our District boundary, given they are located further away from the site than residents of North Kesteven who would be less than 300m from the proposed plant.

### **Highway Impacts**

It is acknowledged that road haulage will remain the predominant mode of transport for waste materials. It is also recognized that the varying sources of animal waste and level of investment required for an ABP processing plant (which would meet required environmental and health standards) are likely to mean that facilities will draw in material from across a widespread catchment. (Alternative means of waste transport are therefore unlikely to be a realistic option.) Waste will travel significant distances whether they are located in or near urban areas to relatively few processing plants.

This site is located a relatively short distance from the A46 trunk road, therefore providing good accessibility from waste sources in general terms. However, it is recognized that access to the site has to involve travelling along more minor roads to reach it, however, there is concern that there can be no guarantee that all lorries would use this trunk road as the only access to the site and that rural Nottinghamshire roads through villages may be used.

The application contains a transport statement within the Environmental Statement which assumes that lorries and other traffic to and from the new plant would not exceed those of the current plant, as waste through-put would remain the same. Based on traffic count data for the existing plant, the assessment suggests that there would be in the order of 123 lorry movements (roughly 62 in, 62 out) in any 24 hour period. Staff and other vehicle movements are also predicted to stay the same, measured at 176 movements (88 in, 88 out).

The applicant proposes to formalize the current informal arrangements to require vehicles to adhere to a routing agreement to ensure HGV's travel to and from the site from the south, thereby avoiding passing through the main part of Skellingthorpe. Despite further information being requested by LCC from the applicant regarding proposed HGV routing plans, no further information has been submitted relating to any Nottinghamshire roads and villages. The applicant maintains that it is appropriate to continue to route HGV traffic through the village of Doddington, which is located much closer to the site.

The Highway Authority at NCC has not raised any objection to the proposals on highway grounds, and neither has the Highway Authority at LCC.

Whilst a routing agreement could be secured via a S106 planning obligation, given that there are no restrictions on current HGV routing, and that similar levels of HGV movements are anticipated, it is also considered that an on-going objection on these grounds would not be sustainable, and so is not supported – however clearly this would be a matter for the decision maker to consider.

## **Conclusion**

It is clear that the proposed development is likely to have indirect effects on the residents that live close to the north-eastern boundary of our District. These impacts are considered to be largely matters of odour and local HGV movements. The information presented in relation to odour has led to both NSDC and NKDC Environmental Health officer's as well as odour consultants employed by NKDC concluding that the proposed new plant would not result in unacceptable levels of odours by receptors adjacent to and locally within the area.

Given the existing ABP plant on the site with a similar capacity level can currently operate without routing restrictions, it is considered that an objection would not be sustainable on the grounds of the movement of HGV's on rural roads and through Nottinghamshire villages. Furthermore, neither the Nottinghamshire nor Lincolnshire Highway Authorities have raised any objection in this regard.

As such, provided the cessation of the existing processing plant on the site prior to the commencement of the new processing plant can be properly secured, it is recommended that a consultation of "no objection" be referred to Lincolnshire County Council as the determining authority of this application.

## **RECOMMENDATION**

**That NSDC raise no objection to the scheme.**

## **BACKGROUND PAPERS**

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Director of Growth & Regeneration**